4–4–00 Tuesday
Vol. 65 No. 65 Apr. 4, 2000
Pages 17583–17754

Federal Register

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RESERVATIONS: 202–523–4538

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–84–AD; Amendment 39–11654; AD 2000–06–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–200, –200C, –300, and –400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737–200, –200C, –300, and –400 series airplanes, that currently requires repetitive visual inspections to detect cracking of the corners of the door frame and the cross beams of the aft cargo door, and corrective actions, if necessary. That AD also provides an optional terminating action for certain repetitive inspections. This amendment requires repetitive high frequency eddy current (HFEC) inspections, and corrective actions, if necessary. This amendment also mandates accomplishment of the previously optional terminating action. The actions specified by this AD are intended to prevent fatigue cracking of the corners of the door frame and the cross beams of the aft cargo door, which could result in rapid depressurization of the airplane.

DATES: Effective May 9, 2000.

The incorporation by reference of Boeing Alert Service Bulletin 737–52A1079, Revision 6, dated November 18, 1999, as listed in the regulations, is approved by the Director of the Federal Register as of April 19, 2000.

The incorporation by reference of Boeing Service Bulletin 737–52–1079, Revision 5, dated May 16, 1996, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 24, 1998 (63 FR 67769, December 9, 1998).

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

FOR FURTHER INFORMATION CONTACT: Nenita Odesa, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2557; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–25–06, amendment 39–10931 (63 FR 67769, December 9, 1998), which is applicable to certain Boeing Model 737–200, –200C, –300, and –400 series airplanes, was published in the Federal Register on August 12, 1999 (64 FR 43950). The action proposed to require continuing the current repetitive visual inspections to detect cracking of the corners of the door frame and the cross beams of the aft cargo door, and corrective actions, if necessary. The action also proposed to require repetitive high frequency eddy current (HFEC) inspections, and corrective actions, if necessary. Additionally, the action proposed to mandate accomplishment of the previously optional terminating action.

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

Concurrence with the Proposal

One commenter concurs with the proposal.

Request to Reference New Service Information

One commenter, the manufacturer, states that the proposal should reference the latest Alert Service Bulletin, 737–52A1079, Revision 6, dated November 18, 1999. That revision adds procedures describing a High frequency eddy current (HFEC) inspection for cracks in the frames of doors that do not have steel modification angles, inspection for cracks in the upper and lower beam outer chord, repair instructions for the lower beam outer chord, and other various changes.

The FAA concurs that Revision 6 of Boeing Alert Service Bulletin 737–52A1079 may be specified in the final rule as an alternative method of compliance with the requirements of this AD. The final rule has been changed to specify that addition.

Request to Revise the Compliance Time of Paragraph (d) of the Proposal

One commenter, the manufacturer, requests that the compliance time for the high frequency eddy current inspections specified in paragraph (d) of the proposal be revised from ''within 4,500 flight cycles or one year after the effective date of the AD,'' to within 12,000 flight cycles after installation of the door. The commenter states that if an operator has an accurate accounting of the history of the cargo door, a threshold of 12,000 flight cycles would provide no adverse effect on safety.

The FAA does not concur with the commenter's request to revise the compliance time. Because cargo doors are rotable parts, i.e., they may be moved from one airplane to another, an airplane's maintenance records may not accurately reflect the total number of flight cycles accumulated on the door. However, under the provisions of paragraph (f) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Request to Extend the Compliance Time of Paragraph (e) of the Proposal

One commenter, the manufacturer, requests that the compliance time for the accomplishment of the required modification be revised to be in consonance with the compliance threshold required by AD 90–06–02,

amendment 39–6489 (55 FR 8372, March 7, 1990). The new compliance time would then read, ''prior to the accumulation of 75,000 total flight cycles.'' The commenter points out that compliance times should be based on flight cycles rather than calendar time. Fatigue crack growth rates are a function of pressurization cycles, not elapsed time, and a cycle-based compliance threshold would be more appropriate for the proposed rule.

The FAA does not concur that the compliance time should be changed to specify a compliance time of 75,000 total flight cycles. Based on a recent depressurization event that occurred much earlier than 75,000 flight cycles, the FAA has determined that a threshold of 75,000 total flight cycles does not provide for an adequate level of safety. However, the FAA acknowledges that fatigue cracking is a function of pressurization cycles and concurs that a compliance time based on flight cycles may be added. Based on recent information, the FAA has determined that a compliance time of 12,000 total flight cycles is an appropriate compliance time and has added this to the compliance time specified in paragraph (e) of the final rule.

Conclusion

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

Cost Impact

There are approximately 1,636 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 707 airplanes of U.S. registry will be affected by this AD.

The detailed visual inspections that currently are required by AD 98–25–06, and retained in this AD, take approximately 2 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 inspections on U.S. operators is estimated to be $84,840, or $120 per airplane, per inspection cycle.

The new high frequency eddy current inspections that are required by this AD will take approximately 4 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 new inspections required by this AD on U.S. operators is estimated to be $169,680, or $240 per airplane, per inspection cycle.

The modification that is required by this AD action will take approximately 144 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $4,530 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be $9,311,190, or $13,170 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10931 (63 FR 67769, December 9, 1998), and by adding a new airworthiness directive (AD), Amendment 39–11654, to read as follows:

2000–06–13 Boeing: Amendment 39–11654. Docket 99–NM–84–AD. Supersedes AD 98–25–06, Amendment 39–10931.

Applicability: The following airplane models, certificated in any category:

- Model 737–200 and –200C series airplanes, line numbers 6 through 873 inclusive;
- Model 737–200, –200C, –300, and –400 series airplanes; line numbers 874 through 1642 inclusive; equipped with an aft cargo door having Boeing part number (P/N) 65–47952–1 or P/N 65–47952–524; excluding:

1. Those airplanes on which that door has been modified in accordance with Boeing Service Bulletin 737–52–1079; or

2. Those airplanes on which the door assembly having P/N 65–47952–524 includes four straps (P/N's 65–47952–139, 65–47952–140, 65–47952–141, and 65–47952–142) and a thicker lower cross beam web (P/N 65–47952–157).

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 fatigue cracking of the corners of the door frame and the cross beams of the aft cargo door, which could result in rapid depressurization of the airplane, accomplish the following:

Restatement of the Requirements of AD 98–25–06:

Inspections and Corrective Actions

(a) Within 90 days or 700 flight cycles after December 24, 1998 (the effective date of AD 98–25–06, amendment 39–10931), whichever occurs later, perform an internal detailed visual inspection to detect cracking of the corners of the door frame and the cross beams of the aft cargo door, in accordance with Boeing Service Bulletin 737–52–1079, Revision 5, dated May 16, 1996, or Boeing Alert Service Bulletin 737–52A1079, Revision 6, dated November 18, 1999.

(1) If no cracking is detected, accomplish the requirements of either paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(i) Repeat the internal visual inspection thereafter at intervals not to exceed 4,500 flight cycles. Or

(ii) Prior to further flight, modify the corners of the door frame and the cross beams of the aft cargo door in accordance with the service bulletin. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1)(i) of this AD.

(2) If any cracking is detected in the upper or lower cross beams, prior to further flight, modify the cracked beam in accordance with paragraph III.C. of Part I of the Accomplishment Instructions of the service bulletin. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1)(i) of this AD for the repaired beam.

(3) If any cracking is detected in the forward or aft upper door frame, prior to further flight, repair the frame and modify the corners of the door frame of the aft cargo door, in accordance with paragraph III.E. of Part I of the Accomplishment Instructions of the service bulletin, except as provided by paragraph (b) of this AD. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1)(i) of this AD for the upper door frame.

Note 2: Cracks of the forward or aft upper door frame, regardless of length, must be repaired prior to further flight in accordance with paragraph III.E. of Part I of the Accomplishment Instructions of the service bulletin.

(4) If any cracking is detected in the forward or aft lower door frame, prior to further flight, replace the damaged frame with a new frame, and modify the corners of the door frame of the aft cargo door, in accordance with paragraph III.F. of Part I of the Accomplishment Instructions of the service bulletin. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1)(i) of this AD for the lower door frame.

(b) Where Boeing Service Bulletin 737–52–1079, Revision 5, dated May 16, 1996, or Boeing Alert Service Bulletin, 737–52A1079, Revision 6, dated November 18, 1999, specifies that certain repairs are to be accomplished in accordance with instructions received from Boeing, this AD requires that, prior to further flight, such repairs be accomplished in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

New Requirements of This AD

Inspections and Corrective Actions

(c) If any cracking of the outer chord of the upper or lower cross beams of the aft cargo door is detected as a result of any inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle ACO; Boeing Alert Service Bulletin, 737–52A1079, Revision 6, dated November 18, 1999; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

(d) Within 4,500 flight cycles or one year after the effective date of this AD, whichever occurs later: Perform a high frequency eddy current inspection (HFEC) to detect cracking of the four corners of the door frame of the aft cargo door, in accordance with the procedures specified in Boeing 737 Nondestructive Test Manual, Part 6, Chapter 51–00–00 (Figure 4 or Figure 23), or Boeing Alert Service Bulletin, 737–52A1079, Revision 6, dated November 18, 1999;

(1) If no cracking of the corners of the door frame of the aft cargo door is detected, repeat the HFEC inspections thereafter at intervals not to exceed 4,500 flight cycles until accomplishment of the modification specified in paragraph (e) of this AD.

(2) If any cracking of the corners of the door frame of the aft cargo door is detected, prior to further flight, replace the damaged frame with a new frame, and modify the four corners of the door frame, in accordance with Parts II and III of the Accomplishment Instructions of Boeing Service Bulletin 737–52–1079, Revision 5, dated May 16, 1996, or Boeing Alert Service Bulletin 737–52A1079, Revision 6, dated November 18, 1999. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of paragraph (d)(1) of this AD for that door frame.

Terminating Action

(e) Prior to the accumulation of 12,000 total flight cycles, or within 4 years after the effective date of this AD, whichever occurs later: Modify the four corners of the door frame and the cross beams of the aft cargo door, in accordance with Part II of the Accomplishment Instructions of Boeing Service Bulletin 737–52–1079, Revision 5, dated May 16, 1996, or Boeing Alert Service Bulletin 737–52A1079, Revision 6, dated November 18, 1999. Accomplishment of such modification constitutes terminating action for the repetitive inspection requirements of this AD.

Note 3: Accomplishment of the modification required by paragraph (a) of AD 90–06–02, amendment 39–6489, is considered acceptable for compliance with paragraph (e) of this AD.

Note 4: Modification of the corners of the door frame and the cross beams of the aft cargo door accomplished prior to the effective date of this AD in accordance with Boeing Service Bulletin 737–52–1079, dated December 16, 1983; Revision 1, dated December 15, 1988; Revision 2, dated July 20, 1989; Revision 3, dated May 17, 1990; Revision 4, dated February 21, 1991; is considered acceptable for compliance with paragraph (e) of this AD.

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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 98–25–06, amendment 39–10931, are approved as alternative methods of compliance with this AD.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(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.

Incorporation by Reference

(h) Except as provided in paragraphs (b), (c), (d), and (d)(1) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737–52–1079, Revision 5, dated May 16, 1996, or Boeing Alert Service Bulletin 737–52A1079, Revision 6, dated November 18, 1999.

(1) The incorporation by reference of Boeing Alert Service Bulletin 737–52A1079, Revision 6, dated November 18, 1999, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Service 737–52–1079, Revision 5, dated May 16, 1996, was approved previously by the Director of the Federal Register as of December 24, 1998 (63 FR 67769, December 9, 1998).

(3) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on May 9, 2000.

Issued in Renton, Washington, on March 24, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–7877 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–203–AD; Amendment 39–11655; AD 2000–07–01]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–145 series airplanes, that currently requires repetitive emergency extension (free-fall) functional tests of the nose landing gear (NLG), and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. This amendment also requires a terminating modification that includes replacement of the NLG door solenoid valve with an improved valve; replacement of the landing gear (LG) safety pins holder with an improved holder; and replacement of the NLG maneuvering actuator with an improved actuator. This amendment also limits the applicability of the existing AD. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the NLG to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing.

DATES: Effective May 9, 2000.

The incorporation by reference of EMBRAER Service Bulletin 145–32–0036, dated February 1, 1999; and EMBRAER Service Bulletin 145–32–0037, dated February 12, 1999, as listed in the regulations, is approved by the Director of the Federal Register as of May 9, 2000.

The incorporation by reference of EMBRAER Alert Service Bulletin 145–32–A029, dated April 15, 1998, as listed in the regulations, was approved previously by the Director of the Federal Register as of July 9, 1998 (63 FR 34274, June 24, 1998).

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rob Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98–13–34, amendment 39–10625 (63 FR 34274, June 24, 1998), which is applicable to all Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–145 series airplanes, was published in the **Federal Register** on February 2, 2000 (65 FR 4897). The action proposed to continue to require repetitive emergency extension (free-fall) functional tests of the nose landing gear (NLG), and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. The action also proposed to require a terminating modification that includes replacement of the NLG door solenoid valve with an improved valve; replacement of the landing gear (LG) safety pins holder with an improved holder; and replacement of the NLG maneuvering actuator with an improved actuator. Additionally, the action proposed to limit the applicability of the existing AD.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 66 airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 98–13–34, and continue to be required by this AD, will take approximately 4 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 $15,840, or $240 per airplane, per inspection cycle.

The new replacements that are required in this AD action will take approximately 6 work hours (3 work hours per airplane for the solenoid/holder replacement) and 3 work hours per airplane for the actuator replacement, at an average labor rate of $60 per work hour. EMBRAER and Libherr Aerospace Linberg have previously committed to supplying the necessary parts free of charge. Based on these figures, the cost impact of the replacements required by this AD on U.S. operators is estimated to be $23,760, or $360 per airplane.

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

Regulatory Impact

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

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

Docket at the location provided under the caption **ADDRESSES**.

List of Subjects 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10625 (63 FR 34274, June 24, 1998), and by adding a new airworthiness directive (AD), amendment 39–11655, to read as follows:

2000–07–01 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–11655. Docket 99–NM–203–AD. Supersedes AD 98–13–34, Amendment 39–10625.

Applicability: All Model EMB–145 series airplanes, serial numbers 145004 through 145103 inclusive, 145105, and 145106; 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 failure of the nose landing gear (NLG) to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing, accomplish the following:

Restatement of Requirements of AD 98–13–34, Amendment 39–10625

Functional Test

(a) Within 50 flight hours after July 9, 1998 (the effective date of AD 98–13–34, amendment 39–10625), perform an emergency extension (free-fall) functional test of the NLG, to ensure that the mechanism extends and locks down properly, in accordance with EMBRAER Alert Service Bulletin 145–32–A029, dated April 15, 1998. Repeat the functional test and lubrication procedures thereafter at intervals not to exceed every ''A'' check, but no later than 400 flight cycles.

Note 2: The alert service bulletin references EMBRAER Aircraft Maintenance Manual (AMM), Chapter 32–34–00, as an additional source of service information for accomplishment of the emergency extension functional test.

(1) If the extension time of the landing gear is within 30 seconds, prior to further flight, lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin.

(2) If the extension time of the landing gear exceeds 30 seconds, prior to further flight, accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin. And

(ii) Perform a normal system functional test of the NLG for five cycles, and repeat the emergency extension functional test specified by paragraph (a) of this AD. If the extension and locking time still exceeds 30 seconds, prior to further flight, repair in accordance with a method approved by either the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate, or the Departmento de Aviacao Civil (DAC) (or its delegated agent).

Note 3: The alert service bulletin references EMBRAER AMM, Chapter 32–30–00, as an additional source of service information for accomplishment of the normal system functional test.

(3) If any malfunction other than that specified in paragraph (a)(2) of this AD is detected, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta ACO, or the DAC (or its delegated agent).

New Requirements of This AD

Terminating Modification

(b) Within 2,000 flight hours after the effective date of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD. Accomplishment of paragraphs (b)(1) and (b)(2) of this AD constitutes terminating action for the requirements of paragraph (a) of this AD.

(1) Replace the nose landing gear door solenoid valve, part number (P/N) 2225–0100–001, with a new valve, P/N 2225–0100–003; and replace the landing gear (LG) safety pins holder, P/N 145–27571–001, with a new holder, P/N 145–37912–001; in accordance with EMBRAER Service Bulletin 145–32–0036, dated February 1, 1999.

(2) Replace the nose landing gear maneuvering actuator, P/N 1300B0000–01, with a new actuator, P/N 1300B0000–02, in accordance with EMBRAER Service Bulletin 145–32–0037, dated February 12, 1999.

Spares

(c) As of the effective date of this AD, no person shall install a nose landing gear door solenoid valve, P/N 2225–0100–001, a landing gear safety pins holder, P/N 145–27571–001, or a nose landing gear maneuvering actuator P/N 1300B0000–01, on any airplane.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

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

Incorporation by Reference

(f) Except as provided by paragraphs (a)(2)(ii) and (a)(3), the actions shall be done in accordance with EMBRAER Alert Service Bulletin 145–32-A029, dated April 15, 1998; EMBRAER Service Bulletin 145–32–0036, dated February 1, 1999; or EMBRAER Service Bulletin 145–32–0037, dated February 12, 1999; as applicable.

(1) The incorporation by reference of EMBRAER Service Bulletin 145–32–0036, dated February 1, 1999; and EMBRAER Service Bulletin 145–32–0037, dated February 12, 1999; is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of EMBRAER Alert Service Bulletin 145–32-A029, dated April 15, 1998, was approved previously by the Director of the Federal Register as of July 9, 1998 (63 FR 34274, June 24, 1998).

(3) Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Brazilian airworthiness directives 98–05–01, dated May 12, 1998, and 98–05–01R1, dated July 8, 1999.

(g) This amendment becomes effective on May 9, 2000.

Issued in Renton, Washington, on March 27, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8018 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–15]

RIN 2120–AA66

Establishment of Colored Federal Airways; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes 13 colored Federal airways located in Alaska (AK) to improve the management of air traffic operations and to enhance safety.

EFFECTIVE DATE: 0901 UTC, June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph C. White, 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

On January 14, 1999, the FAA proposed to amend 14 CFR part 71 (part 71) to establish 17 colored Federal airways, G–1, G–2, G–3, G–4, G–16, G–17, G–18, G–19, R–1, R–2, A–7, B–1, B–2, B–4, B–5, B–7, and B–8 in Alaska (64 FR 2450). Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. No comments were received.

Following the publication of the notice, flight inspections of the 17 colored Federal airways were performed. Six of the proposed colored Federal airways (A–7, B–2, B–5, B–8, G–2, and G–16) met navigational requirements without any changes. Seven colored Federal airways (B–4, G–1, G–4, G–17, G–18, R–1, and R–2) required legal description changes to meet navigational requirements. Four colored Federal airways (B–1, B–7, G–3, and G–19) have been deleted from the proposal as they did not pass flight check. Except for editorial changes, the correction of the descriptions for B–4, G–1, G–4, G–17, G–18, R–1, and R–2, and the deletion of B–1, B–7, G–3, and G–19, this amendment is the same as that proposed in the notice.

Colored Federal airways are published in paragraph 6009 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 colored Federal airways listed in this document will be published subsequently in the order.

The Rule

This action amends part 71 by establishing 13 colored Federal airways, G–1, G–2, G–4, G–16, G–17, G–18, R–1, R–2, A–7, B–2, B–4, B–5, and B–8, in Alaska.

Prior to this action there were a number of uncharted nonregulatory routes that used the same routings as the colored Federal airways in this rule, with the exception of G–16, G–17, and G–18. The latter airways are being adopted, as proposed, as a result of the commissioning of nondirectional radio beacons at Atqasuk, Wainwright, and Nuiqsut, AK. Those nonregulatory routings were used daily by air carrier and general aviation aircraft. The FAA is taking this action to establish these 13 colored Federal airways for the following reasons: (1) The conversion of these uncharted nonregulatory routes to colored Federal airways will add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) pilots will be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment will establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) addition of these routes will improve the management of air traffic operations and thereby enhance safety. Additionally, this action corrects the descriptions of B–4, G–1, G–4, G–17, G–18, R–1, and R–2 to meet flight inspection requirements.

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 regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Colored Federal airways are published in paragraph 6009 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 colored Federal airways 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 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6009(a)–Green Federal Airways

* * * * *

G–1 [New]

From Mt. Moffett, AK, NDB; INT Elfee, AK, NDB 253° and Dutch Harbor, AK, NDB 360°; INT Elfee, AK, NDB 253° and Cold Bay VORTAC 82 DME; to Elfee, AK, NDB.

G–2 [New]

From Borland, AK, NDB; to Woody Island, AK, NDB.

* * * * *

G–4 [New]

From Wood River, AK, NDB; to Iliamna, AK, NDB.

* * * * *

G–16 [New]

From Point Lay, AK, NDB; Wainwright Village, AK, NDB; Browerville, AK, NDB; Nuiqsut Village, AK, NDB; to Put River, AK, NDB.

G–17 [New]

From Wainwright Village, AK, NDB; to Atqasuk, AK, NDB.

G–18 [New]

From Hotham, AK, NDB; Point Lay, AK, NDB; to Atqasuk, AK, NDB.

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Paragraph 6009(b)—Red Federal Airways

* * * * *

R–1 [New]

From St. Paul Island, AK, NDB 20 AGL; INT Saldo, AK NDB 262° and Cape Newenham, AK NDB, 131°; to Saldo, AK, NDB.

R–2 [New]

From Elfee, AK, NDB; to Port Heiden, AK, NDB.

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Paragraph 6009(c)—Amber Federal Airways

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A–7 [New]

From Campbell Lake, AK, NDB; to Mineral Creek, AK, NDB.

* * * * *

Paragraph 6009(d)—Blue Federal Airways

* * * * *

B–2 [New]

From Point Lay, AK, NDB; Cape Lisburne, AK, NDB; Hotham, AK, NDB; Tin City, AK, NDB; to Fort Davis, AK, NDB.

* * * * *

B–4 [New]

From Bishop, AK, NDB; Utopia Creek, AK, NDB; Evansville, AK, NDB; to Yukon River, AK, NDB.

B–5 [New]

From Cape Lisburne, AK, NDB; to Point Hope, AK, NDB.

* * * * *

B–8 [New]

From Shishmaref, AK, NDB; to Tin City, AK, NDB.

* * * * *

Issued in Washington, DC, on March 27, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–8230 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–13]

RIN 2120–AA66

Establishment of Jet Routes; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes nine Jet Routes located in Alaska (AK) to improve the management of air traffic operations and to enhance safety.

EFFECTIVE DATE: 0901 UTC, June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph C. White, 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

On January 14, 1999, the FAA proposed to amend 14 CFR part 71 (part 71) to establish 11 Jet Routes, J–600, J–601, J–602, J–603, J–604, J–605, J–606, J–609, J–617, J–619, and J–711 in Alaska (64 FR 2452). Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. No comments were received.

Following the publication of the notice, flight inspections of the 11 proposed Jet Routes were performed. Five of the proposed Jet Routes (J–603, J–604, J–605, J–617, and J–619) met navigational requirements without any changes. Four Jet Routes (J–600, J–601, J–606, and J–711) required legal description changes to meet navigational requirements. Two Jet Routes (J–602 and J–609) have been deleted from the proposal as they did not pass flight check. Except for editorial changes, and the correction of the descriptions for J–600, J–601, J–606, and J–711, and the deletion of J–602 and J–609, this amendment is the same as that proposed in the notice.

Jet Routes are published in paragraph 2004 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 Jet Routes listed in this document will be published subsequently in the order.

The Rule

This action amends part 71 by establishing nine Jet Routes, J–600, J–601, J–603, J–604, J–605, J–606, J–617, J–619, and J–711, in Alaska.

Prior to this action, there were a number of uncharted nonregulatory routes that used the same routings as the Jet Routes in this rule. Those nonregulatory routings were used daily by air carrier and general aviation aircraft. The FAA is taking this action to establish these nine Jet Routes for the following reasons: (1) The conversion of these uncharted nonregulatory routes to Jet Routes will add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; (2) Pilots will be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) This amendment will establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) The addition of these routes will improve the management of air traffic operations and thereby enhance safety. Additionally, this action corrects the descriptions of J–600, J–601, J–606, and J–711 to meet flight inspection requirements.

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 operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Jet Routes are published in paragraph 2004 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 Jet Routes 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 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 2004–Jet Routes

* * * * *

J–600 [New]

From Mt. Moffett, AK, NDB; to Elfee, AK, NDB.

J–601 [New]

From Port Heiden NDB; Cold Bay, AK; INT Dutch Harbor, AK, NDB, 006° and St. Paul Island, AK, NDB, 111° radials; to St. Paul Island, NDB.

* * * * *

J–603 [New]

From Elfee, AK, NDB; to Dillingham, AK.

J–604 [New]

From Borland, AK, NDB; to Woody Island, AK, NDB.

J–605 [New]

From Biorka Island, AK; to Middleton Island, AK.

J–606 [New]

From St. Paul Island, AK, NDB; to INT Cape Newenham, AK, NDB, 131° and Saldo, AK, NDB, AK, 262° radials; Saldo, AK, NDB.

* * * * *

J–617 [New]

From Homer, AK; to Johnstone Point, AK.

* * * * *

J–619 [New]

From Cape Newenham, AK, NDB; to St. Paul Island, AK, NDB.

* * * * *

J–711 [New]

From Sitka, AK, NDB; INT Hinchinbrook, AK, NDB, 117° and Yakutat, AK, 213° radials; to Hinchinbrook, AK, NDB.

* * * * *

Issued in Washington, DC, on March 27, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–8229 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations and Removal and Supplementary Information on Specially Designated Narcotics Traffickers

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Amendment of final rule.

SUMMARY: The Treasury Department is amending appendix A to 31 CFR chapter V by adding the names of 11 individuals and 20 entities and supplementing information concerning 15 individuals and 2 entities who have been designated as specially designated narcotics traffickers. The entry for one individual previously listed as a specially designated narcotics trafficker is being removed from appendix A.

EFFECTIVE DATE: March 29, 2000.

FOR FURTHER INFORMATION CONTACT: Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2520.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

Appendix A to 31 CFR chapter V contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various economic sanctions programs administered by the Office of Foreign Assets Control (''OFAC''). Pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers'' (the ''Order'') and § 536.312 of the Narcotics Trafficking Sanctions Regulations, 31 CFR part 536 (the ''Regulations''), the following 11 individuals and 20 entities are added to appendix A as persons who have been determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in or provide financial support or technological support for, or goods or services in support of other specially designated narcotics traffickers, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively ''Specially Designated Narcotics Traffickers'' or ''SDNTs''). All real and personal property in which the SDNTs have any interest, including but not limited to all accounts, that are or come within the United States or that are or come within the possession or control of U.S. persons, including their overseas branches, are blocked. All transactions by U.S. persons or within the United States in property or interests in property of SDNTs are prohibited unless licensed by the Office of Foreign Assets Control or exempted by statute. Supplementary information is added to existing SDNT entries for 15 individuals and 2 entities and those entries are revised in their entirety.

The entry for one SDNT individual is being removed from appendix A because OFAC has determined that this individual no longer meets the criteria for designation as an SDNT. All real and personal property of this individual, including all accounts in which he has any interest, that had been blocked solely due to his designation as an SDNT, is unblocked; and all lawful transactions involving U.S. persons and this individual are permissible.

Designations of foreign persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the **Federal Register**, or upon prior actual notice.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C.

553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

For the reasons set forth in the preamble, and under the authority of 3 U.S.C. 301; 50 U.S.C. 1601–1651; 50 U.S.C. 1701–1706; E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415, appendix A to 31 CFR chapter V is amended as set forth below:

Appendix A—[Amended]

1. Appendix A to 31 CFR chapter V is amended by adding the following names inserted in alphabetical order to read as follows:

AGROINVERSORA URDINOLA HENAO Y CIA. S.C.S., Calle 5 No. 22–39 of. 205, Cali, Colombia; Calle 52 No. 28E–30, Cali, Colombia; NIT # 800042180–1 (Colombia) [SDNT]

ARIAS CASTRO, Libardo (see CASTRO ARIAS, Libardo) (individual) [SDNT]

CARRERO BURBANO, Emma Alexandra, c/o DROMARCA Y CIA. S.C.S., Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; Cedula No. 52362326 (Colombia) (individual) [SDNT]

CARRION JIMENEZ, Jose Alonso, c/o BONOMERCAD S.A., Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 79000519 (Colombia) (individual) [SDNT]

CASTRO ARIAS, Libardo, (a.k.a. ARIAS CASTRO, Libardo), c/o BONOMERCAD S.A., Bogota, Colombia; c/o COMEDICAMENTOS S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 2312291 (Colombia) (individual) [SDNT]

COMECARNES LTDA. (see COMERCIALIZADORA DE CARNES LTDA.) [SDNT]

COMEDICAMENTOS S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT #830030803–7 (Colombia) [SDNT]

COMERCIALIZADORA DE CARNES LTDA., (a.k.a. COMECARNES LTDA.), Km. 3 Via Marsella, Pereira, Colombia; NIT #800076369–0 (Colombia) [SDNT]

COMTECO LTDA., (a.k.a. COMUNICACIONES TECNICAS DE COLOMBIA LIMITADA), Calle 44 Norte No. 2BN–08, Cali, Colombia; Calle 12N No. 9N–58, Cali, Colombia; NIT #800113514–1 (Colombia) [SDNT]

COMUNICACIONES TECNICAS DE COLOMBIA LIMITADA (see COMTECO LTDA.) [SDNT]

CONAGE LTDA. (see CONSTRUCCIONES AVENDANO GUTIERREZ Y CIA. LTDA.) [SDNT]

CONSTRUCCIONES AVENDANO GUTIERREZ Y CIA. LTDA., (a.k.a. CONAGE LTDA.), Carrera 71 No. 57–07, Bogota, Colombia; NIT #800211560–0 (Colombia) [SDNT]

CONSTRUCTORA E INMOBILIARIA URVALLE CIA. LTDA., Carrera 9 No. 9–49 of. 902, Cali, Colombia; NIT #800094652–7 (Colombia) [SDNT]

CONSTRUCTORA UNIVERSAL LTDA., Carrera 50 No. 9B–20 of. 07, Cali, Colombia; Calle 52 No. 28E–30, Cali, Colombia; NIT #800112051–9 (Colombia) [SDNT]

DIAGNOSTICENTRO LA GARANTIA (see SERVIAUTOS UNO A 1A LIMITADA) [SDNT]

DROMARCA Y CIA. S.C.S., Calle 39 Bis A No. 27–169, Bogota, Colombia; Calle 12B No. 28–58, Bogota, Colombia; NIT #800225556–1 (Colombia) [SDNT]

DUQUE M., Carmen Lucia, c/o COMEDICAMENTOS S.A., Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; Cedula No. 51988916 (Colombia) (individual) [SDNT]

ESPITIA PERILLA, Ruben Nowerfaby, c/o ADMACOOP, Bogota, Colombia; c/o DROMARCA Y CIA. S.C.S., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; Cedula No. 79280623 (Colombia) (individual) [SDNT]

EXAGAN (see EXPLOTACIONES AGRICOLAS Y GANADERAS LA LORENA S.C.S.) [SDNT]

EXPLOTACIONES AGRICOLAS Y GANADERAS LA LORENA S.C.S., (a.k.a. EXAGAN), Calle 5 No. 22–39 of. 205, Cali, Colombia; Calle 52 No. 28E–30, Cali, Colombia; NIT #800083192–3 (Colombia) [SDNT]

FIDUSER LTDA., Calle 12A No. 27–72, Bogota, Colombia; NIT #830013160–8 (Colombia) [SDNT]

GLAJAN S.A., Transversal 29 No. 39–92, Bogota, Colombia; NIT #830023266–2 (Colombia) [SDNT]

HAPPY DAYS (see M C M Y CIA. LTDA.) [SDNT]

HENAO MONTOYA, Lorena, Calle 52 No. 28E–30, Cali, Colombia; Calle 8 No. 39–79 of. 201, Cali, Colombia; c/o AGROINVERSORA URDINOLA HENAO Y CIA. S.C.S., Cali, Colombia; c/o CONSTRUCTORA UNIVERSAL LTDA., Cali, Colombia; c/o EXPLOTACIONES AGRICOLAS Y GANADERAS LA LORENA S.C.S., Cali, Colombia; c/o INDUSTRIAS AGROPECUARIAS DEL VALLE LTDA., Cali, Colombia; c/o INVERSIONES EL EDEN S.C.S., Cali, Colombia; DOB 9 Oct 1968; Cedula No. 31981533 (Colombia) (individual) [SDNT]

INDUSTRIAS AGROPECUARIAS DEL VALLE LTDA., Carrera 50 No. 9B–20 of. 07, Cali, Colombia; Calle 52 No. 28E–30, Cali, Colombia; NIT #800068160–5 (Colombia) [SDNT]

INVERSIONES EL EDEN S.C.S., Calle 5 No. 22–39 of. 205, Cali, Colombia; Calle 52 No. 28E–30, Cali, Colombia; NIT #800083195–5 (Colombia) [SDNT]

INVERSIONES Y COMERCIALIZADORA RAMIREZ Y CIA. LTDA., Calle 12N No. 9N–58, Cali, Colombia; Avenida 4 No. 8N–67, Cali, Colombia; NIT #800075600–3 (Colombia) [SDNT]

M C M Y CIA. LTDA., (a.k.a. HAPPY DAYS), Calle 25 Norte No. 3AN–39, Cali, Colombia; Calle 22 Norte No. 5A–75, Cali, Colombia; NIT #800204288–2 (Colombia) [SDNT]

OCCIDENTAL COMUNICACIONES LTDA., Calle 44N No. 2BN–10, Cali, Colombia; Calle 19N No. 2N–29 piso 10 Sur, Cali, Colombia; NIT #800146996–1 (Colombia) [SDNT]

POLIEMPAQUES LTDA., Carrera 13A No. 16–49, Cali, Colombia; Carrera 13A No. 16–55, Cali, Colombia; Carrera 13 No. 16–62, Cali, Colombia; NIT #805003763–5 (Colombia) [SDNT]

PRODUCCIONES CARNAVAL DEL NORTE Y COMPANIA LIMITADA, Calle 22N No. 5A–75 05, Cali, Colombia; NIT #800250531–3 (Colombia) [SDNT]

QUINTANA HERNANDEZ, Gonzalo, c/o DISTRIBUIDORA DE DROGAS LA REBAJA BOGOTA S.A., Bogota, Colombia; c/o GRACADAL S.A., Cali, Colombia; c/o POLIEMPAQUES LTDA., Bogota, Colombia; Cedula No. 16603939 (Colombia) (individual) [SDNT]

RECITEC LTDA., Calle 16 No. 12–49, Cali, Colombia; NIT #800037780–9 (Colombia) [SDNT]

RIVEROS TRIANA, Raul, c/o COMEDICAMENTOS S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 3252672 (Colombia) (individual) [SDNT]

SERVIAUTOS UNO A 1A LIMITADA, (a.k.a. DIAGNOSTICENTRO LA GARANTIA), Calle 34 No. 5A–25, Cali, Colombia; Carrera 15 No. 44–68, Cali, Colombia; NIT #800032413–8 (Colombia) [SDNT]

TREJOS AGUILAR, Sonia, Carrera 8 No. 6–37, Zarzal, Valle del Cauca, Colombia; Cali, Colombia; c/o AGROINVERSORA URDINOLA HENAO Y CIA. S.C.S., Cali, Colombia; c/o EXPLOTACIONES AGRICOLAS Y GANADERAS LA LORENA S.C.S., Cali, Colombia; c/o INDUSTRIAS AGROPECUARIAS DEL VALLE LTDA., Cali, Colombia; c/o INVERSIONES EL EDEN S.C.S., Cali, Colombia; Cedula No. 66675927 (Colombia) (individual) [SDNT]

URDINOLA GRAJALES, Ivan, (a.k.a. URDINOLA GRAJALES, Jairo Ivan), Calle 52 No. 28E–30, Cali, Colombia; Hacienda La Lorena, Zarzal, Valle del Cauca, Colombia; c/o AGROINVERSORA URDINOLA HENAO Y CIA. S.C.S., Cali, Colombia; c/o CONSTRUCTORA UNIVERSAL LTDA., Cali, Colombia; c/o EXPLOTACIONES AGRICOLAS Y GANADERAS LA LORENA S.C.S., Cali, Colombia; c/o INDUSTRIAS AGROPECUARIAS DEL VALLE LTDA., Cali, Colombia; c/o INVERSIONES EL EDEN S.C.S., Cali, Colombia; DOB 1 December 1960; Passport AD129003 (Colombia); Cedula No. 94190353 (Colombia) (individual) [SDNT]

URDINOLA GRAJALES, Jairo Ivan (see URDINOLA GRAJALES, Ivan) (individual) [SDNT]

URDINOLA GRAJALES, Julio Fabio, Carrera 40 No. 5A–40, Cali, Colombia; c/o CONSTRUCTORA E INMOBILIARIA URVALLE CIA. LTDA., Cali, Colombia; Cedula No. 16801454 (Colombia) (individual) [SDNT]

2. Appendix A to 31 CFR chapter V is amended by revising the following existing entries to read as follows:

AVENDANO GUTIERREZ, Francisco Eduardo, Carrera 8 No. 66–21 apt. 204, Bogota, Colombia; Transversal 1A No. 69–54 apt. 502, Bogota, Colombia; c/o CONSTRUCCIONES AVENDANO GUTIERREZ Y CIA. LTDA., Bogota, Colombia; c/o LABORATORIOS GENERICOS VETERINARIOS, Bogota, Colombia; Cedula No. 16645182 (Colombia) (individual) [SDNT]

COSMEPOP (a.k.a. COOPERATIVA DE COSMETICOS Y POPULARES COSMEPOP; f.k.a. BLAIMAR; f.k.a. CIA. INTERAMERICANA DE COSMETICOS S.A.; f.k.a. COINTERCOS S.A.; f.k.a. LABORATORIOS BLAIMAR DE COLOMBIA S.A.; f.k.a. LABORATORIOS BLANCO PHARMA S.A.), Calle 12A No. 27–72, Bogota, Colombia; A.A. 55538, Bogota, Colombia; Calle 12B No. 27–37/39, Bogota, Colombia; Calle 26 Sur No. 7–30 Este, Bogota, Colombia; Carrera 99 y 100 No. 46A–10, Bodega 4, Bogota, Colombia; NIT #800251322–5 (Colombia) [SDNT]

ECHEVERRY TRUJILLO, Martha Lucia, c/o CORPORACION DEPORTIVA AMERICA, Cali, Colombia; c/o M C M Y CIA. LTDA., Cali, Colombia; c/o M.O.C. ECHEVERRY HERMANOS LTDA., Cali, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia; Cedula No. 31151067 (Colombia) (individual) [SDNT]

ESCOBAR BUITRAGO, Walter, c/o INMOBILIARIA BOLIVAR LTDA., Cali, Colombia; c/o SERVIAUTOS UNO A 1A LIMITADA, Cali, Colombia; DOB 18 Feb 1971; Cedula No. 16785833 (Colombia) (individual) [SDNT]

GONZALEZ QUINTERO, Melba Patricia, c/o COINTERCOS S.A., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR S.A., Bogota, Colombia; c/o FIDUSER LTDA., Bogota, Colombia; Cedula No. 35415232 (Colombia) (individual) [SDNT]

GUTIERREZ PARDO, Elvira Patricia, c/o ADMACOOP, Bogota, Colombia; c/o BONOMERCAD S.A., Bogota, Colombia; c/o COMEDICAMENTOS S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; Cedula No. 39612308 (Colombia) (individual) [SDNT]

LEAL FLOREZ, Luis Alejandro, c/o COINTERCOS S.A., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR S.A., Bogota, Colombia; c/o FIDUSER LTDA., Bogota, Colombia; Cedula No. 7217432 (Colombia) (individual) [SDNT]

RIZO MORENO, Jorge Luis, Transversal 11, Diagonal 23–30, apt. 304A, Cali, Colombia; c/o CONSTRUCTORA DIMISA LTDA., Cali, Colombia; c/o CONSTRUVIDA S.A., Cali, Colombia; c/o IMPORTADORA Y COMERCIALIZADORA LTDA., Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; c/o INTERVENTORIA, CONSULTORIA Y ESTUDIOS LIMITADA INGENIEROS ARQUITECTOS, Cali, Colombia; c/o INVERSIONES EL PENON S.A., Cali, Colombia; c/o PROCESADORA DE POLLOS SUPERIOR S.A., Palmira, Colombia; c/o SERVIAUTOS UNO A 1A LIMITADA, Cali, Colombia; c/o SERVICIOS INMOBILIARIOS LTDA., Cali, Colombia; Cedula No. 16646582 (Colombia) (individual) [SDNT]

RODRIGUEZ ABADIA, William, c/o ANDINA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o ASPOIR DEL PACIFICO Y CIA. LTDA., Cali, Colombia; c/o BLANCO PHARMA S.A., Bogota, Colombia; c/o CLAUDIA PILAR RODRIGUEZ Y CIA. S.C.S., Bogota, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DERECHO INTEGRAL Y CIA. LTDA., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS CONDOR LTDA., Bogota, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DISTRIBUIDORA MIGIL LTDA., Cali, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o LABORATORIOS BLAIMAR DE COLOMBIA S.A., Bogota, Colombia; c/o LABORATORIOS KRESSFOR DE COLOMBIA S.A., Bogota, Colombia; c/o M. RODRIGUEZ O. Y CŁA. S. EN C., Cali, Colombia; c/o MUNOZ Y RODRIGUEZ Y CIA. LTDA., Cali, Colombia; c/o PRODUCCIONES CARNAVAL DEL NORTE Y COMPANIA LIMITADA, Cali, Colombia; c/o RADIO UNIDAS FM S.A., Cali, Colombia; c/o REVISTA DEL AMERICA LTDA., Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Bogota, Colombia; DOB 31 Jul 1965; Cedula No. 16716259 (Colombia) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Carolina, c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o PRODUCCIONES CARNAVAL DEL NORTE Y COMPANIA LIMITADA, Cali, Colombia; DOB 17 May 1979; Cedula No. 29117505 (Colombia) (individual) [SDNT]

RODRIGUEZ ARBELAEZ, Maria Fernanda, c/o D'CACHE S.A., Cali, Colombia; c/o DEPOSITO POPULAR DE DROGAS S.A., Cali, Colombia; c/o DISTRIBUIDORA DE DROGAS LA REBAJA S.A., Bogota, Colombia; c/o DROGAS LA REBAJA BOGOTA S.A., Bogota, Colombia; c/o INTERAMERICANA DE CONSTRUCCIONES S.A., Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o PRODUCCIONES CARNAVAL DEL NORTE Y COMPANIA LIMITADA, Cali, Colombia; c/o RIONAP COMERCIO Y REPRESENTACIONES S.A., Quito, Ecuador; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Cali, Colombia; DOB 28 November 1973; alt. DOB 28 August 1973; Passport AC568974 (Colombia); Cedula No. 66860965 (Colombia) (individual) [SDNT]

ROJAS MEJIA, Hernan, Calle 2A Oeste No. 24B–45 apt. 503A, Cali, Colombia; Calle 6A No. 9N–34, Cali, Colombia; c/o COLOR 89.5 FM STEREO, Cali, Colombia; c/o CONSTRUCCIONES COLOMBO-ANDINAS LTDA., Bogota, Colombia; c/o INVERSIONES Y CONSTRUCCIONES ABC S.A., Cali, Colombia; c/o OCCIDENTAL COMUNICACIONES LTDA., Cali, Colombia; DOB 28 Aug 1948; Cedula No. 16242661 (Colombia) (individual) [SDNT]

SARRIA HOLGUIN, Ramiro Hernan (Robert), Avenida 6N No. 23D–16 of. L301, Cali, Colombia; Carrera 100 No. 11–60 of. 603, AA 20903, Cali, Colombia; c/o INVERSIONES ARA LTDA., Cali, Colombia; c/o INVERSIONES MIGUEL RODRIGUEZ E HIJO, Cali, Colombia; c/o INVERSIONES RODRIGUEZ ARBELAEZ, Cali, Colombia; c/o INVERSIONES RODRIGUEZ MORENO, Cali, Colombia; c/o REPARACIONES Y CONSTRUCCIONES LTDA., Cali, Colombia; c/o VALORES MOBILIARIOS DE OCCIDENTE S.A., Cali, Colombia; Cedula No. 6078583 (Colombia) (individual) [SDNT]

SILVA PERDOMO, Alejandro, c/o COMERCIALIZADORA DE CARNES LTDA., Pereira, Colombia; c/o CONSTRUVIDA S.A., Avenida 2N No.

7N–55 y No. 521, Cali, Colombia; c/o INDUSTRIA AVICOLA PALMASECA S.A., Cali, Colombia; Cedula No. 14983500 (Colombia) (individual) [SDNT]

SOSSA RIOS, Diego Alberto, (a.k.a. SOSA RIOS, Diego Alberto), Calle 46 No. 13–56 of. 111, Bogota, Colombia; c/o BONOMERCAD S.A., Bogota, Colombia; c/o COMEDICAMENTOS S.A., Bogota, Colombia; c/o DECAFARMA S.A., Bogota, Colombia; c/o FARMACOOP, Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; c/o PENTAPHARMA DE COLOMBIA S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 71665932 (Colombia) (individual) [SDNT]

VALORES MOBILIARIOS DE OCCIDENTE S.A., Avenida 6 Norte No. 23DN–16, Cali, Colombia; Avenida Colombia No. 2–45, Cali, Colombia; Carrera 1 No. 2–45, Cali, Colombia; Carrera 100 No. 11–90 of. 602, Cali, Colombia; Bogota, Colombia; NIT ı 800249439–1 (Colombia) [SDNT]

VEGA, Rosalba, c/o BONOMERCAD S.A., Bogota, Colombia; c/o GLAJAN S.A., Bogota, Colombia; c/o PATENTES MARCAS Y REGISTROS S.A., Bogota, Colombia; c/o SHARPER S.A., Bogota, Colombia; Cedula No. 21132758 (Colombia) (individual) [SDNT]

3. Appendix A to 31 CFR chapter V is amended by removing in its entirety the entry for ''NUNEZ PEDROZA, Humberto''.

Dated: March 8, 2000.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 14, 2000.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 00–8165 Filed 3–29–00; 4:27 pm]

BILLING CODE 4810–25–p

POSTAL SERVICE

39 CFR Part 111

Nonmailable Written, Printed, and Graphic Matter

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule amends the Domestic Mail Manual (DMM) to provide for changes to the standards concerning written, printed, and graphic matter as a result of the Deceptive Mail Prevention and Enforcement Act.

EFFECTIVE DATE: May 4, 2000.

FOR FURTHER INFORMATION CONTACT: Jerome M. Lease, (202) 268–5188.

SUPPLEMENTARY INFORMATION: The Deceptive Mail Prevention and Enforcement Act, P.L. 106–168, 39 U.S.C., sub-section 3001, enacted on December 12, 1999, generally provides for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, and facsimile checks.

As a result, the Postal Service is amending Domestic Mail Manual (DMM) C030, Written, Printed, and Graphic Matter, to include changes to the general provisions concerning matter nonmailable by government misrepresentation and to provide new standards regarding sweepstakes, skill contests, and facsimile checks.

The changes announced in this notice are effective May 4, 2000, and will be announced in the Postal Bulletin and incorporated into future issues of the DMM. These amendments are being published without a notice and comment provision because they implement a change in statutory wording.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3404–3406, 3621, 3626, 5001.

2. Revise part C030 of the Domestic Mail Manual to include the following revisions and additional sections 6.0, 7.0, 8.0, and 9.0 to read as follows:

C Characteristics and Content

C000 General Information

* * * * *

C030 Nonmailable Written, Printed, and Graphic Matter

C031 Written, Printed, and Graphic Matter Generally

* * * * *

2.0 SOLICITATIONS DECEPTIVELY IMPLYING FEDERAL CONNECTION, APPROVAL, OR ENDORSEMENT (39 USC 3001(H) AND 3001(I); 39 USC 3005)

* * * * *

2.2 Nonmailable by Government Misrepresentation

A solicitation that misrepresents a government entity is nonmailable subject to these conditions:

a. Matter that contains a solicitation for products, services, information, or funds which imply any federal government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a federal statute, name of a federal agency, department, or commission, or program, trade, or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the federal government is nonmailable unless it conforms to 2.3. A nonconforming solicitation constitutes prima facie evidence of violation of 39 USC 3005. Compliance with 2.3 does not avoid violation of 39 USC 3005 if the solicitation or accompanying information misrepresents material fact such as the nature, value, quantity, quality, or efficacy of the products or services offered for sale, or of the activities of an organization asking for information or monetary contributions.

b. Such solicitations must not contain a false representation that federal government benefits or services will be affected by whether or not the recipient makes a purchase or contribution.

c. Solicitations for payment for services otherwise available to the recipient free of charge from the federal government are nonmailable unless they contain a clear and conspicuous statement giving notice of that fact.

2.3 Permitted Solicitations

A solicitation described in 2.2(a) may be mailable if it meets at least one of these conditions (see Exhibit 2.3):

[No other changes to current a, b, and c.]

* * * * *

[Add new 6.0 to read as follows:]

6.0 SWEEPSTAKES MATTER (39 USC § 3001(k)(3)(A))

6.1 Definition

The term sweepstakes means a game of chance for which no consideration is required to enter.

6.2 Mailable Matter

Sweepstakes matter is mailable only if it discloses all of the following:

a. In the body, in the rules, and on the order or entry form that no purchase is necessary.

b. In the body, in the rules, and on the order or entry form that a purchase will not increase the odds of winning.

c. All terms and conditions, including rules and entry procedures of the sweepstakes.

d. The sponsor or mailer, with the principal place of business or address at which the sponsor or mailer may be contacted.

e. Sweepstakes rules, including the odds of winning, quantity, value, and nature of the prize and the schedule of any payments over time.

6.3 Nonmailable Matter

Sweepstakes matter is nonmailable if it does any of the following:

a. Represents that individuals not making a purchase may be disqualified from receiving future solicitations.

b. Requires that the entry be accompanied by an order or payment for a product or service previously ordered.

c. Represents that the recipient has won a prize unless that individual has won such prize.

d. Otherwise contradicts or is inconsistent with any disclosure required by 6.2 or 6.3.

7.0 SKILL CONTESTS (39 USC 3001(k)(3)(B))

7.1 Definition

The term skill contest means a puzzle, game, competition, or other contest in which a prize is awarded, the outcome depends upon the skill of the contestant, and for which a payment, purchase, or donation is required to enter.

7.2 Mailable Matter

Skill contests are mailable only if they include all of the following:

a. Disclose the terms and conditions of the contest, including the rules and entry procedures.

b. Disclose the sponsor or mailer, with the principal place of business or address at which the sponsor or mailer may be contacted.

c. Contain rules that state all of the following:

(1) Number of rounds or levels and the cost to enter each round.

(2) If subsequent rounds will be more difficult.

(3) Maximum cost to enter all rounds.

(4) Number of entrants or percentage expected to correctly solve the contest.

(5) Identity or qualifications of the judges, if judged by other than the sponsor.

(6) Method of judging.

(7) Dates the winners will be determined and the prizes awarded.

(8) Quantity, value, and nature of the prize.

(9) Schedule of any payments over time.

8.0 FACSIMILE CHECKS (39 USC § 3001(k)(3)(C))

A facsimile check is nonmailable unless it states on the face of the check that it is not a negotiable instrument and has no cash value.

9.0 EXCLUSIONS AND DISCLOSURES (39 USC §§ 3001(k)(4) & 3001(k)(5))

9.1 Mailable Matter

Matter described in 6.0, 7.0, and 8.0 is mailable if it appears in a magazine, newspaper, or other periodical if the promotions are not directed to a named individual, or the promotions do not include the opportunity to make a payment or order a product or service.

9.2 Notices and Disclaimers

Any notice or disclaimer required under 6.0, 7.0, or 8.0 shall be clearly and conspicuously displayed. Disclaimers required by 6.2a and 6.2b must be more conspicuously displayed than any other disclaimer.

10.0 REMOVAL OF NAMES FROM MAILING LISTS (39 USC § 3001(l))

10.1 Lists

In general, any person who uses the mails for any mailing falling under 2.0, 6.0, 7.0, or 8.0 shall adopt reasonable practices or procedures to prevent the mailing of such matter to any person who, personally or through their legal representative, submits a written request that no such matter shall be mailed to that person. Such request may be made either to the mailer, or the Attorney General, or their representative, of the appropriate state. Such requests shall be honored for a period of five years from the date of the request. The mailer shall maintain a record of all such written requests.

10.2 Special Requirements for Sweepstakes and Skill Contests (Effective December 12, 2000.)

Any promoter of sweepstakes or skill contests must make a clear and conspicuous disclosure of the address or toll-free telephone number by which an individual, or their duly authorized representative, may notify a promoter to have that individual's name and address removed from all lists of names and addresses used by that promoter to mail any skill contest or sweepstakes. Promoters have 60 days from the date of receipt of the removal request to effect the removal of the name and address from all mailing lists used by that promoter for any skill contest or sweepstakes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–8261 Filed 4–3–00; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[CC Docket No. 99–168; FCC 00–90]

Service Rules for the 746–764 and 776–794 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document establishes service rules for licensing Guard Bands that encompass six megahertz of spectrum in the 746–764 MHz and 776–794 MHz bands which have been reallocated for commercial use from their previous use for the broadcasting service. The Commission previously established service rules for thirty of the thirty-six megahertz reallocated for commercial use, and established two paired Guard Bands, one of 4 megahertz and one of 2 megahertz. This document adopts licensing, technical, and operational rules for these Guard Bands.

DATES: Effective April 4, 2000.

FOR FURTHER INFORMATION CONTACT: Legal Information: Gary Michaels, 202–418–0660; Technical Information: Marty Liebman, 202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order (*Second R&O*) in WT Docket No. 99–168; FCC 00–90, adopted March 8, 2000, and released March 9, 2000. The complete text of this *Second R&O* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, SW, Washington, DC.

Synopsis of the Second Report and Order

1. The Commission adopts a *Second R&O* in WT Docket No. 99–168, establishing service and auction rules for the commercial licensing of 6 megahertz of spectrum in the 746–764 and 776–794 MHz bands (700 MHz band) formerly reserved for analog UHF

television service. The Notice of Proposed Rulemaking, *NPRM*, initiating this proceeding may be found at 64 FR 36686, July 7, 1999. The First Report and Order in this proceeding, *First R&O*, 65 FR 3139, (January 20, 2000) adopted service and auction rules for thirty of the thirty-six megahertz reallocated for commercial use, and established two paired Guard Bands, one of 4 megahertz and one of 2 megahertz, located adjacent to spectrum allocated for public safety use. This *Second R&O* adopts licensing, technical, and operational rules for these Guard Bands. The 2 megahertz Guard Band includes 746–747 MHz and 776–777 MHz, and the 4 megahertz Guard Band includes 762–764 MHz and 792–794 MHz.

2. The *Second R&O* seeks to minimize the potential for harmful interference to public safety operations in the immediately adjacent 700 MHz spectrum by adopting a package of interference protections modeled on the interference standards within the 700 MHz public safety spectrum. Thus, 700 MHz public safety licensees should experience no greater interference risk from Guard Band users than from public safety licensees. Accordingly, entities operating in the Guard Bands must comply with specified ''out-of-band emission'' criteria, and with prescribed frequency coordination procedures that include advance notification to the Commission-recognized public safety frequency coordinators and adjacent area Guard Band users. To reduce the potential for such harmful interference to public safety operations, the Commission also finds that entities operating in the Guard Bands should not be permitted to employ a cellular system architecture, an architecture not used by public safety licensees. Entities using cellular architectures may, however, participate in the 30 megahertz band auction. Additionally, the Commission recently announced an auction of broadband Personal Communications Service (PCS) licenses that would make additional spectrum available for systems using cellular architectures. The technical and operational requirements for Guard Band systems are discussed in more detail in paragraphs 14 through 24 of the full text of the *Second R&O.*

3. The Commission will assign licenses in the Guard Bands to Guard Band Managers using competitive bidding. The Guard Band Manager will be a new class of commercial licensee who will be engaged in the business of leasing spectrum for value to third parties on a for-profit basis. Guard Band Managers will be required to adhere to strict frequency coordination and interference rules, and control use of the spectrum so as to facilitate protection for public safety. The Guard Band Manager may subdivide its spectrum in any manner it chooses and make it available to any system operator, or directly to any end user for fixed or mobile communications, consistent with the frequency coordination and interference rules specified for these bands.

4. Guard Band Managers will be allowed the flexibility to subdivide their spectrum, and lease it to third party users without having to secure approval for the transfer or assignment of their license. Additionally, although the Commission adopts a performance standard under which the Guard Band Manager will be required to provide substantial service during the term of its license, the Guard Band Manager will be able to meet that standard by leasing spectrum, rather than by incurring the substantial capital costs associated with system buildout. This licensing represents an innovative spectrum management approach that should enable parties to acquire spectrum more readily for varied uses, while streamlining the Commission's spectrum management responsibilities.

5. The Commission will not impose any restrictions on the type of customers with whom Guard Band Managers may seek to do business, and will provide Guard Band Manager licensees significant flexibility, within the technical constraints necessary to protect public safety, to tailor use of their assigned spectrum. The Commission's principal reason for licensing Guard Band spectrum to Guard Band Managers is that this is the most effective and efficient way to manage this spectrum while protecting public safety operations in adjacent bands. The Commission also believes that there is a significant benefit to having a single entity in a service area that is responsible for coordinating the selection of Guard Band frequencies to be used and the operating parameters of the sites to be constructed. The use of Guard Band Managers will also enable end users to acquire spectrum that can meet unique geographic requirements. The Guard Band Manager license will also enable small businesses to acquire spectrum in amounts, and for periods of time, that better suit their unique characteristics and specialized communications needs.

6. Each Guard Band Manager will be granted a license under which it will allow others to construct and operate stations at any available site within the licensed area and on any channel for which the Guard Band Manager is licensed. The only exception to this blanket license approach is for stations that require individual Commission review, because submission of an Environmental Assessment is required under § 1.1307 of the Commission's rules; international coordination is required; or the station would affect the radio frequency quiet zones described in § 90.177 of the Commission's rules. Additionally, station antenna structures that require notification to the Federal Aviation Administration must be registered with the Commission prior to construction. In cases where individual Commission review is required, the Guard Band Manager must file a separate application and obtain appropriate approvals or authorizations. Guard Band Managers may allow third-party system operators or end users to modify stations that are covered under a Guard Band Manager's blanket license without prior Commission approval. In all instances, however, a primary responsibility of the Guard Band Manager will be to coordinate carefully operations and modifications of systems in the Guard Bands to ensure non-interference with public safety.

7. To minimize the potential for interference to public safety operations in the adjacent 700 MHz bands, as well as adjacent channel and co-channel operations in adjacent geographic areas, the Commission adopts coordination requirements. Under these coordination requirements, Guard Band Managers must notify Commission-recognized public safety frequency coordinators in the 700 MHz public safety band and adjacent-area Guard Band Managers of the technical parameters of any site constructed in the Guard Band Manager's license area. This notification requirement applies to the coordination of both new stations and station modifications. At a minimum, each notification must include the frequency or frequencies coordinated, antenna height, antenna location, type of emission, effective radiated power, a description of the service area, date of coordination and user name or, in the alternative, a description of the type of operation.

8. Such notifications must be made within one business day after a Guard Band Manager has coordinated the station. To allow the public safety community and other Guard Band Managers time to evaluate the coordinations, entities coordinated by a Guard Band Manager must wait at least ten business days after notification before they can begin operating under the Guard Band Manager's license. Guard Band Managers must also notify the same entities when an application

for an individual station license is filed with the Commission and users must wait the same 10-day period. The Commission expects Guard Band Managers to cooperate with one another and the public safety community in the selection of frequencies. In the event of harmful interference, Guard Band Managers are expected to cooperate to resolve the problem by mutually satisfactory arrangements. If the parties involved are unable to reach a mutually satisfactory solution, the Commission may impose restrictions on the operation(s) of any of the parties involved, consistent with its enforcement powers under the Communications Act.

9. *Statutory Considerations.* The Commission finds that the licensing of spectrum in this band to Guard Band Managers is consistent with section 337 of the Communications Act, the Commission's spectrum management obligations, and the public interest. Congress instructed the Commission to reallocate 24 megahertz of the spectrum between 746 and 806 MHz for public safety services and 36 megahertz for commercial use. The Commission believes it is a reasonable interpretation of the ''commercial use'' requirement in section 337(a)(2) to permit non-public safety, commercial entities to lease spectrum within the 36 megahertz to third-party users (commercial or individual) upon which no end-use restrictions, except for certain technical restrictions set forth in the *Second R&O*, will be imposed.

10. The Commission's decision to reserve this spectrum for Guard Band Managers is consistent with Congress's direction in section 337(d)(4) of the Communications Act, and the Conference Report language pertaining to that section, that users of the public safety spectrum be protected from interference. Section 337 also supports licensing the Guard Bands to Guard Band Managers because this licensee is a commercial entity that will be engaged in a for-profit use of the spectrum. The Commission concludes that the Guard Band Manager's generation of revenues from its use of the licensed spectrum meets the section 337(a)(2) requirement that the spectrum be for commercial use.

11. The Commission also concludes that the creation of the Guard Band Manager as a new class of licensee is consistent with the Commission's broad licensing and spectrum management authority under sections 301, 303(b), and 309(j) of the Communications Act, and the Commission's broad authority to adopt reasonable rules in the public interest establishing licensing eligibility criteria. Moreover, the Commission believes that the Guard Band Manager concept is consistent with the requirement in section 310(d) of the Communications Act that licensees retain ultimate *de facto* control of their licenses. Guard Band Managers will have full authority and the duty to take whatever actions are necessary to ensure third-party compliance with the Act and the Commission's rules. In establishing this new class of licensee, the Commission does not exceed its statutory authority or relinquish its statutory responsibilities pertaining to the licensing of wireless services. The Commission will continue to fulfill its statutory obligation under section 309(a) to determine whether the public interest, convenience, and necessity will be served by the granting of a Guard Band Manager's license application. As with any other licensee, the Commission will hold Guard Band Managers directly responsible for compliance with all obligations that the Communications Act imposes on licensees. The Commission will also hold Guard Band Managers directly responsible for any interference or misuse of the frequencies arising from their use by non-licensed entities. Further, the Commission intends to exercise its general enforcement powers under section 303 of the Act by imposing appropriate sanctions against noncomplying Guard Band Managers, and, where warranted, revoking licenses pursuant to section 312 of the Act, for violations of the Act or Commission regulations committed by the Guard Band Manager or third-party users of its licensed spectrum. Finally, the Commission emphasizes that third-party spectrum users who violate the Commission's rules or other federal laws are subject to forfeitures under section 503 of the Communications Act, other administrative sanctions, and criminal prosecution.

12. *Rules Governing Guard Band Manager Licenses.* Concerns regarding the Guard Band Manager's ability to manage the spectrum in the best interest of prospective eligible users can be addressed by Commission rules that will govern both the Guard Band Manager's operations and its contractual relationships with third-party users. Commenters suggested a number of terms and conditions that might be included in written agreements between Guard Band Managers and their customers. With respect to many of the contractual terms and conditions suggested in the comments, the Commission elects not to incorporate them in its service rules, but rather to leave to the Guard Band Manager's discretion the decision whether such terms and conditions are necessary in the prudent structuring of the Guard Band Manager-customer relationship. Consistent with its decision to afford licensees in the 746–764 MHz and 776–794 MHz bands maximum practicable flexibility in the use of this spectrum, the Commission will not encumber Guard Band Managers with numerous regulations at this time. The Commission will, however, closely monitor how Guard Band Managers carry out their spectrum management responsibilities and will impose more detailed rules of general applicability if presented with evidence of specific conduct that would warrant imposition of such rules.

13. The Guard Band Manager will contractually provide customers the right to use certain frequencies in its service area, as identified in the contract. The duration of spectrum user agreements may vary; however, no agreement may extend beyond the term of the Guard Band Manager's FCC authorization. The Guard Band Manager may enter into contingent agreements providing any spectrum user with an option or right to renew its agreement if the Guard Band Manager is able to renew its authorization on similar terms and conditions with the Commission. The Commission will also require Guard Band Manager agreements to detail the operating parameters of the spectrum user's system, including power, maximum antenna heights, frequencies of operation, base station location(s), area(s) of operation, and other parameters as appropriate.

Additionally, the spectrum user must agree to operate its system in compliance with all technical specifications for the system consistent with Commission policy, and must use FCC-approved equipment where appropriate. Guard Band Managers will also be required to include provisions in their agreements that the spectrum user complete post-construction proofs of system performance prior to system activation.

14. Guard Band Manager contracts must include provisions that apply all existing licensee obligations to the spectrum user. The spectrum user must agree to comply with all applicable Commission rules, and accept FCC oversight and enforcement consistent with the Guard Band Manager's license. Guard Band Managers also must include provisions in their contracts obligating the spectrum user to cooperate fully with any investigation or inquiry conducted by either the Commission or the Guard Band Manager. In the event

that the Guard Band Manager has knowledge or reason to believe that its customer has committed a violation of the Commission's rules, or that the customer's system is causing harmful interference with other systems, the Guard Band Manager will have the right to conduct onsite inspections of all transmission facilities. If the Guard Band Manager determines that there is an ongoing violation of the Commission's rules or that the customer's system is causing harmful interference, the Guard Band Manager shall have the right to suspend or terminate the operation of the system, or take other measures to resolve the interference until the situation can be remedied. Third-party spectrum user agreements must also stipulate that if the customer refuses to comply with a suspension or termination order, the Guard Band Manager will be free to use all legal means necessary to enforce the order. Finally, Guard Band Managers will be required to maintain their written agreements with spectrum users at their principal place of business, and to retain these records for at least two years after the date such agreements expire. These records must be kept current and be made available upon request for inspection by the Commission or its representatives.

15. In the event that there is a dispute between a Guard Band Manager and one of its customers, or among multiple customers of the same Guard Band Manager, the Commission expects such disputes to be resolved by the Guard Band Manager in the same manner as would be used by the parties to resolve other commercial disputes arising under the contract. The Commission will consider any complaints filed against a Guard Band Manager for violating the Act or the Commission's policies. The Commission will resolve such complaints pursuant to its authority granted in sections 308(b) and 309(d) of the Act. With respect to disputes between non-contracting parties and a Guard Band Manager or the Guard Band Manager's customers, when the Guard Band Manager is unable or unwilling to resolve such disputes in a timely fashion, the aggrieved party may file a complaint with the Commission, to ensure that the Guard Band Manager and its customers are complying with the requirements of the Act, Commission rules, and the terms of the Guard Band Manager license. However, the Commission expects Guard Band Managers to coordinate use of their licensed frequencies carefully to ensure that their customers do not interfere with public safety or other licensees on adjacent channels.

16. *Regulatory Status.* Because the Guard Band Manager licensee will act only as a spectrum broker and not as a wireless service provider, it will not be a carrier of any type. Accordingly, as licensed in the 6 megahertz block of the 700 MHz band, the Guard Band Manager will not be a common carrier as defined in section 3 of the Communications Act. Consistent with the Commission's decision to amend Form 601 to allow licensees in the 30 megahertz block to designate the regulatory status of the services they provide, the Commission has also amended item 35 of the Form 601 to add the Guard Band Manager classification.

17. Although Guard Band Managers will not provide services regulated as Commercial Mobile Radio Services (CMRS), they may lease their spectrum to customers that will provide CMRS and that will be required to comply with Commission rules applicable to CMRS providers. CMRS provided on the Guard Bands will not count against the 45/55 megahertz spectrum cap.

18. *Eligibility and Use Restrictions.* The Commission will assign licenses in the Guard Bands exclusively to Guard Band Managers. The Commission will not impose restrictions on the types of entities that may be licensed as Guard Band Managers. Instead it adopts certain basic requirements for Guard Band Managers that will further the Commission's objective of making the Guard Band Manager spectrum available to a wide range of users.

19. The Commission believes that assigning licenses in the 6 megahertz Guard Bands solely to Guard Band Managers will be the most efficient and effective way to manage spectrum that is subject to commercial uses for the protection of public safety licensees in the adjacent bands. Thus, the purpose of the Guard Band Manager will be to lease spectrum to third party, and in doing so, to manage the spectrum efficiently in a manner that also protects adjacent public safety bands from interference. Guard Band Managers will have a financial incentive to coordinate use of their frequencies to ensure non-interference. Guard Band Managers may subdivide their spectrum and make it available to end users for private internal use, or to service providers that may provide common carrier or non-common carrier services to their customers. A Guard Band Manager may also aggregate the various demands for spectrum within its service area to meet the unique needs of that service area. The Commission is currently considering innovative assignment mechanisms that enable parties to more easily aggregate and disaggregate spectrum for alternative uses, and the Guard Band Manager approach adopted in the *Second R&O* can potentially be an important step in that direction.

20. Guard Band Managers will be permitted to lease some of their licensed spectrum to affiliated entities for the affiliate's own internal use or for its provision of commercial or private radio services. However, to ensure that the Commission conducts a useful test of the Band Manager concept and obtains the full benefits of this new licensing approach, a core feature of which is leasing spectrum to third parties, Guard Band Managers will be required to lease the predominant amount of their spectrum to non-affiliates. The Commission also provides Guard Band Managers with a ''safe harbor'' example of compliance with this requirement. To take advantage of this ''safe harbor,'' a Guard Band Manager must lease no more than 49.9 percent of its licensed spectrum in a geographic service area to its affiliates. For the purpose of measuring the percent of spectrum leased under this rule, if a Guard Band Manager leases spectrum to an affiliate covering any portion of the defined geography of the service area, that spectrum will be considered to be leased to the affiliate.

21. The Commission clarifies that among those that may be licensed as Guard Band Managers in the Guard Bands are entities in the critical infrastructure industries—entities that utilize private communications systems to support their commercial operations. The critical infrastructure industries are not eligible for licensing in the 24 megahertz of spectrum allocated for public safety service providers. The Commission finds nothing in the language of section 337 or its legislative history that indicates Congress intended to treat the critical infrastructure industries differently from other commercial entities by excluding them from both the 24 megahertz of public safety spectrum and the 36 megahertz of commercial spectrum.

22. In the *Second R&O* the Commission considers whether to limit the number of channel blocks in a geographic service area that may be licensed to a Guard Band Manager. The Commission determines that, for the first auction of licenses in the 6 megahertz block, it will limit an entity and its affiliates to holding only one of the two Guard Band Manager licenses that will be available in a geographic service area. However, if any Guard Band Manager licenses remain unsold after the first auction, the Commission

intends to lift this ''one-to-a-market'' rule in any subsequent auctions in this band. Limiting the number of Guard Band Manager licenses that one entity may hold will provide the Commission with an ability to benchmark one Guard Band Manager against another serving the same geographic area.

23. The Commission anticipates that the competitive environment in which Guard Band Managers will operate will serve to constrain them from unreasonably restricting access to their spectrum. However, some general safeguards are appropriate for at least an initial period. The Commission expects Guard Band Managers to not engage in unjust or unreasonable discrimination among spectrum users and to honor all reasonable requests by potential users for access to the licensed spectrum. The Commission nevertheless recognizes that the number of users that can be granted exclusive use of a Guard Band Manager's channels will be limited. The Commission also recognizes that a Guard Band Manager may have valid business reasons for denying a potential user's request for spectrum. For example, denial of a request for spectrum might be reasonable when the request, if granted, would preclude the Guard Band Manager from entering into an agreement with another user needing coverage of a wider geographic area for a longer period of time.

24. Because the Guard Band Manager license is a new concept and we cannot predict the type or amount of demand that will exist for spectrum licensed in this manner, the Commission finds it appropriate to provide Guard Band Managers with a considerable amount of latitude to develop methods and procedures for determining the most efficient way to apportion their spectrum among prospective users. The Commission believes Guard Band Managers should be free to enter into as many user agreements as they determine to be feasible given the capacity and other technical limits on use of their spectrum, market demand, and the varied needs of their users for different amounts of spectrum for different periods of time. For this reason, the Commission is not imposing specific requirements on the number of users that must be provided access to their spectrum.

25. The Commission also recognizes the potential for Guard Band Managers to impose unnecessary conditions or restrictions on their spectrum users, which may have anticompetitive impacts on those entities with whom the Guard Band Manager is in competition. Therefore, it adopts a rule prohibiting Guard Band Managers from imposing unduly restrictive requirements on use of its licensed frequencies. A requirement is unduly restrictive if it is not reasonably related to the efficient management of the spectrum licensed to the Guard Band Manager. Requirements that *are* reasonably related to the Guard Band Manager's spectrum management responsibilities are those that are necessary to ensure efficient spectrum use or ensure compliance with the Commission's rules, including those rules pertaining to field strength limits, power and antenna height limits, interference, emission limits, and radiofrequency (RF) safety requirements. For example, the Commission would consider it unduly restrictive for a Guard Band Manager to require a spectrum user to purchase telecommunications equipment only from one manufacturer or vendor, to require use of a particular technology, or to impose operating rules that would have the same practical effect. The Commission will consider any complaints filed against a Guard Band Manager for unreasonably denying access to its spectrum or imposing unreasonable terms and conditions on third-party service providers or end users, pursuant to its authority granted in sections 308(b) and 309(d) of the Communications Act.

26. The Commission is prepared to impose additional constraints if it receives complaints indicating that Guard Band Managers are unfairly denying access to spectrum, or imposing unreasonable terms and conditions on its use, thereby undermining the Commission's objectives in licensing Guard Band Managers. Conversely, the Commission is prepared to lift these requirements if experience with the Guard Band Manager licensing approach proves them unnecessary.

27. *Size of Service Areas for Geographic Area Licensing.* The Commission will auction licenses for both the 2 megahertz and the 4 megahertz Guard Bands on the basis of 52 Major Economic Areas (MEAs), rather than Economic Areas (EAs) as proposed by some commenters. The use of MEAs will facilitate greater participation in the auction, and allow a larger number and more diverse pool of Guard Band Managers, than larger regional or nationwide licensing areas, while simultaneously giving medium-sized and larger companies the flexibility to aggregate spectrum to put together regional and nationwide licenses tailored to their particular business needs.

28. *License Term; Renewal Expectancy.* The Commission adopts a license term for the Guard Bands that extends to January 1, 2015. This is eight years beyond the date as of which incumbent broadcasters are required to have relocated to other portions of the spectrum. The Commission also adopts for Guard Band licenses the right to a renewal expectancy established in § 27.14(b) of the Commission's rules. In the event that a Guard Band license is partitioned or disaggregated, any partitionee or disaggregatee is authorized to hold its license for the remainder of the original licensee's term, and the partitionee or disaggregatee may obtain a renewal expectancy on the same basis as other licensees in the band. Guard Band licensees meeting the substantial service requirement discussed herein will be deemed to have met this element of the renewal expectancy requirement.

29. *Performance Requirements.* In establishing the Guard Band Manager as a new class of licensee, the Commission will require Guard Band Managers to provide ''substantial service'' to their service areas no later than January 1, 2015. The Commission will not impose other build-out requirements or channel usage requirements. In lieu of these more stringent requirements, the Commission is imposing a reporting requirement. Guard Band Managers may avail themselves of either of the following ''safe harbors'' for the Guard Bands. A Guard Band Manager can satisfy the substantial service requirement by leasing the predominant amount of its licensed spectrum in at least 50 percent of the geographic area covered by its license at the license-renewal mark. A Guard Band Manager can also satisfy the substantial service requirement by providing coverage to 50 percent of the population of the Guard Band Manager's service area at the license-renewal mark. These ''safe harbor'' examples are intended to provide Guard Band Managers a degree of certainty regarding how to comply with the substantial service requirement. The requirement can be met in other ways, which will vary depending on the market and type of spectrum users served, and the Commission will review licensees' showings on a case-by-case basis.

30. The Commission will, however, reserve the right to review its service rules and impose more stringent performance requirements on Guard Band Managers in the future if it receives complaints from prospective users or determines that reassessment is warranted because spectrum is being anticompetitively warehoused or is otherwise not being made available despite existing demand. To facilitate

such review, the *Second R&O* adopts an annual reporting requirement that will obligate Guard Band Managers to provide the Commission with information about the manner in which their spectrum is being utilized. Guard Band Managers will be required to supply the Commission with basic information about the total number of users and the number of those users that are affiliates of the Guard Band Manager; the amount of spectrum being used by the Guard Band Manager's affiliates in any part of the licensed service area and the amount of spectrum being used pursuant to agreements with unaffiliated third parties; the general nature of its customers' spectrum use; and the length of the term of each user agreement. To minimize the burden placed on Guard Band Managers by this reporting requirement, the Commission anticipates collecting this information electronically, through the Universal Licensing System. The specific information that Guard Band Managers will provide and the procedures that Guard Band Managers will follow in filing this annual report will be announced in a subsequent Public Notice to be issued by the Wireless Telecommunications Bureau. The Commission will make this information available to the public in order to enhance prospective users' ability to determine the availability of frequencies in their service areas that will meet their needs. The Commission also reserves the authority to subject Guard Band Managers to audits using in-house and contract resources.

31. *Disaggregation and Partitioning of Licenses.* Guard Band Managers will be allowed to partition their service areas and to disaggregate their spectrum to any entity that would otherwise be eligible to hold an authorization as a Guard Band Manager for this spectrum. Licensees seeking to partition and disaggregate are required to obtain Commission authorization for partial assignment of their license. In reviewing requests for approval of partitioning and disaggregation, the Commission will consider the impact that such partitioning or disaggregation would have on public safety operations in the adjacent 700 MHz bands. Additionally, the partitioning licensee must include with its request a description of the partitioned service area and calculations of the population of the partitioned service area and the licensed geographic service area, and will be subject to the provisions against unjust enrichment set forth in § 27.15(c) of the Commission's rules.

32. The Commission will also allow partitioning Guard Band Managers to choose between two options for satisfying the performance requirement in § 27.14 of the Commission's rules. Under the first option, the partitioner and partitionee would each certify that it will independently satisfy the substantial service requirement for its respective partitioned area. If a Guard Band Manager fails to meet its substantial service requirement during the relevant license term, the non-performing Guard Band Manager's authorization will be subject to cancellation at the end of the license term. Under the second option, the partitioner can certify that it has met or will meet the substantial service requirement for the entire market. If the partitioner fails to meet the substantial service standard during the relevant license term, only its license will be subject to cancellation at the end of the license term; the partitionee's license will not be affected by the failure.

33. In addition, parties to disaggregation agreements may choose between two options for satisfying the performance requirement. Under the first option, the disaggregator and disaggregatee would certify that they will share responsibility for meeting the performance requirement for the entire geographic service area. If the parties choose this option, both parties jointly will be required to meet the substantial service requirement at the end of the relevant license term, and both Guard Band Manager licenses will be subject to cancellation, if the requirement is not met. The second option allows the parties to agree that either the disaggregator or the disaggregatee will be responsible for meeting the substantial service requirement for the geographic service area. If the parties choose this option, and the Guard Band Manager responsible for meeting the performance requirement fails to do so, only the license of the non-performing Guard Band Manager will be subject to cancellation.

34. *Public Notice of Initial Applications; Petitions to Deny.* Sections 309(b) and 309(c) of the Communications Act require public notice for initial applications for authorizations in, *inter alia*, the broadcasting or common carrier services, and substantial amendments thereof. The administrative procedures for spectrum auctions adopted in section 3008 of the Balanced Budget Act of 1997 and the Consolidated Appropriations Act permit the Commission to shorten notice periods in the auction context to five days for petitions to deny and seven days for public notice, notwithstanding the provisions of section 309(b) of the Communications Act. The Commission exercises its authority under section 309(b)(2)(F) and adopts a seven-day notice requirement for initial applications for Guard Band Manager licenses and a five-day period for petitions to deny such applications.

35. *Foreign Ownership Restrictions.* Section 310(a) of the Communications Act prohibits any foreign government or representative from holding a station license. Section 310(b) prohibits certain defined ownership interests in broadcast, common carrier, aeronautical en route or aeronautical fixed radio station licenses. The Commission determines that § 27.12 of the Commission's rules regarding foreign ownership will apply to applicants for Guard Band licenses. Because the Guard Band Manager is a non-common carrier, an applicant requesting authorization for a Guard Band Manager license will be subject to section 310(a) but not to the additional prohibitions of section 310(b). With respect to the Commission's alien ownership reporting requirements, applicants for the Guard Band spectrum must file changes in foreign ownership information to the extent required by part 27 of the Commission's rules.

36. *Applicability of General Common Carrier Obligations.* Based on the Commission's conclusions set forth in the *First R&O*, and on its assessment that the decisions adopted therein are appropriate for application to the Guard Bands, the Commission adopts for the Guard Bands the forbearance measures discussed in the *First R&O* with respect to tariff and contract filings, interlocking directors, new and discontinued facilities, service provider local number portability, section 226 of the Communications Act, franks, and *pro forma* transfer applications.

37. The Commission also adopts the provisions of § 27.66 of its rules for operations on the Guard Bands. Section 27.66 tracks the provisions of § 63.71, requiring a common carrier voluntarily discontinuing, reducing or impairing service to provide notice to affected customers and the Commission and providing for the automatic grant of a fixed service common carrier's application for discontinuance after 31 days. In the case of Guard Band operations, this notice to the Commission must be provided by the Guard Band Manager. If a non-common carrier voluntarily discontinues, reduces, or impairs service, § 27.66 requires the carrier to give written notice to the Commission within seven days. In the case of Guard Band operations, this notice to the Commission, as well, must be provided

by the Guard Band Manager. A mere change in common carrier or non-common carrier status does not constitute a ''discontinuance.'' If fixed service common carrier operations are involuntarily discontinued, reduced, or impaired for a period exceeding 48 hours, the Guard Band Manager must promptly notify the Commission, in writing, of the reasons for the discontinuance, reduction, or impairment of service, including a statement indicating when normal service is to be resumed. When normal service is resumed, the Guard Band Manager must promptly notify the Commission. The Commission continues to invite suggestions on ways to alleviate or streamline regulations that would otherwise be applicable to fixed services provided on this spectrum.

38. *Equal Employment Opportunity.* Because the Commission's Equal Employment Opportunity (EEO) rules are service-specific, a Guard Band user's EEO requirements will depend on the type of service it chooses to provide. FCC Form 601, as amended, identifies five regulatory statuses: (a) Common carrier, (b) non-common carrier, (c) private, internal communications, (d) broadcast, and (e) Band Manager. However, Guard Band users do not file FCC Form 601, because they are not licensees. Nevertheless, these operators will be subject to such EEO requirements as the nature of the services they provide dictates.

39. *Other Technical Rules.* The Commission adopts a field strength limit for the Guard Bands of 40 dBu/m to control in-band interference. However, users in adjoining areas may agree to alternate field strengths at their common border. The predicted 40 dBu/m field strength shall be calculated using figure 10 in 47 CFR 73.699 with a correction factor for antenna height differential of −9 dB.

40. The Commission adopts a threshold of 1000 w ERP for categorical exclusion from routine evaluation for RF radiation exposure for base and fixed stations in the Guard Bands. The threshold for routine evaluation of mobile devices for RF safety purposes will be 1.5 w or greater, in conformance with § 2.1091. For portable devices in the Guard Bands, the Commission adopts a maximum power limit of 3 w ERP with the provision that these devices be evaluated for RF exposure in compliance with § 2.1093. The Commission is providing guidance on acceptable methods of evaluating compliance with the Commission's RF exposure limits in OET Bulletin No. 65, which has replaced OST Bulletin No. 65.

41. The Commission adopts the following power limits for the Guard Bands:

(i) For base stations and fixed stations operating in the 746–747 MHz and 762–764 MHz bands, an ERP no greater than 1,000 watts and an antenna height above average terrain (HAAT) no greater than 305 m;

(ii) For mobile, fixed, and control stations operating in the 776–777 MHz and 792–794 MHz bands, an ERP no greater than 30 watts; and

(iii) For portable stations operating in the 776–777 MHz and 792–794 MHz bands, an ERP no greater than 3 watts.

42. The second harmonic transmissions of Guard Band services that will be operating on TV channels 65 and 67 fall within a band used for radionavigation in the Global Navigation Satellite System (GNSS), which includes the Global Positioning System (GPS) at 1563.42–1587.42 MHz. The Commission therefore adopts the following out-of-band-emissions limits for all spurious emissions, including harmonics, that fall within the 1559–1610 frequency range, from equipment operating in the 746–747 MHz, 762–764 MHz, 776–777 MHz and 792–794 MHz Guard Bands:

(i) For wideband emissions, -70 dBW/MHz equivalent isotropically radiated power (EIRP); and

(ii) For discrete emissions of less than 700 Hz bandwidth, an absolute EIRP limit of −80 dBW. Outside of emissions into the 1559–1610 MHz RNSS band, the out of band emission standards adopted in section III.A.1 of the *Second R&O* will apply.

43. *Competitive Bidding.* In light of the accelerated schedule for auction of the 746–764 MHz and 776–794 MHz bands the Commission believes that it should not use, combinatorial bidding for the auction of licenses in these bands. Consistent with its decision in the *First R&O*, the Commission will not prohibit any entities from participating in the auction of licenses for the Guard Bands.

44. Also consistent with its decision in the *First R&O*, the Commission will use for the Guard Bands the competitive bidding procedures contained in subpart Q of part 1 of the Commission's rules, including any amendments adopted in the ongoing part 1 proceeding. However, to facilitate the Commission's compliance with its statutory obligation to deposit the proceeds from the auction in the Treasury by September 30, 2000, the Commission delegates to the Wireless Telecommunications Bureau authority to suspend the payment deadlines in §§ 1.2107(b) and 1.2109(a) of the Commission's rules and require that winning bidders on all licenses in the 700 MHz bands pay the full balance of their winning bids upon submission of their long-form applications pursuant to § 1.2107(c) of the Commission's rules.

45. The Commission adopts for the Guard Bands the same definitions of small and very small businesses that it adopted for the 747–762 MHz and 777–792 MHz bands in the *First R&O* in this proceeding. A small business is defined as an entity with average annual gross revenues for the three preceding years not in excess of $40 million, and a very small business is defined as an entity with average annual gross revenues for the three preceding years not in excess of $15 million. In calculating gross revenues for purposes of small business eligibility, the Commission will attribute the gross revenues of the applicant, its controlling interests and its affiliates. For the auction of licenses for the Guard Bands, the Commission also adopts tiered bidding credits for small and very small businesses. Accordingly, small businesses will receive a 15 percent bidding credit. Very small businesses will receive a 25 percent bidding credit.

46. The Commission declines to adopt special preferences for entities owned by minorities or women. The Commission believes the bidding credits adopted in this *Second R&O* for small businesses will further Congress's objective of disseminating licenses among a wide variety of applicants because many minority- and women-owned entities, as well as rural telephone companies, are small businesses and will therefore qualify for these special provisions. The Commission also declines to provide bidding credits to LPTV licensees or state and local governments seeking spectrum for public safety communications.

47. *Protection of Television Services.* In order to protect analog and TV and DTV operations during the DTV transition period, the Commission extends the protection criteria applicable to 30 megahertz spectrum operations to operations in the Guard Bands. Thus, § 27.60, as amended, requires 700 MHz commercial operations, including those in the Guard Bands, to comply with the provisions of § 90.545 of the Commission's rules. The Congressional plan set forth in sections 336 and 337 of the Act and in the 1997 Budget Act is to transition this spectrum from its current use for broadcast services to commercial use and public safety services. Congress also has

directed the Commission to auction the 36 megahertz of spectrum for commercial use six years before the relocation deadline for incumbent broadcasters in this spectrum, while adopting interference limits and other technical restrictions necessary to protect full-service analog television service during the transition to DTV. The extended license term specified for 700 MHz commercial services on these bands reflects, in part, the recognition that incumbent television licensees on these frequencies may, under the statutory provision for DTV transition, continue to broadcast for some years, delaying the time when new users have uncompromised use of the spectrum resource.

48. In addition, the Commission indicated in the *First R&O* that it will consider specific regulatory requests needed to implement voluntary agreements reached between incumbent licensees and new users in these bands, and it extends that policy to Guard Band operations.

49. *Canadian and Mexican Border Regions.* There are currently separate agreements with Canada and Mexico covering TV broadcast use of the UHF 470–806 MHz band. Such agreements do not reflect the additional use or services being adopted in the *First R&O* in this proceeding and in this *Second R&O.* While the Commission staff has been involved in discussions with both countries regarding coordination or interference criteria for the use of these bands in the border areas for the additional services, agreements have yet to be reached. Therefore, until such agreements have been finalized, the Commission believes it necessary to adopt certain interim requirements for operations in the Guard Bands along the Canada and Mexico borders. Accordingly, licenses issued for these bands within 120 km of the borders will be subject to whatever future agreements the United States develops with these two countries. In that the existing agreements for the protection of TV stations in these countries are still in effect and must be recognized until they are replaced or modified to reflect the new uses, licenses in the border areas will be granted on the condition that harmful interference may not be caused to, but must be accepted from, UHF TV transmitters in Canada and Mexico. Furthermore, modifications may be necessary to comply with whatever provisions are ultimately specified in future agreements with Canada and Mexico regarding the use of these bands. Pending further negotiations, the *Second R&O* also adopts the protection criteria described in this *Second R&O* for domestic TV and DTV stations as interim criteria for Canadian and Mexican TV and DTV stations.

50. *Procedural Matters.* The *Second R&O* contains new and modified information collections. The actions contained in this *Second R&O* are, however, exempt from the provisions of the Paperwork Reduction Act of 1995, under the Consolidated Appropriations statute, *See* Consolidated Appropriations, Appendix E, Sec. 213. *See* also 145 Cong. Rec. at H12493–94 (November 17, 1999). Implementation of the revisions to part 27 required to assign licenses in these commercial spectrum bands, including revisions to information collections, are therefore not subject to approval by the Office of Management and Budget, and became effective upon adoption. Similarly, the Consolidated Appropriations statute exempts this decision from the Regulatory Flexibility Act provisions and from the Contract With America Advancement Act provisions.

51. *Authority Citation and Ordering Clauses.* This action is taken pursuant to sections 1, 4(i), 7, 10, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 324, 332 and 336 and 337 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 324, 332, and 336, and 337 and the Consolidated Appropriations Act, 2000, Public Law 106–113, 113 Stat. 1501, section 213.

52. Part 27 of the Commission's Rules is amended to establish service rules for the 746–747/ 776–777 MHz and 762–764/ 792–794 MHz bands, as set forth in this synopsis. In accordance with section 213 of the Consolidated Appropriations Act, 2000, Public Law 106–113, 113 Stat. 1501 (1999), these rules shall be effective April 4, 2000.

53. Further, pursuant to 47 U.S.C. 155(c), the Chief of the Wireless Telecommunications Bureau is granted delegated authority to implement and modify auction procedures in the Wireless Communications Services, including the general design and timing of the auction, the number and grouping of authorizations to be offered in any particular auction, the manner of submitting bids, the amount of any minimum opening bids and bid increments, activity and stopping rules, and application and payment requirements, including the amount of upfront payments, and to announce such procedures by Public Notice.

54. Finally, pursuant to 47 U.S.C. 155(c), the Chief of the Wireless Telecommunications Bureau is granted delegated authority to suspend the payment deadlines in §§ 1.2107(b) and 1.2109(a) of the Commission's rules, 47 CFR 1.2107(b), 1.2109(a), and require that winning bidders on all licenses in the 746–764 and 776–794 MHz bands pay the full balance of their winning bids upon submission of their long-form applications pursuant to § 1.2107(c) of the Commission's rules, 47 CFR 1.2107(c).

List of Subjects in 47 CFR Part 27

Guard band managers, Radio, Reporting and recordkeeping requirements, Telecommunications. Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 27 as follows:

1. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

2. Section 27.1 is amended by revising paragraph (b)(2) to read as follows:

§ 27.1 Basis and purpose.

* * * * *

(b) * * *

(2) 746–764 MHz and 776–794 MHz.

* * * * *

3. Section 27.2 is amended by redesignating paragraph (b) as paragraph (c), revising paragraph (a), and adding a new paragraph (b) to read as follows:

§ 27.2 Permissible communications.

(a) *Miscellaneous wireless communications services.* Except as provided in paragraph (b) of this section and subject to technical and other rules contained in this part, a licensee in the frequency bands specified in § 27.5 may provide any services for which its frequency bands are allocated, as set forth in the non-Federal Government column of the Table of Allocations in § 2.106 of this chapter (column 5).

(b) *746–747 MHz, 776–777 MHz, 762–764 MHz and 792–794 MHz bands.* Operators in the 746–747 MHz, 776–777 MHz, 762–764 MHz and 792–794 MHz bands may not employ a cellular system architecture. A cellular system architecture is defined, for purposes of this part, as one that consists of many small areas or cells (segmented from a larger geographic service area), each of

which uses its own base station, to enable frequencies to be reused at relatively short distances.

* * * * *

4. Section 27.4 is amended by adding a new definition for ''affiliate,'' and ''guard band manager'' in alphabetical order to read as follows:

§ 27.4 Terms and definitions.

Affiliate. This term shall have the same meaning as that for ''affiliate'' in part 1, § 1.2110(b)(4) of this chapter.

* * * * *

Guard band manager. The term *Guard band manager* refers to a commercial licensee in the 746–747 MHz, 762–764 MHz, 776–777 MHz, and 792–794 MHz bands that functions solely as a spectrum broker by subdividing its licensed spectrum and making it available to system operators or directly to end users for fixed or mobile communications consistent with Commission Rules. A *Guard band manager* is directly responsible for any interference or misuse of its licensed frequency arising from its use by such non-licensed entities.

* * * * *

5. Section 27.5 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 27.5 Frequencies.

* * * * *

(b) * * *

(1) Two paired channels of 1 megahertz each are available for assignment solely to Guard band managers. Block A: 746–747 MHz and 776–777 MHz.

(2) Two paired channels of 2 megahertz each are available for assignment solely to Guard band managers. Block B: 762–764 MHz and 792–794 MHz.

* * * * *

6. Section 27.6 is amended by revising paragraph (b)(1) to read as follows:

§ 27.6 Service areas.

* * * * *

(b) * * *

(1) Service areas for Block A in the 746–747 and 776–777 MHz bands and Block B in the 762–764 and 792–794 MHz bands are based on Major Economic Areas (MEAs), as defined in paragraph (a)(1) of this section.

* * * * *

7. Section 27.10 is amended by adding the introductory text to read as follows:

§ 27.10 Regulatory status.

Except with respect to Guard band manager licenses, which are subject to subpart G of this part, the following rules apply concerning the regulatory status of licensees in the frequency bands specified in § 27.5.

* * * * *

8. Section 27.12 is revised to read as follows:

§ 27.12 Eligibility.

Except as provided in § 27.604 any entity other than those precluded by section 310 of the Communications Act of 1934, as amended, 47 U.S.C. 310, is eligible to hold a license under this part.

9. Section 27.13 is amended by revising paragraph (b) to read as follows:

§ 27.13 License period.

* * * * *

(b) *746–764 MHz and 776–794 MHz bands.* Initial authorizations for the 746–764 MHz and 776–794 MHz bands, will extend until January 1, 2015, except that a part 27 licensee commencing broadcast services, will be required to seek renewal of its license for such services at the termination of the eight-year term following commencement of such operations.

10. Section 27.50 is amended by redesignating paragraph (a) as paragraph (b) and paragraph (b) as paragraph (a), revising newly redesignated paragraph (b) and revising the heading to the table in paragraph (c) to read as follows:

§ 27.50 Power limits.

* * * * *

(b) The following power and antenna height limits apply to transmitters operating in the 746–764 MHz and 776–794 MHz bands:

(1) Fixed and base stations transmitting in the 746–764 MHz band must not exceed an effective radiated power (ERP) of 1000 watts and an antenna height of 305 m height above average terrain (HAAT), except that antenna heights greater than 305 m HAAT are permitted if power levels are reduced below 1000 watts ERP in accordance with Table 1 of this section;

(2) Fixed, control, and mobile stations transmitting in the 776–794 MHz band are limited to 30 watts ERP;

(3) Portable stations (hand-held devices) transmitting in the 776–794 MHz band are limited to 3 watts ERP;

(c) * * *

Table 1—Permissible Power and Antenna Heights for Base and Fixed Stations in the 746–764 MHz Band

* * * * *

11. Section 27.53 is amended by redesignating paragraphs (e) and (f) as paragraphs (f) and (g), revising newly redesignated paragraph (f) and adding a new paragraph (e) to read as follows:

§ 27.53 Emission limits.

* * * * *

(e) For operations in the 746–747 MHz, 762–764 MHz, 776–777 MHz, and 792–794 MHz bands, transmitters must meet the following emission limitations:

(1) The adjacent channel coupled power (ACCP) requirements for transmitters designed for various channel sizes are shown in the following tables. Mobile station requirements apply to handheld, car mounted and control station units. The tables specify a maximum value for the ACCP relative to maximum output power as a function of the displacement from the channel center frequency. In addition, the ACCP for a mobile station transmitter at the specified frequency displacement must not exceed the value shown in the tables. For transmitters that have power control, the latter ACCP requirement can be met at maximum power reduction. In the following charts, ''(s)'' means that a swept measurement is to be used.

6.25 kHz Mobile Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
6.25	6.25	−40	not specified
12.50	6.25	−60	−45
18.75	6.25	−60	−45
25.00	6.25	−65	−50
37.50	25.00	−65	−50
62.50	25.00	−65	−50
87.50	25.00	−65	−50

6.25 kHz Mobile Transmitter ACCP Requirements—Continued

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
150.00	100.00	−65	−50
250.00	100.00	−65	−50
>400 to receive band	30(s)	−75	−55
In the receive band	30(s)	−100	−70

12.5 kHz Mobile Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
9.375	6.25	−40	not specified
15.625	6.25	−60	−45
21.875	6.25	−60	−45
37.500	25.00	−65	−50
62.500	25.00	−65	−50
87.500	25.00	−65	−50
150.000	100.00	−65	−50
250.000	100.00	−65	−50
>400 to receive band	30(s)	−75	−55
In the receive band	30(s)	−100	−70

25 kHz Mobile Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
15.625	6.25	−40	not specified
21.875	6.25	−60	−45
37.500	25.00	−65	−50
62.500	25.00	−65	−50
87.500	25.00	−65	−50
150.000	100.00	−65	−50
250.000	100.00	−65	−50
>400 to receive band	30(s)	−75	−55
In the receive band	30(s)	−100	−70

150 kHz Mobile Transmitter ACCP Requirements 12.5 kHz Mobile Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP relative (dBc)	Maximum ACCP absolute (dBm)
100	50	−40	not specified
200	50	−50	−35
300	50	−50	−35
400	50	−50	−35
600 to 1000	30(s)	−60	−45
1000 to receive band	30(s)	−70	−55
In the receive band	30(s)	−100	−75

6.25 kHz Base Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
6.25	6.25	−40
12.50	6.25	−60
18.75	6.25	−60
25.00	6.25	−65
37.50	25.00	−65
62.50	25.00	−65
87.50	25.00	−65
150.00	100.00	−65
250.00	100.00	−65

6.25 kHz Base Transmitter ACCP Requirements—Continued

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
>400 to receive band	30(s)	−80 (continues @ −6dB/oct)
In the receive band	30(s)	−100

12.5 kHz Base Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
9.375	6.25	−40
15.625	6.25	−60
21.875	6.25	−60
37.500	25.00	−60
62.500	25.00	−65
87.500	25.00	−65
150.000	100.00	−65
250.000	100.00	−65
>400 to receive band	30(s)	−80 (continues @ −6dB/oct)
In the receive band	30(s)	−100

25 kHz Base Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
15.625	6.25	−40
21.875	6.25	−60
37.500	25.00	−60
62.500	25.00	−65
87.500	25.00	−65
150.000	100.00	−65
250.000	100.00	−65
>400 to receive band	30(s)	−80 (continues @ −6dB/oct)
In the receive band	30(s)	−100

150 kHz Base Transmitter ACCP Requirements

Offset from center frequency (kHz)	Measurement bandwidth (kHz)	Maximum ACCP (dBc)
100	50	−40
200	50	−50
300	50	−55
400	50	−60
600 to 1000	30(s)	−65
1000 to receive band	30(s)	−75 (continues @ −6dB/oct)
In the receive band	30(s)	−100

(2) *ACCP measurement procedure.* The following procedures are to be followed for making ACCP transmitter measurements. For time division multiple access (TDMA) systems, the measurements are to be made under TDMA operation only during time slots when the transmitter is on. All measurements must be made at the

input to the transmitter's antenna. Measurement bandwidth used below implies an instrument that measures the power in many narrow bandwidths (e.g. 300 Hz) and integrates these powers across a larger band to determine power in the measurement bandwidth.

(i) *Setting reference level:* Using a spectrum analyzer capable of ACCP measurements, set the measurement bandwidth to the channel size. For example, for a 6.25 kHz transmitter, set the measurement bandwidth to 6.25 kHz; for a 150 kHz transmitter, set the measurement bandwidth to 150 kHz. Set the frequency offset of the measurement bandwidth to zero and adjust the center frequency of the spectrum analyzer to give the power level in the measurement bandwidth. Record this power level in dBm as the ''reference power level''.

(ii) *Measuring the power level at frequency offsets <600kHz:* Using a spectrum analyzer capable of ACCP measurements, set the measurement bandwidth as shown in the tables above. Measure the ACCP in dBm. These measurements should be made at maximum power. Calculate the coupled power by subtracting the measurements made in this step from the reference power measured in the previous step. The absolute ACCP values must be less than the values given in the table for each condition above.

(iii) *Measuring the power level at frequency offsets >600kHz:* Set a spectrum analyzer to 30 kHz resolution bandwidth, 1 MHz video bandwidth and sample mode detection. Sweep ±6 MHz from the carrier frequency. Set the reference level to the RMS value of the transmitter power and note the absolute power. The response at frequencies greater than 600 kHz must be less than the values in the tables above.

(iv) *Upper Power Limit Measurement:* The absolute coupled power in dBm measured above must be compared to the table entry for each given frequency offset. For those mobile stations with power control, these measurements should be repeated with power control at maximum power reduction. The absolute ACCP at maximum power reduction must be less than the values in the tables above.

(3) *Out-of-band emission limit.* On any frequency outside of the frequency ranges covered by the ACCP tables in this section, the power of any emission must be reduced below the unmodulated carrier power (P) by at least 43 + 10 log (P) dB.

(4) *Authorized bandwidth.* Provided that the ACCP requirements of this section are met, applicants may request any authorized bandwidth that does not exceed the channel size.

(f) For operations in the 746–764 MHz and 776–794 MHz bands, emissions in the band 1559–1610 MHz shall be limited to −70 dBW/MHz equivalent isotropically radiated power (EIRP) for wideband signals, and −80 dBW EIRP for discrete emissions of less than 700 Hz bandwidth. For the purpose of equipment authorization, a transmitter shall be tested with an antenna that is representative of the type that will be used with the equipment in normal operation.

* * * * *

12. Section 27.55 is amended by revising paragraph (b) to read as follows:

§ 27.55 Field strength limits.

* * * * *

(b) 746–764 and 776–794 MHz bands: 40dBu V/m

13. Section 27.60 is amended by removing the phrase ''747–762 MHz and 777–792 MHz'' from the introductory text and adding in its place the phrase ''746–764 MHz and 776–794 MHz'', removing the phrase ''747–762 MHz and 777–792 MHz'' and ''747–762 MHz or 777–792 MHz '' from paragraph (b) introductory text and adding in its place the phrase ''746–764 MHz and 776–794 MHz'' and ''746–764 MHz or 776–794 MHz'', respectively, removing the phrase ''747–762 MHz'' from paragraph (b)(2)(i) and adding in its place the phrase ''746–764 MHz'', and removing the phrase ''777–792 MHz'' from paragraph (b)(2)(ii) and adding in its place the phrase ''776–794 MHz''.

14. Section 27.66 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 27.66 Discontinuance, reduction, or impairment of service.

(a) *Involuntary act.* If the service provided by a fixed common carrier licensee, or a fixed common carrier operating on spectrum licensed to a Guard Band Manager, is involuntarily discontinued, reduced, or impaired for a period exceeding 48 hours, the licensee must promptly notify the Commission, in writing, as to the reasons for discontinuance, reduction, or impairment of service, including a statement when normal service is to be resumed. When normal service is resumed, the licensee must promptly notify the Commission.

(b) *Voluntary act by common carrier.* If a fixed common carrier licensee, or a fixed common carrier operating on spectrum licensed to a Guard Band Manager, voluntarily discontinues, reduces, or impairs service to a community or part of a community, it must obtain prior authorization as provided under § 63.71 of this chapter. An application will be granted within 30 days after filing if no objections have been received.

(c) *Voluntary act by non-common carrier.* If a fixed non-common carrier licensee, or a fixed non-common carrier operating on spectrum licensed to a Guard Band Manager, voluntarily discontinues, reduces, or impairs service to a community or part of a community, it must given written notice to the Commission within seven days.

* * * * *

15. The heading for subpart F is revised to read as follows:

Subpart F—Competitive Bidding Procedures for the 746–764 MHz and 776–794 MHz Bands

* * * * *

16. Section 27.501 is revised to read as follows:

§ 27.501 746–764 MHz and 776–794 MHz bands subject to competitive bidding.

Mutually exclusive initial applications for licenses in the 746–764 MHz and 776–794 MHz bands are subject to competitive bidding procedures. The procedures set forth in part 1, subpart Q, of this chapter will apply unless otherwise provided in this part.

17. Part 27 is amended by adding subpart G to read as follows:

Subpart G—Guard Band Managers

Sec.

27.601 Guard Band Manager authority and coordination requirements.
27.602 Guard Band Manager agreements.
27.603 Access to the Guard Band Manager's spectrum.
27.604 Limitation on licenses won at auction.
27.605 Geographic partitioning and spectrum disaggregation.
27.606 Complaints against Guard Band Managers.
27.607 Performance requirements and annual reporting requirement.

Subpart G—Guard Band Managers

§ 27.601 Guard Band Manager authority and coordination requirements.

(a) Subject to the provisions of § 27.2(b) and paragraphs (c) and (d) of this section, a Guard Band Manager may allow a spectrum user, pursuant to a written agreement, to construct and operate stations at any available site within the licensed area and on any channel for which the Guard Band Manager is licensed, provided such stations comply with Commission Rules and coordination requirements.

(b) Subject to the provisions of § 27.2(b) and paragraphs (c) and (d) of

this section, a Guard Band Manager may allow a spectrum user, pursuant to a written agreement, to delete, move or change the operating parameters of any of the user's stations that are covered under the Guard Band Manager's license without prior Commission approval, provided such stations comply with Commission Rules and coordination requirements.

(c)(1) A Guard Band Manager must file a separate station application and obtain all appropriate Commission approvals or authorizations prior to construction of stations that—

(i) Require submission of an Environmental Assessment under § 1.1307 of this chapter;

(ii) Require international coordination; or

(iii) Would affect the radio frequency quiet zones described in § 90.177 of this chapter.

(2) Prior to construction of a station, a Guard Band Manager must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(3) It is the Guard Band Manager's responsibility to determine whether a referral to the Commission is needed for any individual station constructed in the Guard Band Manager's license area.

(d)(1) A Guard Band Manager must notify Commission-recognized public safety frequency coordinators for the 700 MHz public safety band and adjacent-area Guard Band Managers within one business day after the Guard Band Manager has:

(i) Coordinated a new station or modification of an existing station; or

(ii) Filed an application for an individual station license with the Commission.

(2) The notification required in paragraph (d)(1) of this section must include, at a minimum—

(i) The frequency or frequencies coordinated;

(ii) Antenna location and height;

(iii) Type of emission;

(iv) Effective radiated power;

(v) A description of the service area, date of coordination, and user name or, in the alternative, a description of the type of operation.

(3) In the event a Guard Band Manager partitions its service area or disaggregates its spectrum, it is required to submit the notification required in paragraph (d)(1) of this section to other Guard Band Managers in the same geographic area.

(4) Entities coordinated by a Guard Band Manager must wait at least 10 business days after the notification required in paragraph (d)(1) of this section before operating under the Guard Band Manager's license;

(5) If, in the event of harmful interference, the Guard Band Manager is unable to resolve the problem by mutually satisfactory arrangements, the Commission may impose restrictions on the operations of any of the parties involved.

(e) Where a deletion, move or change authorized under paragraph (b) of this section constitutes a discontinuance, reduction, or impairment of service under § 27.66 or where discontinuance, reduction or impairment of service results from an involuntary act subject to § 27.66(a), the Guard Band Manager must comply with the notification and authorization requirements set forth in that section.

§ 27.602 Guard Band Manager agreements.

Guard Band Managers are required to enter into written agreements regarding the use of their licensed spectrum by others, subject to the following conditions:

(a) The duration of spectrum user agreements may not extend beyond the term of the Guard Band Manager's FCC license.

(b) The spectrum user agreement must specify in detail the operating parameters of the spectrum user's system, including power, maximum antenna heights, frequencies of operation, base station location(s), area(s) of operation, and other parameters specified in Commission rules for the use of spectrum identified in § 27.5(b)(1) and (b)(2).

(c) The spectrum user agreement must require the spectrum user to use Commission-approved equipment where appropriate and to complete post-construction proofs of system performance prior to system activation.

(d) The spectrum user must agree to operate its system in compliance with all technical specifications for the system contained in the agreement and agree to cooperate fully with any investigation or inquiry conducted by either the Commission or the Guard Band Manager.

(e) The spectrum user must agree to comply with all applicable Commission rules, and the spectrum user must accept Commission oversight and enforcement.

(f) The spectrum user agreement must stipulate that if the Guard Band Manager determines that there is an ongoing violation of the Commission's rules or that the spectrum user's system is causing harmful interference, the Guard Band Manager shall have the right to suspend or terminate operation of the spectrum user's system. The spectrum user agreement must stipulate that if the spectrum user refuses to comply with a suspension or termination order, the Guard Band Manager will be free to use all legal means necessary to enforce the order.

(g) The spectrum user agreement may not impose unduly restrictive requirements on use of the licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Guard Band Manager.

(h) Guard Band Managers shall maintain their written agreements with spectrum users at their principal place of business, and retain such records for at least two years after the date such agreements expire. Such records shall be kept current and be made available upon request for inspection by the Commission or its representatives.

§ 27.603 Access to the Guard Band Manager's spectrum.

(a) A Guard Band Manager may not engage in unjust or unreasonable discrimination among spectrum users and may not unreasonably deny prospective spectrum users access to the Guard Band Manager's licensed spectrum.

(b) A Guard Band Manager may not impose unduly restrictive requirements on use of its licensed frequencies, including any requirement that is not reasonably related to the efficient management of the spectrum licensed to the Guard Band Manager.

(c) A Guard Band Manager may lease a reasonable amount of its spectrum to an affiliate for the affiliate's own internal use or for the affiliate's provision of commercial or private radio services. However, a Guard Band Manager must lease the predominant amount of its spectrum to non-affiliates.

§ 27.604 Limitation on licenses won at auction.

(a) For the first auction of licenses in Blocks A and B, as defined in § 27.5, no applicant may be deemed the winning bidder of both a Block A and a Block B license in a single geographic service area.

(b) For purposes of paragraph (a) of this section, licenses will be deemed to be won by the same bidder if an entity that wins one license at the auction is an affiliate of any other entity that wins a license at the auction.

§ 27.605 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a Guard Band Manager's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation

agreement under § 27.15 must function as a Guard Band Manager and is subject to the obligations and restrictions on Guard Band Manager licenses set forth in this subpart.

§ 27.606 Complaints against Guard Band Managers.

Guard Band Managers are expected to resolve disputes with their customers or disputes between multiple customers of the Guard Band Manager in the same manner that the parties would resolve other commercial disputes arising out of the spectrum user agreement. The Commission will also consider complaints filed against a Guard Band Manager for violating the Communications Act or the Commission's regulations or policies. When there is a dispute between a Guard Band Manager, or its spectrum user, and a non-contracting party, and the Guard Band Manager is unable or unwilling to resolve such dispute in a timely fashion, the non-contracting party may file a complaint with the Commission pursuant to § 1.41 of this chapter.

§ 27.607 Performance requirements and annual reporting requirement.

(a) Guard Band Managers are subject to the performance requirements specified in § 27.14(a).

(b) Guard Band Managers are required to file an annual report providing the Commission with information about the manner in which their spectrum is being utilized. Such reports shall be filed with the Commission on a calendar year basis, no later than the March 1 following the close of each calendar year, unless another filing date is specified by Public Notice.

(c) Guard Band Managers must, at a minimum, include the following information in their annual reports:

(1) The total number of spectrum users and the number of those users that are affiliates of the Guard Band Manager;

(2) The amount of the Guard Band Manager's spectrum being used by the Guard Band Manager's affiliates in any part of the licensed service area;

(3) The amount of Guard Band Manager's spectrum being used pursuant to agreements with unaffiliated third parties;

(4) The nature of the spectrum use of the Guard Band Manager's customers; and

(5) The length of the term of each spectrum user agreement.

(d) The specific information that Guard Band Managers will provide and the procedures that they will follow in submitting their annual reports will be announced in a Public Notice issued by the Wireless Telecommunications Bureau.

[FR Doc. 00–8144 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–574; MM Docket No. 99–181; RM–9584; RM–9700]

Radio Broadcasting Services; Merced and North Fork, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a proposal filed on behalf of San Joaquin Radio Company, LLC, licensee of Station KAJZ(FM), Merced, California, the Commission substitutes Channel 300B1 for Channel 299A at Merced and reallots Channel 300B1 to North Fork, California, as that community's first local aural transmission service, and modifies the license for Station KAJZ(FM) accordingly. (A competing proposal filed on behalf of Mountain West Broadcasting to allot Channel 300A to Easton, California, was denied.) *See* 64 FR 30291, June 7, 1999. Coordinates used for Channel 300B1 at North Fork are 37–14–39 NL and 119–33–58 WL.

Additionally, this document makes an editorial amendment to 47 CFR Part 73, Radio Broadcast Services, § 73.202(b), Table of FM Allotments, to include Channel 268B at Merced, California. Although Channel 268B was allotted to Merced in the original Table of Allotments, and is licensed at that community, it does not appear in § 73.202(b). With this action, the proceeding is terminated.

DATES: Effective May 1, 2000.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–181, adopted March 8, 2000, and released March 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 268B at Merced.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 299A at Merced.

4. Section 73.202(b), the Table of FM Allotments under California is amended by adding North Fork, Channel 300B1.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–8174 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–649; MM Docket No. 99–9; RM–9434, RM–9597]

Radio Broadcasting Services; Lancaster, Groveton and Milan, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of North Country Radio, Inc., allots Channel 229A to Groveton, NH, as the community's first local aural service, and denies the request of Dana Puopolo to allot Channel 229A to Lancaster, NH, as the community's second local FM service. *See* 64 FR 5625, February 4, 1999. This action also dismisses the counterproposal of Barry P. Lunderville to allot Channel 229A to Milan, NH, as the community's first local aural service, because Channel 229A, at the proposed coordinates, cannot provide the entire community with the required 70 dBu signal due to the intervening terrain. In addition, the counterproposal did not comply with the subscription and verification

requirements of Section 1.52 of the Commission's Rules. Channel 229A can be allotted to Groveton in compliance with the Commission's minimum distance separation requirements with a site restriction of 10 kilometers (6.2 miles) northwest, at coordinates 44–33–55 North Latitude; 71–37–48 West Longitude, to avoid a short-spacing to Station WMWV, Channel 228A, Conway, NH. Canadian concurrence in the allotment, as a specially negotiated short-spaced allotment with respect to unoccupied and unapplied-for Channel 229A at East Angus, Quebec, has been obtained since Groveton is located within 320 kilometers (200 miles) of the U.S.-Canadian border. A filing window for Channel 229A at Groveton will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective May 8, 2000.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–9, adopted March 15, 2000, and released March 24, 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.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334. 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by adding Groveton, Channel 229A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–8170 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–P

Proposed Rules

Federal Register
Vol. 65, No. 65
Tuesday, April 4, 2000

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[CN–00–003]

RIN 0581–AB82

Grade Standards and Classification for American Pima Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to revise the official standards for the grade of American Pima to provide for the separation of grade into its chief components of color and leaf. This change was requested by representatives of the American Pima industry. Each component of the composite grade would stand on its own so that its effect on end use value or processing capability can be fully and separately evaluated. The separation of grade into color and leaf will require a change in three of the physical standards for American Pima cotton as currently maintained by USDA. The proposed change will enhance the Agency's ability to provide useful and cost-effective classification, standardization and market news services for American Pima cotton.

DATES: Comments must be received on or before close of business May 4, 2000 to be sure of consideration.

ADDRESSES: Written comments on this proposed rule should be sent to the Cotton Program, AMS, USDA, Room 2641–S, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, Cotton Program, AMS, USDA, Room 2641–S, P.O. Box 96456, Washington, DC 20090–6456. (202–720–2145)

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

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) AMS has considered the economic impact of this action on small entities and has determined that its implementation will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are an estimated 1,000 growers of Pima cotton in the U.S. who voluntarily use the AMS cotton classing services annually, and the majority of these entities are small businesses under the criteria established by the Small Business Administration (13 CFR 121.201). The change in procedure will not significantly affect small entities as defined in the RFA because:

(1) Classification will continue to be based upon the Official Standards for American Pima Cotton established and maintained by the Department;

(2) The change in official American Pima cotton standards will be consistently implemented for all American Pima cotton classed by USDA, with each component, color and leaf, standing on its own so that its effect on end use value or processing capability can be fully and separately evaluated. Therefore, it will not adversely affect competition in the marketplace; and

(3) The use of cotton classification services is voluntary. In 1999, 645,000 bales of American Pima cotton were produced—the largest Pima crop on record, and virtually all of them were submitted by growers for USDA classification. Over the last ten years, U.S. production of Pima has averaged 440,000 bales annually.

Paperwork Reduction Act

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions to be amended by this proposed rule have been previously approved by OMB and were assigned OMB control number 0581–0009 under the Paperwork Reduction Act.

Background

Pursuant to the authority contained in the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*), the Secretary of Agriculture maintains official cotton standards of the United States for the grades of American Pima cotton. These standards are used for the classification of American Pima cotton and provide a basis for the determination of value for commercial purposes. American Pima cotton is extra long staple cotton—1¼ to 1$^{9}/_{16}$ inches—from the botanical group Gossypium barbadense, and it accounts for only 3–5 percent of the total U.S. cotton crop each year.

The existing official cotton standards for the grades of American Pima cotton are listed and described in the regulation at 7 CFR 28.501–28.507. There are six physical standards represented by practical forms, and one descriptive standard for which practical forms are not made. The descriptive standard describes cotton which is lower in grade than that represented by the physical standards.

The first grade standards for American Pima (American Egyptian) cotton were promulgated by USDA in 1918. They have been revised several times since, mainly because of changing varietal characteristics and harvesting and ginning practices. The last complete revision of the standards was published in the **Federal Register** of June 18, 1985 (50 FR 25198), and became effective in 1986.

Pursuant to the United States Cotton Standards Act, any standard change or replacement to the standards shall become effective not less than one year after the date promulgated. It is anticipated that the changes proposed in this document, if adopted, would be implemented to coincide with the beginning of the 2001 crop year.

Need for Revisions

The current classification system for American Pima combines color and leaf and some extraneous matter into a composite grade, complicating the individual evaluation of the two primary components of color and leaf. Separation of the composite grade into its chief components of color and leaf and removal of any extraneous matter from the component standards would permit each quality factor to be recognized clearly on its own, and its effect on end use value or processing capability could be fully and separately evaluated. Manufacturers would be able to determine the utility value of each component and any premiums and discounts. American Upland cotton has been classified by separate color and leaf grades since 1993. The success of this separation for American Upland cotton prompted the representatives of the American Pima industry to request this change in the standards for American Pima. The USDA's ability to provide useful and cost-effective cotton classification, standardization, and market news services would be enhanced by this proposed change.

Proposed Revisions

The existing official cotton standards for the grades of American Pima cotton listed and described in the regulations at (7 CFR 28.501–28.507) would be revised.

There would be established seven official cotton standards for color grades of American Pima cotton. Of these seven standards, six would be physical standards represented by practical forms and one would be descriptive for the lowest quality color for which practical forms are not made. The six practical forms would have the same color ranges as currently maintained in the corresponding physical standards for the grades of American Pima cotton for Grade No. 1, Grade No. 2, Grade No. 3, Grade No. 4, Grade No. 5, and Grade No. 6 described at 7 CFR 28.501, 28.502, 28.503, 28.504, 28.505, and 28.506. The descriptive color standard for which practical forms would not be made would have the same color as currently described in the standards for the grade of American Pima cotton for Grade No. 7 at 7 CFR 28.507, which is any color inferior to Grade No. 6.

There would be established seven official cotton standards for leaf grade of American Pima cotton. Of these, six would be physical standards represented by practical forms and one would be a descriptive standard to describe the lowest quality cotton for which practical forms would not be made. The physical standards for leaf grades would each have the same leaf content ranges as currently maintained in the corresponding physical standards for the grades of American Pima cotton for Grade No. 1, Grade No. 2, Grade No. 3, Grade No. 4, Grade No. 5, and Grade No. 6 described at 7 CFR 28.501, 28.502, 28.503, 28.504, 28.505, and 28.506. Grade No. 7 is described at 28.507, and no physical standard will be made for it because it will continue to include all ranges of leaf content inferior to Grade No. 6. The standards for Grade No. 4, Grade No. 5, Grade No. 6, and Grade No. 7 would also be changed to remove the bark now present in those standards. After removal of bark from the standards, the presence of bark, which is extraneous matter, would be noted on classification records without regard to the grades assigned as any other extraneous matter is listed under the current standard. American Pima cotton will not be reduced in grade due to the presence of any extraneous matter when it is present in any grade.

For practical considerations the color standards and the leaf standards would be represented by the same set of physical samples. There would be one container for Grade No. 1 Color and Grade No. 1 Leaf, one container for Grade No. 2 Color and Grade No. 2 Leaf, one container for Grade No. 3 Color and Grade No. 3 Leaf, one container for Grade No. 4 Color and Grade No. 4 Leaf, one container for Grade No. 5 color and Grade No. 5 Leaf, and one container for Grade No. 6 Color and Grade No. 6 Leaf.

The definition of official standards in § 28.2 (p) would be changed to reflect the separation of color and leaf grades for American Upland and American Pima cotton.

A new section, § 28.521, would be added to state that Color Grade designation shall be made independently of the leaf content, and Leaf Grade designation shall be made independently of the color content. Section 28.522 would be added for explanatory terms that would include preparation and extraneous matter.

The table of symbols and code numbers used in lieu of cotton grade names in 7 CFR 28.525 would be revised to reflect the proposed changes.

Interested persons are invited to comment on the proposed changes to the American Pima cotton standards. A thirty day comment period is deemed appropriate because (1) pursuant to the United States Cotton Standards Act, any standard change or replacement to the standards shall become effective not less than one year after the date promulgated; and (2) it is anticipated that the changes proposed in this document, if adopted, would be implemented to coincide with the beginning of the 2001 crop year.

List of Subjects in 7 CFR Part 28

Administrative practice and procedure, Cotton, Cotton Samples, Grades, Market News, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set out in the preamble, it is proposed to amend title 7 CFR part 28, subpart A and C as follows:

1. The authority citation for 7 CFR part 28, Subpart A continues to read as follows:

Authority: Sec. 5, 50 Stat. 62, as amended (7 U.S.C. 55); sec. 10, 42 Stat. 1519 (7 U.S.C. 61).

2. In § 28.2, paragraph (p) is revised to read as follows:

§ 28.2 Terms defined.

* * * * *

(p) Official Cotton Standards. Official Cotton Standards of the United States for the color grade and the leaf grade of American upland cotton, the color grade and the leaf grade of American Pima cotton, the length of staple, and fiber property measurements, adopted or established pursuant to the Act, or any change or replacement thereof.

* * * * *

3. The authority citation for Part 28, Subpart C—Standards, Official Cotton Standards of the United States for the Grade of American Pima Cotton, would continue to read as follows:

Authority: Sections 28.501 to 28.507 and 28.511 to 28.517 issued under Sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U.S.C. 56, 26 U.S.C. 4854.

4. The undesignated centerheading following § 28.482 and §§ 28.501 through 28.507 would be revised to read as follows (§§ 25.508 through 25.510 continue to be reserved):

Official Cotton Standards of the United States for the Color Grade of American Pima Cotton

28.501 Color Grade No. 1.
28.502 Color Grade No. 2.
28.503 Color Grade No. 3.
28.504 Color Grade No. 4.
28.505 Color Grade No. 5.
28.506 Color Grade No. 6.
28.507 Color Grade No. 7.
28.508—28.510 [Reserved]

Official Cotton Standards of the United States for the Color Grade of American Pima Cotton

§ 28.501 Color Grade No. 1.

Color grade No. 1 shall be American Pima cotton which in color is within the range represented by a set of samples in

the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Color Grade No. 1, effective July 1, 1986.''

§ 28.502 Color Grade No. 2.

Color grade No. 2 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Color Grade No. 2, effective July 1, 1986.''

§ 28.503 Color Grade No. 3.

Color grade No. 3 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Color Grade No. 3, effective July 1, 1986.''

§ 28.504 Color Grade No. 4.

Color grade No. 4 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Color Grade No. 4, effective July 1, 1986.''

§ 28.505 Color Grade No. 5.

Color grade No. 5 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Color Grade No. 5, effective July 1, 1986.''

§ 28.506 Color Grade No. 6.

Color grade No. 6 shall be American Pima cotton which in color is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Color Grade No. 6, effective July 1, 1986.''

§ 28.507 Color Grade No. 7.

American Pima cotton which in color is inferior to Color Grade No. 6 shall be designated as ''Color Grade No. 7.''

5. An undesignated centerheading following §§ 28.508–28.510 [Reserved] and §§ 28.511 through 28.517 would be added to read as follows:

Official Cotton Standards of the United States for the Leaf Grade of American Pima Cotton

28.511 Leaf Grade No. 1.
28.512 Leaf Grade No. 1.
28.513 Leaf Grade No. 1.
28.514 Leaf Grade No. 1.
28.515 Leaf Grade No. 1.
28.516 Leaf Grade No. 1.
28.517 Leaf Grade No. 1.

Official Cotton Standards of the United States for the Leaf Grade of American Pima Cotton

§ 28.511 Leaf Grade No. 1.

Leaf grade No. 1 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 1, effective July 1, 1986.''

§ 28.512 Leaf Grade No. 2.

Leaf grade No. 2 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 2, effective July 1, 1986.''

§ 28.513 Leaf Grade No. 3.

Leaf grade No. 3 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 3, effective July 1, 1986.''

§ 28.514 Leaf Grade No. 4.

Leaf grade No. 4 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 4, effective July 1, 2001.''

§ 28.515 Leaf Grade No. 5.

Leaf grade No. 5 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 5, effective July 1, 2001.''

§ 28.516 Leaf Grade No. 6.

Leaf grade No. 6 shall be American Pima cotton which in leaf is within the range represented by a set of samples in the custody of the U. S. Department of Agriculture in a container marked ''Original Official Cotton Standards of the United States, American Pima, Leaf Grade No. 6, effective July 1, 2001.''

§ 28.517 Leaf Grade No. 7.

American Pima cotton which in leaf is inferior to Leaf Grade No. 6 shall be designated as ''Leaf Grade No. 7.''

6. An undesignated centerheading following § 28.517 and §§ 28.521 and 28.522 would be added to read as follows:

Application of Standards and Explanatory Terms

28.521 Application of color and leaf grade standards
28.522 Explanatory terms

Application of Standards and Explanatory Terms

§ 28.521 Application of color and leaf grade standards.

American Pima cotton which in color is within the range of the color standards established in this part shall be designated according to the color standard irrespective of the leaf content. American Pima cotton which in leaf is within the range of the leaf standards established in this part shall be designated according to the leaf standard irrespective of the color content.

§ 28.522 Explanatory terms.

(a) The term preparation is used to describe the degree of smoothness or roughness with which cotton in ginned and the relative neppiness or nappiness of the ginned lint. Normal preparation for any color grade of American Pima cotton for which there is a physical color standard shall be that found in the physical color standard. If the prep is other than normal, it shall be entered on the classification record.

(b) Presence of extraneous matter, such as bark, grass, oil, etc. in the sample, shall be noted. Explanatory terms considered necessary to adequately describe the presence of the extraneous matter will be entered on the classification record.

7. The authority citation for § 28.525, would continue to read as follows:

Authority: Sec. 28.525 issued under Sec. 10, 42 Stat. 1519 (U.S.C. 61). Interpret or apply Sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

8. In § 28.525, paragraph (d) would be redesignated as paragraph (e), paragraph (c) would be revised, and a new paragraph (d) would be added to read as follows:

§ 28.525 Symbols and code numbers.

* * * * *

(c) Symbols and Code Numbers for Color Grades of American Pima Cotton.

* * * * *

Full grade name	Symbol	Code No.
Color Grade No. 1 ...	AP C1	01
Color Grade No. 2 ...	AP C2	02
Color Grade No. 3 ...	AP C3	03
Color Grade No. 4 ...	AP C4	04
Color Grade No. 5 ...	AP C5	05
Color Grade No. 6 ...	AP C6	06
Color Grade No. 7 ...	AP C7	07

(d) Symbols and Code Numbers for Leaf Grades of American Pima Cotton.

Full grade name	Symbol	Code No.
Leaf Grade No. 1	AP L1	1
Leaf Grade No. 2	AP L2	2
Leaf Grade No. 3	AP L3	3
Leaf Grade No. 4	AP L4	4
Leaf Grade No. 5	AP L5	5
Leaf Grade No. 6	AP L6	6
Leaf Grade No. 7	AP L7	7

* * * * *

Dated: March 30, 2000.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 00–8298 Filed 4–3–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1218

[FV–99–702–PR3]

Blueberry Promotion, Research, and Information Order; Reopening and Extension of Voting Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and Referendum Order; Amendment to Referendum Order.

SUMMARY: This action reopens and extends the voting period for the referendum during which cultivated blueberry producers and importers will vote on whether the Blueberry Promotion, Research, and Information Order will become effective. The voting period has been extended an additional 21 days to conclude on April 14, 2000, rather than on March 24, 2000. This action will better facilitate voter participation.

DATES: In order to be eligible to vote, blueberry producers and importers must have produced or imported 2,000 pounds or more of cultivated blueberries during the period from January 1, 1999, through December 31, 1999 (representative period). The voting period for the referendum will be March 13 through April 14, 2000.

ADDRESSES: Oliver L. Flake, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2535–S, Stop 0244, Washington, DC 20250–0244.

FOR FURTHER INFORMATION CONTACT: Oliver L. Flake at the above address or telephone toll free (888) 720–9917.

SUPPLEMENTARY INFORMATION: Previous documents in this proceeding: Proposed rule on referendum procedures published in the July 22, 1999, issue of the **Federal Register** [64 FR 39803]; Proposed Rule on the Blueberry Promotion, Research, and Information Order, which included a Referendum Order, published in the February 15, 2000, issue of the **Federal Register** [65 FR 7657]; a final rule on referendum procedures published in the February 15, 2000, issue of the **Federal Register** [65 FR 7652].

The February 15, 2000, referendum order [65 FR 7657] specified that the voting period would be from March 13, 2000, through March 24, 2000. However, throughout the voting period, the U.S. Department of Agriculture (USDA) has received numerous telephone calls from potentially eligible voters who did not receive ballots. These calls continued through the last days of the voting period. Therefore, in order to better facilitate full voter participation in the referendum, USDA is extending the voting period through April 14, 2000. In addition, USDA will continue to mail ballots to those potentially eligible voters who request a ballot and others as they become known.

Section 518 of the Commodity Promotion, Research, and Information Act of 1996 (Act) requires that a referendum be conducted among eligible blueberry producers and importers as to whether they favor the Order. The proposed Order [65 FR 7657] would become effective if it is approved by a majority of producers and importers who also represent a majority of the volume of blueberries represented in the referendum.

Any eligible producer or importer who has not received a ballot and related material should telephone the following toll-free telephone number to speak with a referendum agent: 1 (888) 720–9917.

Amended Referendum Order

It is hereby directed that the referendum Order published in the **Federal Register** on February 15, 2000, at 65 FR 7657, be amended so that the voting period for the referendum conducted among eligible blueberry producers and importers to determine whether they favor implementation of the Blueberry Promotion, Research, and Information Order be reopened and extended.

Accordingly, the referendum shall be conducted from March 13 through April 14, 2000. Ballots were mailed to all known cultivated blueberry producers and importers. Eligible voters who did not receive a ballot by mail should call the following toll-free telephone number to receive a ballot: 1 (888) 720–9917. All ballots will be subject to verification.

In order to be eligible to vote, blueberry producers and importers must have produced or imported 2,000 pounds or more of cultivated blueberries during the period from January 1, 1999, through December 31, 1999 (representative period). Ballots must be received by the referendum agents no later than April 14, 2000, to be counted.

Oliver L. Flake and Martha B. Ransom, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2535–S, Stop 0244, Washington, DC 20250–0244, are designated as the referendum agents of the Secretary of Agriculture to conduct the referendum. The Procedure for the Conduct of the Referenda in Connection with the Blueberry Promotion, Research, and Consumer Information Order, 7 CFR 1218.100–1218.107, which was published separately in the **Federal Register** [65 FR 7652], shall be used to conduct the referendum.

List of Subjects in 7 CFR Part 1218

Administrative practice and procedure, Advertising, Blueberries, Consumer information, Marketing agreements, Blueberry promotion, Reporting and Recordkeeping requirements.

Authority: U.S.C. 7401–7425

Dated: March 30, 2000.

Kathleen A. Merrigan,

Administrator.

[FR Doc. 00–8297 Filed 3–31–00; 10:40 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE159; Notice No. 23–00–01–SC]

Special Conditions: Cessna Models; Diamond Model; Mooney Models; Piper Models; Raytheon Models; Airplanes Modified by Installation of Teledyne Continental Motors Full Authority Digital Engine Control (FADEC) System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes as modified by Teledyne Continental Motors to include a FADEC System. These airplanes, as modified, will have a novel or unusual design feature associated with the installation of an engine that uses an electronic engine control system in place of the engine's mechanical system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before May 4, 2000.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket, Docket No. CE159, DOT Building, 901 Locust, Kansas City, Missouri 64106, or delivered in duplicate to the Regional Counsel at the above address. Comments must be marked: Docket No. CE159. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Randy Griffith, Aerospace Engineer, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Room 301, Kansas City, Missouri, 816–329–4126, fax 816–329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. If a comment applies to a specific airplane model, please identify the model in the comment. The proposals described in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to CE159.'' The postcard will be date stamped and returned to the commenter.

Background

On January 7, 2000, Teledyne Continental Motors applied for supplemental type certificates for the installation of engines which use an electronic engine control system in place of the hydromechanical control system for the Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes. Affected airplane models are currently approved under the following Type Certificate Numbers:

Model	Type Certificate No.
Cessna Models 172/K/L/M/N/P.	3A12
Cessna Models 177/A/B.	A13CE
Cessna Model 177RG.	A20CE
Cessna Models 180/E/F/G/H/J/K.	5A6
Cessna Models 182/E/F/G/H/J/K/L/M/N/P/Q/R.	3A13
Cessna Models 185/A/C/D/E/F.	3A24
Cessna Models 188/A/B/C.	A9CE
Cessna Models P206/A/B/C/D/E, U206A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E.	A4CE
Cessna Models 207/A, T207/A.	A16CE
Cessna Models 210/K/L/M/N/R, T210/K/L/M/N/R.	3A21
Cessna Model 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R.	3A10
Cessna Models 320/A/B/C/D/E/F/–1, 340/A.	3A25
Cessna Model 337/A/B/C/D/E/F/G/H.	A6CE
Cessna Models 401/A/B, 411/A, 414/A, 421/A/B/C.	A7CE
Diamond Model DA20–C1.	TA4CH
Mooney Models M20/C/D/E/F/J/K/R.	2A3
Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T.	2A13
Piper Model PA–34–200/–200T/–220T.	A7SO
Piper Model PA–46–310P/–350P.	A25SO
Raytheon Models F33, V35, A36.	3A15
Raytheon Models 58, 95–C55, D55, E55.	3A16
Raytheon Model 58P	A23CE

All the airplanes are small, normal category airplanes powered with either single or dual reciprocating engines. The modification to the airplanes involves replacement of the engine with a new engine model that incorporates an electronic engine control system with full engine authority capability. The new engine model is accomplished with either an amended type certificate to the

engine if the engine is a Teledyne Continental engine or a supplemental type certificate to the engine if the engine is a Lycoming engine. The airframe systems will also be modified as necessary to accommodate the engine's new control system.

Type Certification Basis

Under the provisions of § 21.101, Teledyne Continental Motors must show that affected airplane models, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate Numbers 3A12, A13CE, A20CE, 5A6, 3A13, 3A24, A9CE, A4CE, A16CE, 3A21, 3A10, 3A25, A6CE, A7CE, TA4CH, 2A3, 2A13, A7SO, A25SO, 3A15, 3A16, A23CE 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'' and can be found in the following Type Certificate Numbers:

Model	Type Certificate Number
Cessna Models 172/K/L/M/N/P.	3A12 Rev 65; Dec 15, 99
Cessna Models 177/A/B	A13CE Rev 23; Oct 15, 94
Cessna Model 177RG	A20CE Rev 18; Oct 15, 94
Cessna Models 180/E/F/G/H/J/K.	5A6 Rev 62; Jun 15, 95
Cessna Models 182/E/F/G/H/J/K/L/M/N/P/Q/R.	3A13 Rev 56; Dec 15, 99
Cessna Models 185/A/C/D/E/F.	3A24 Rev 36; Nov 15, 99
Cessna Models 188/A/B/C	A9CE Rev 26; Oct 15, 95
Cessna Models P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E.	A4CE Rev 37; Dec 15, 94
Cessna Models 207/A, T207/A.	A16CE Rev 20; Oct 15, 94
Cessna Models 210/K/L/M/N/R, T210/K/L/M/N/R.	3A21 Rev 45; Aug 15, 96
Cessna Model 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R.	3A10 Rev 61; Nov 15, 97
Cessna Models 320/A/B/C/D/E/F/–1, 340/A.	3A25 Rev 25; Aug 15, 94
Cessna Model 337/A/B/C/D/E/F/G/H.	A6CE Rev 37; Oct 15, 94
Cessna Models 401/A/B, 411/A, 414/A, 421/A/B/C.	A7CE Rev 44; May 15, 99
Diamond Model DA20–C1	TA4CH Rev 4; Apr 8, 99
Mooney Models M20/C/D/E/F/J/K/R.	2A3 Rev 46; Aug 10, 99
Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T.	2A13 Rev 44; Oct 15, 97
Piper Model PA–34–200/–200T/–220T.	A7SO Rev 13; Dec 18, 96
Piper Model PA–46–310P/–350P.	A25SO Rev 8; Mar 4, 99
Raytheon Models F33, V35, A36.	3A15 Rev 88; Jan 15, 00
Raytheon Models 58, 95–C55, D55, E55.	3A16 Rev 80; Jan 18, 00
Raytheon Model 58P	A23CE Rev 14; Apr 15,96

If the Administrator finds that the applicable airworthiness regulations (i.e., Part 23) do not contain adequate or appropriate safety standards for affected airplane models because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), 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 the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes will incorporate an engine that includes an electronic control system with full engine authority capability. The airframe systems will also be modified as necessary to accommodate the engine's new control system.

Many advanced electronic systems are prone to either upsets or damage, or both, at energy levels lower than analog systems. The increasing use of high power radio frequency emitters mandates requirements for improved high intensity radiated fields (HIRF) protection for electrical and electronic equipment. Since the electronic engine control system developed by Teledyne Continental Motors will perform functions in which a failure may cause an unsafe condition, provisions for protection from the effects of HIRF fields should be considered and, if necessary, incorporated into the airplane design data. The FAA policy contained in Notice 8110.71, dated April 2, 1998, establishes the HIRF energy levels that airplanes will be exposed to in service. The guidelines set forth in this Notice are the result of an Aircraft Certification Service review of existing policy on HIRF, in light of the ongoing work of the ARAC Electromagnetic Effects Harmonization Working Group (EEHWG). The EEHWG adopted a set of HIRF environment levels in November 1997 that were agreed upon by the FAA, JAA, and industry participants. As a result, the HIRF environments in this notice reflect the environment levels recommended by this working group. This notice states that a full authority digital engine control is an example of a system that should address the HIRF environments.

Even though each control system will be certificated as part of the engine, the installation of an engine with an electronic control system requires evaluation due to the possible effects on or by other airplane systems (e.g., radio interference with other airplane electronic systems, shared engine and airplane power sources). The regulatory requirements in 14 CFR Part 23 for evaluating the installation of complex systems, including electronic systems, are contained in § 23.1309. However, when § 23.1309 was developed, the use of electronic control systems for engines was not envisioned; therefore, the § 23.1309 requirements were not applicable to systems certificated as part of the engine (reference § 23.1309(f)(1)). Also, electronic control systems often require inputs from airplane data and power sources and outputs to other airplane systems (e.g., automated cockpit powerplant controls such as mixture setting). Although the parts of the system that are not certificated with the engine could be evaluated using the criteria of § 23.1309, the integral nature of systems such as these makes it unfeasible to evaluate the airplane portion of the system without including the engine portion of the system. However, § 23.1309(f)(1) again prevents complete evaluation of the installed airplane system since evaluation of the engine system's effects is not required.

Therefore, special conditions are proposed for the Cessna Models 172/K/

L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes modified by Teledyne Continental Motors by installation of an electronic engine control system to provide HIRF protection and to evaluate the installation of the electronic engine control system for compliance with the requirements of § 23.1309(a) through (e) at Amendment 23–41.

Applicability

As discussed above, these special conditions are applicable to the Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes as modified by Teledyne Continental Motors. Should Teledyne Continental Motors apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate Numbers 3A12, A13CE, A20CE, 5A6, 3A13, 3A24, A9CE, A4CE, A16CE, 3A21, 3A10, 3A25, A6CE, A7CE, TA4CH, 2A3, 2A13, A7SO, A25SO, 3A15, 3A16, A23CE to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes. It is not a rule of general applicability. It is only applicable to airplanes being modified by Teledyne Continental Motors to include this engine system.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101 and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Cessna Models 172/K/L/M/N/P, 177/A/B/RG, 180/E/F/G/H/J/K, 182/E/F/G/H/J/K/L/M/N/P/Q/R, 185/A/C/D/E/F, 188/A/B/C, P206/A/B/C/D/E, U206/A/B/C/D/E/F/G, TU206/A/B/C/D/E/F/G, TP206/A/B/C/D/E, 207/A, T207/A, 210/K/L/M/N/R, T210/K/L/M/N/R, 310/A/B/C/D/E/F/G/H/I/J/J–1/K/L/N/P/Q/R, 320/A/B/C/D/E/F/–1, 337/A/B/C/D/E/F/G/H, 340/A, 401/A/B, 411/A, 414/A, 421/A/B/C; Diamond Model DA20–C1; Mooney Models M20/C/D/E/F/J/K/R; Piper Models PA–28–180/–201T, PA–28R–201T, PA–28RT–201T, PA–34–200/–200T/–220T, PA–46–310P/–350P; and Raytheon Models F33, V35, A36, 95–C55, D55, E55, 58, 58P airplanes modified by Teledyne Continental Motors to include an engine with a FADEC System.

1. *High Intensity Radiated Fields (HIRF) Protection.* In showing compliance with 14 CFR Part 21 and the airworthiness requirements of 14 CFR Part 23, protection against hazards caused by exposure to HIRF fields for the full authority digital engine control system, which performs functions in which a failure may cause an unsafe condition to the airplane, must be considered. To prevent this occurrence, the electronic engine control system, must be designed and installed to ensure that the operation and operational capabilities of this critical system isare not adversely affected when the airplane is exposed to high energy radio fields.

At this time, the FAA and other airworthiness authorities are unable to precisely define or control the HIRF energy level to which the airplane will be exposed in service; therefore, the FAA hereby defines two acceptable interim methods for complying with the requirement for protection of systems that perform functions in which a failure may cause an unsafe condition.

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform functions in which a failure may cause an unsafe condition, are not adversely affected when the aircraft is exposed to the external HIRF threat environment defined in the following table:

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 root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform functions in which a failure may cause an unsafe condition can withstand a minimum threat of 100 volts per meter peak electrical strength, without the benefit of airplane structural shielding, in the frequency range of 10 KHz to 18 GHz.

When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

2. *Electronic Engine Control System.* The installation items that affect the electronic engine control system must comply with the requirements of

§ 23.1309 (a) through (e) at Amendment 23–41.

Issued in Kansas City, Missouri on March 22, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–8231 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–P st

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ANM–12]

Proposed Revision of Class E Airspace, North Bend, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This proposal would amend the North Bend, OR, Class E airspace to accommodate the development of a revised Standard Instrument Approach Procedure (SIAP) at the North Bend Municipal Airport, North Bend, OR.

DATES: Comments must be received on or before May 19, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 99–ANM–12, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

The official docket may be examined in the office of the Assistant Chief Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket No. 99–ANM–12, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–ANM–12.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at North Bend, OR, in order to accommodate a revised SIAP to the North Bend Municipal Airport, North Bend, OR. This amendment would provide additional airspace at North Bend, OR, to meet current criteria standards associated with SIAP holding patterns. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under Instrument Flight Rules (IFR) at the North Bend Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published Paragraph 6005, of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [AMENDED]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM or E5 North Bend, OR

North Bend VORTAC

(Lat. 43°24′56″N, long. 124°10′06″W)

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the North Bend VORTAC from the 142° radial, and within 2.7 miles north of the VORTAC 268° radial extending from the 8 mile radius to 11 miles west of the VORTAC, and within 1.8 miles south and 5.7 miles north of the VORTAC 241° radial extending from the 8 mile radius to 14.8 miles southwest; that airspace extending upward from 1,200 feet about the surface within a 22 mile radius of the VORTAC extending clockwise from the west edge of V–27 south of the VORTAC, to the west edge of V–287 north of the VORTAC, and within 2.2 miles southeast and 10.1 miles northwest of the VORTAC 241° radial, extending from the VORTAC to 22.2 miles southwest.

* * * * *

Issued in Seattle, Washington, on March 22, 2000.

Daniel A. Boyle,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 00–8232 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–103736–00]

RIN 1545–AX79

Requirement to Maintain List of Investors in Potentially Abusive Tax Shelters; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to cross-reference notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains a correction to a cross-reference notice of proposed rulemaking and notice of public hearing which were published in the **Federal Register** on Thursday, March 2, 2000 (65 FR 11271), relating to the maintenance of lists of potentially abusive tax shelters described in section 6112.

FOR FURTHER INFORMATION CONTACT: Guy Traynor at (202) 622–7180.

SUPPLEMENTARY INFORMATION:

Background

The regulations that are subject to this correction are under section 6112 of the Internal Revenue Code.

Need for Correction

As published, the regulations [REG–103736–00] contain an error in the preamble that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking [REG–103736–00], which was the subject of FR Doc. 00–4847, is corrected as follows:

1. On page 1272, column 2, fifth line from the top of the column, the language ''June 22, 2000,'' is corrected to read ''June 20, 2000,''.

Dale D. Goode,

Federal Register Liaison, Assistant Chief Counsel (Corporate).

[FR Doc. 00–7918 Filed 4–3–00; 8:45 am]

BILLING CODE 4830–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–673; MM Docket No. 99–123; RM 9502]

Radio Broadcasting Services; Royston and Commerce, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: The Allocations Branch denies a rulemaking petition filed by Southern Broadcasting of Athens, Inc., to reallot Channel 279C3 and to change the community of license of its Station WPUP(FM) from Royston to Commerce, Georgia. The Branch determined that the proposal would not result in a preferential arrangement of allotments. *See* 64 FR 23253, April 30, 1999. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, (202) 418–2120

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–123, adopted March 23, 2000, and released March 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, D.C. 20554. 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.

List of Subjects 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–8175 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–654; MM Docket No. 99–61; RM–9448]

Radio Broadcasting Services; Polson, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a Petition for Rule Making filed by Mountain West Broadcasting requesting the allotment of Channel 259C3 at Polson, Montana. *See* 64 FR 8788, February 23, 1999. With this action, this proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–61, adopted March 15, 2000, and released March 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–8173 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–646, MM Docket No. 00–54, RM–9835]

Radio Broadcasting Services; Mount Pleasant, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Leo Ashcraft proposing the allotment of Channel 263A at Mount Pleasant, Texas, as that community's first local FM service. The coordinates for Channel 263A at Mount Pleasant are 33–09–21 and 95–01–21. There is a site restriction 5.1 kilometers (3.1 miles) west of the community.

DATES: Comments must be filed on or before May 15, 2000, and reply comments on or before May 30, 2000.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Leo Ashcraft, Michael Celenza, Celenza Communications, 41 Kathleen Crescent, Coram, New York 11727.

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. 00–54, adopted March 15, 2000, and released March 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW, Washington, DC 20554. 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. 00–8172 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–645, MM Docket No. 00–53, RM–9823]

Radio Broadcasting Services; Detroit Lakes and Barnesville, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by T&J Broadcasting, Inc. proposing the reallotment of Channel 236C1 from Detroit Lakes, Minnesota, to Barnesville, Minnesota, and modification of the license for Station KFGX(FM) to specify Barnesville as its community of license. The coordinates for Channel 236C1 at Barnesville are 46–49–10 and 96–45–56. Canadian concurrence will be requested for the allotment at Barnesville. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 236C1 at Barnesville.

DATES: Comments must be filed on or before May 15, 2000, and reply comments on or before May 30, 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: Clifford M. Harrington, Dawn M. Sciarrino, Amy L. Van de Kerckhove, Fisher Wayland Cooper Leader & Zaragoza L.L.P., 2001 Pennsylvania Avenue, N.W., Suite 400, Washington, D.C. 20006.

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. 00–53, adopted March 15, 2000, and released March 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Public Reference Center, 445 Twelfth Street, S.W., 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. 00–8171 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–648, MM Docket No. 00–55, RM–9836]

Radio Broadcasting Services; Fredonia and Falconer, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by North County Broadcasting, Inc., licensee of Station WCQA, Fredonia, NY, seeking the reallotment of Channel 243A from Fredonia to Falconer, NY, as the community's first local aural service, and the modification of Station WCQA's license accordingly. Channel 243A can be allotted to Falconer in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.0 kilometers (2.5 miles) southwest, at coordinates 42–05–22 NL; 79–13–38 WL, to accommodate petitioner's desired transmitter site.

Canadian concurrence in the allotment is required since Falconer is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before May 15, 2000, and reply comments on or before May 30, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Daniel C. Fischer, Vice President, North County Broadcasting, Inc., P.O. Box 1199, Jamestown, NY 14701 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–55, adopted March 15, 2000, and released March 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 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.

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* contacts.

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

List of Subjects 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–8169 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–647, MM Docket No. 00–56, RM–9839]

Radio Broadcasting Services; Eastman, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Clyde and Connie Lee Scott, d/b/a EME Communications, seeking the allotment of Channel 221A to Eastman, GA, as the community's second local FM and third local aural service. Channel 221A can be allotted to Eastman in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.1 kms (8.2 miles) west, at coordinates 32–10–20 NL; 83–18–49 WL, to avoid a short-spacing to Station WKKZ, Channel 224C2, Dublin, GA.

DATES: Comments must be filed on or before May 15, 2000, and reply comments on or before May 30, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: EME Communications, 293 JC Saunders Road, Moultrie, GA 31768 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–56, adopted March 15, 2000, and released March 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 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.

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* contacts.

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. 00–8168 Filed 4–3–00; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 65, No. 65
Tuesday, April 4, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

National Drought Policy Commission

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of Commission Meeting.

SUMMARY: The National Drought Policy Commission (Commission) shall conduct a thorough study and submit a report to the President and Congress on national drought policy. This notice announces a meeting to be held on April 19, 2000, and April 20 if necessary. The Commission will review public comments submitted in response to its draft report, as well as discuss and approve the content of the Executive Summary and final report. The meeting is open to the public.

DATES: The Commission will conduct a meeting on April 19, 2000, from 8:00 a.m. to 5:00 p.m., and April 20, 2000, from 9:00 a.m. to 5:00 p.m., if necessary to complete its work, in the Jamie L. Whitten Federal Building, 12th and Jefferson Drive, SW, Washington, D.C. All times are Eastern Daylight Time.

Persons with disabilities who require accommodations to attend or participate in this meeting should contact Leona Dittus, on 202–720–3168, Federal Relay Service at 1–800–877–8339, or Internet: leona.dittus@usda.gov, by COB April 12, 2000.

ADDRESSES: Comments and statements should be sent to Leona Dittus, Executive Director, National Drought Policy Commission, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Room 6701–S, STOP 0501, Washington, D.C. 20250–0501.

FOR FURTHER INFORMATION CONTACT: Leona Dittus (202) 720–3168; FAX (202) 720–9688; Internet: leona.dittus@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to provide advice and recommendations to the President and Congress on the creation of an integrated, coordinated Federal policy, designed to prepare for and respond to serious drought emergencies. Tasks for the Commission include developing recommendations that will (a) better integrate Federal laws and programs with ongoing State, local, and tribal programs, (b) improve public awareness of the need for drought mitigation, prevention, and response and (c) determine whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency, and, if so, identify the agency.

The Commission's draft vision statement is of a well-informed, involved U. S. citizenry and its governments prepared for and capable of lessening the impacts of drought—consistently and timely. Drought policy should improve national security and foster economic prosperity, environmental quality, and social well being. It should also benefit future generations as well as our own.

Signed at Washington, D.C., on March 29, 2000.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 00–8227 Filed 4–3–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Child Nutrition Programs—Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals or free milk for the period from July 1, 2000 through June 30, 2001. These guidelines are used by schools, institutions, and facilities participating in the National School Lunch Program (and Commodity School Program), School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Summer Food Service Program. The annual adjustments are required by section 9 of the National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for changes in the Consumer Price Index.

EFFECTIVE DATE: July 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, or by phone at (703) 305–2620.

SUPPLEMENTARY INFORMATION: This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

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

These programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556, No. 10.558 and No. 10.559 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)(1)(A)), the Department annually issues the Income Eligibility Guidelines for free and reduced price meals for the National School Lunch Program (7 CFR part 210), the Commodity School Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Summer Food Service Program (7 CFR part 225) and Child and Adult Care Food Program (7 CFR part 226) and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal income poverty guidelines and are stated by household size. The guidelines are used to determine eligibility for free and reduced price meals and free milk in

accordance with applicable program rules.

Definition of Income

''Income,'' as the term is used in this Notice, means income before any deductions such as income taxes, Social Security taxes, insurance premiums, charitable contributions and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) Social Security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which would be available to pay the price of a child's meal.

''Income,'' as the term is used in this Notice, does not include any income or benefits received under any Federal programs which are excluded from consideration as income by any legislative prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 2000 through June 30, 2001. The Department's guidelines for free meals and milk and reduced price meals were obtained by multiplying the year 2000 Federal income poverty guidelines by *1.30* and *1.85*, respectively, and by rounding the result upward to the next whole dollar. Weekly and monthly guidelines were computed by dividing annual income by 52 and 12, respectively, and by rounding upward to the next whole dollar. The numbers reflected in this notice for a family of four represent an increase of 2.09% over the July 1999 numbers for a family of the same size.

INCOME ELIGIBILITY GUIDELINES
(Effective from July 1, 2000 to June 30, 2001)

Household size	Federal Poverty Guidelines			Reduced Price Meals - 185%			Free Meals - 130%		
	Annual	Month	Week	Annual	Month	Week	Annual	Month	Week
48 CONTIGUOUS UNITED STATES, DISTRICT OF COLUMBIA, GUAM AND TERRITORIES									
1.....	8,350	696	161	15,448	1,288	298	10,855	905	209
2.....	11,250	938	217	20,813	1,735	401	14,625	1,219	282
3.....	14,150	1,180	273	26,178	2,182	504	18,395	1,533	354
4.....	17,050	1,421	328	31,543	2,629	607	22,165	1,848	427
5.....	19,950	1,663	384	36,908	3,076	710	25,935	2,162	499
6.....	22,850	1,905	440	42,273	3,523	813	29,705	2,476	572
7.....	25,750	2,146	496	47,638	3,970	917	33,475	2,790	644
8.....	28,650	2,388	551	53,003	4,417	1,020	37,245	3,104	717
For each add'l family member add	+2,900	+242	+56	+5,365	+448	+104	+3,770	+315	+73
ALASKA									
1.....	10,430	870	201	19,296	1,608	372	13,559	1,130	261
2.....	14,060	1,172	271	26,011	2,168	501	18,278	1,524	352
3.....	17,690	1,475	341	32,727	2,728	630	22,997	1,917	443
4.....	21,320	1,777	410	39,442	3,287	759	27,716	2,310	533
5.....	24,950	2,080	480	46,158	3,847	888	32,435	2,703	624
6.....	28,580	2,382	550	52,873	4,407	1,017	37,154	3,097	715
7.....	32,210	2,685	620	59,589	4,966	1,146	41,873	3,490	806
8.....	35,840	2,987	690	66,304	5,526	1,276	46,592	3,883	896
For each add'l family member add	+3,630	+303	+70	+6,716	+560	+130	+4,719	+394	+91
HAWAII									
1.....	9,590	800	185	17,742	1,479	342	12,467	1,039	240
2.....	12,930	1,078	249	23,921	1,994	461	16,809	1,401	324
3.....	16,270	1,356	313	30,100	2,509	579	21,151	1,763	407
4.....	19,610	1,635	378	36,279	3,024	698	25,493	2,125	491
5.....	22,950	1,913	442	42,458	3,539	817	29,835	2,487	574
6.....	26,290	2,191	506	48,637	4,054	936	34,177	2,849	658
7.....	29,630	2,470	570	54,816	4,568	1,055	38,519	3,210	741
8.....	32,970	2,748	635	60,995	5,083	1,173	42,861	3,572	825
For each add'l family member add	+3,340	+279	+65	+6,179	+515	+119	+4,342	+362	+84

Authority: (42 U.S.C. 1758(b)(1)).

Dated: March 27, 2000.

Samuel Chambers, Jr.,

Administrator.

[FR Doc. 00–8205 Filed 4–3–00; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 00–012N]

Codex Alimentarius Commission: Twenty-eighth Session of the Codex Committee on Food Labelling

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS), are sponsoring a public meeting on April 17, 2000, to provide information and receive public comments on agenda items that will be discussed at the Twenty-eighth Session of the Codex Committee on Food Labelling (CCFL), which will be held in Ottawa, Canada, May 9–12, 2000. The Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the Twenty-eighth Session of CCFL and to address items on the Agenda.

DATES: The public meeting is scheduled for Monday, April 17, 2000, from 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Room 1409, Federal Office Building 8, 200 C Street SW, Washington, DC. (Metro Rail stop is Federal Center, SW.) To receive copies of the documents referenced in this notice, contact the FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700. The documents will also be accessible via the World Wide Web at the following address: *http://www.fao.org/waicent/faoinfo/economic/esn/codex.* Send comments, in triplicate, to the FSIS Docket Clerk and reference Docket #00–012N. All comments submitted in response to this notice will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, Associate U.S. Manager for Codex, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Building, 1400 Independence Avenue, SW, Washington, DC 20250, Telephone: (202) 205–7760, Fax: (202) 720–3157.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the major international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and correctly labeled.

The Codex Committee on Food Labelling drafts provisions on labeling applicable to all foods; considers, amends if necessary, and endorses specific provisions on labeling prepared by the Codex Committees drafting standards, codes of practice and guidelines; studies specific labeling problems assigned to it by the Commission, and studies problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

Issues To Be Discussed at the Public Meeting

Agenda items will be described and discussed at the April 17, 2000, public meeting. Attendees will have the opportunity to pose questions and offer comments.

The provisional agenda items to be discussed during the public meeting:

1. Adoption of the Agenda
2. Matters referred by the Codex Alimentarius Commission and other Codex Committees
3. Consideration of Labeling Provisions in Draft Codex Standards
4. Draft Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods (Livestock Production)
5. Recommendations for the Labeling of Foods Obtained through Biotechnology
6. Draft Amendment to the General Standard for the Labeling of Prepackaged Foods (Class Names)
7. Proposed Draft Amendment to the Guidelines on Nutrition Labeling
8. Proposed Draft Recommendations for the Use of Health Claims
9. Proposed Draft Guidelines for the Use of the Term ''Vegetarian''
10. Other business:

    Discussion Paper on Misleading Claims

    Discussion Paper on Quantitative Ingredient Declaration

Each issue listed will be fully described in documents distributed, or to be distributed, by the Canadian Secretariat to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at http://www.fsis.usda.gov. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included.

Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done at Washington, DC on March 30, 2000.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. 00–8247 Filed 4–3–00; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF INTERIOR

Bureau of Land Management

[ID–918–00–1610–DE–UCRB]

Interior Columbia Basin Ecosystem Management Project, Northern, Intermountain, and Pacific Northwest Regions and States of Oregon, Washington, Idaho, Montana

AGENCIES: Forest Service, USDA; Bureau of Land Management, USDI.

ACTION: Notice of availability of a supplemental draft environmental impact statement (EIS).

SUMMARY: The Forest Service and Bureau of Land Management are developing a scientifically sound, ecosystem-based management strategy for certain lands under their jurisdiction east of the Cascade crest in Oregon and Washington and in the Columbia River Basin in Idaho and Montana. Comments following review of the Eastside Draft Environmental Impact Statement and the Upper Columbia River Basin Draft Environmental Impact Statement have led the agencies to revisit and refine the management direction described and analyzed in the draft EISs. The refined management direction addresses those issues which need resolution at the basin-wide scale. The geographic scope of the effort has been narrowed. The agencies have prepared one supplemental draft EIS to analyze the refined strategy, addressing what had been covered by the two draft EISs in one document. The supplemental draft EIS includes a summary of the comments received on the two draft EISs and response to those comments.

DATES: The supplemental draft EIS is now available for public review and comment. A 90-day public comment period is provided. Public outreach to explain the supplemental draft EIS and to assist the public with commenting on it will be conducted throughout the Project area during the comment period. Notice of dates and locations of these efforts will be given through mailings and local media. Comments on the supplemental draft EIS must be submitted in writing by July 6, 2000. The Interior Columbia Basin Ecosystem Management Project (ICBEMP) interdisciplinary team will then analyze the comments and respond to them in a final EIS. The final EIS is expected to be available in late fall, 2000, and the record of decision (ROD) will be signed shortly thereafter.

ADDRESSES: Copies of the supplemental draft EIS may be obtained from ICBEMP, 304 N. 8th Street, Room 250, Boise, ID 83702 or by calling (208) 334–1770, ext. 120. The supplemental draft EIS is also available via the internet (http://www.icbemp.gov). Comments on the supplemental draft EIS should be submitted in writing to SDEIS, P.O. Box 420, Boise, Idaho 83701–0420. Comments may be submitted electronically at the Project's home page (http://www.icbemp.gov), where a comment form is available. Comments, including names and street addresses of respondents, will be available for public review at the Boise office during regular business hours (8 a.m. to 5 p.m. Monday through Friday, except holidays), and may be published as part of the final environmental impact statement. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the decision under 36 CFR 217 (Forest Service) or standing to protest the proposed decision under 43 CFR 1610.5–2 (Bureau of Land Management).

FOR FURTHER INFORMATION CONTACT: Susan Giannettino, Project Manager, 304 North 8th St., Room 250, Boise, Idaho 83702, phone (208) 334–1770; or Geoff Middaugh, Deputy Project Manager, P.O. Box 2344, Walla Walla, Washington 99362, phone (509) 522–4030.

SUPPLEMENTARY INFORMATION: On February 1, 1994, the Forest Service and Bureau of Land Management published, in the **Federal Register**, a notice of intent to prepare an EIS (the Eastside Environmental Impact Statement) to develop a scientifically sound, ecosystem-based management strategy for the lands managed by those two agencies and located east of the Cascade crest in Oregon and Washington. On December 7, 1994, the Forest Service and Bureau of Land Management published a notice of intent to prepare an EIS (the Upper Columbia River Basin Environmental Impact Statement) and conduct planning activity to develop a scientifically sound, ecosystem-based management strategy for lands administered by those two agencies within the Columbia River basin in the states of Idaho, Montana, Wyoming, Utah, and Nevada. On August 7, 1995, the two agencies published an amended notice of intent excluding the Forest Service-administered lands within the Greater Yellowstone Ecosystem from the Upper Columbia River Basin planning effort.

On June 6, 1997, the Environmental Protection Agency published its notice of availability of the two draft EISs—Eastside draft EIS and Upper Columbia River Basin draft EIS—and informed the public of a 120-day public review period. The review period was ultimately extended to eleven months. During the public review period, over 83,000 responses, commenting on the two draft EISs, were received.

To simplify further public review, to clarify the fact that one broad-scale strategy is being developed, and to save time and money in preparation, printing, and distribution of additional documents, the Executive Steering Committee (the responsible officials for this project) has decided that future environmental analysis of alternative management strategies will be documented in one EIS, rather than two. (This unified effort is referred to as the Interior Columbia Basin Ecosystem Management Project (ICBEMP)). Further, alternative management strategies will focus on issues that are best addressed at the basin-wide scale. Those issues that are limited to smaller geographic units (individual or small groupings of administrative units) will be resolved at that level through local public involvement and the land management agencies' existing planning and decision-making processes.

The Executive Steering Committee decided to refine the management direction being developed in response to public comment. They determined that the refined management direction could include substantial changes in the proposed action that would be relevant to environmental concerns, and that the purposes of the National Environmental Policy Act would be furthered by preparing a supplemental draft EIS.

The supplemental draft EIS is responsive to the basin-wide issues identified during the initial public scoping and described in the two draft EISs, the public comments received on the two draft EISs, and the findings of the Science Integration Team, described in An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and

Great Basins (Quigley, and Arbelbide, eds 1997) and Integrated Scientific Assessment for ecosystem management in the interior Columbia basin and portions of the Klamath and Great Basins (Quigley, Haynes and Graham, eds) 1996.

The characteristics of the refined management direction described and analyzed in the supplemental draft EIS are as follows:

1. It addresses the limited number of issues that must be resolved at the Basin level.

2. It describes an aquatic conservation strategy to replace interim strategies, PacFish and InFish. Also, the biological opinion (pursuant to formal consultation under Section 7 of the Endangered Species Act) on the ICBEMP selected alternative will replace the three biological opinions recently completed on the Land and Resource Management Plans as amended by PacFish and InFish (National Marine Fisheries Service (NMFS), 1995, NMFS 1998, US Fish and Wildlife Service, 1998). The aquatic conservation strategy is also to provide adequate habitat and water quality to result in long-term viability for steelhead, salmon, cutthroat, bull trout and other aquatic species; and to address Basin-wide Clean Water Act responsibilities.

3. The refined direction describes a terrestrial habitat strategy to provide habitat for wide-ranging species. Species that have limited ranges and require site-specific information (*e.g.,* woodland caribou) will be addressed at the scale most appropriate to their needs rather than in the ICBEMP planning.

4. Landscape health issues will be addressed through objectives and standards to provide a common set of desired outcomes and to coordinate budgeting, priority setting, and on-the-ground activities. (Specific design of activities will be addressed at the local level, rather than in this basin-wide supplemental draft EIS.) Issues addressed include the spread of noxious weeds, and the potential for unnaturally large and dangerous wild fires.

5. The supplemental draft EIS includes objectives and standards designed to ensure land management considers and, to the extent possible, supports economic and/or social needs of people, cultures, and communities through more sustainable and predictable levels of goods and services from National Forest System and Bureau of Land Management lands. The objectives and standards will respond to the need to contribute to the vitality and resiliency of human communities and to provide for human uses and values of natural resources consistent with maintaining healthy, diverse ecosystems.

Regarding the decisions recorded in the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, (also referred to as the Northwest Forest Plan) approved April 13, 1994, the Eastside draft EIS said, ''While the alternatives and corresponding analysis in the EIS include this overlap area [*i.e.,* that portion of the range of the northern spotted owl found east of the Cascade crest], decisions in the Northwest Forest Plan would not be superseded by Eastside EIS decisions unless subsequent amendments were made per Northwest Forest Plan direction.'' Many readers were not certain what this meant. To reduce confusion, the Executive Steering Committee for ICBEMP has eliminated this overlap area from the ICBEMP decision space. The record of decision for the ICBEMP will not apply to any area already being managed under the Northwest Forest Plan.

As noted above, the refined management direction is being developed to address issues that are best resolved at the basin-wide scale. The Executive Steering Committee has determined that current issues on Forest Service- and Bureau of Land Management-administered lands within the States of Wyoming, Utah, and Nevada do not need to be resolved at the basin level and will be more efficiently addressed through existing planning processes at the local (National Forest or BLM District/Field Office) level. (The approximate acreage of Forest Service- and Bureau of Land Management-administered lands within the Columbia River Basin within each of these three states is as follows: Wyoming, 23,000; Utah, 111,500; and Nevada, 2.6 million, for a total of 2.7 million acres, or about 4% of the Forest Service- and Bureau of Land Management-administered lands within the ICBEMP area.) No basin-wide issues have been identified on the lands within the Columbia River Basin administered by BLM in Wyoming. In Utah, the Forest Service will replace its interim InFish strategy (which applies to native fish within the planning area) through the Sawtooth National Forest plan revision, scheduled for completion by the end of the year 2000. In Nevada, the Forest Service will replace the interim InFish strategy through the plan amendment process.

Therefore, no Bureau of Land Management- or Forest Service-administered lands in Wyoming, Utah, or Nevada will be included in the supplemental draft EIS, final EIS, or the record of decision for the Interior Columbia Basin Ecosystem Management Project.

The Supplemental draft EIS describes and analyzes three alternatives: a no action alternative, updated from the version presented in the two draft EISs; and two alternatives that share the characteristics of the refined management direction described earlier in this notice. One of these two alternatives describes a relatively conservative approach to decreasing long-term risk. The other explores the potential to decrease long-term risk faster by accepting greater short-term risk. This latter alternative requires less analysis before restoration is undertaken.

The selected alternative may result in amendment to the Forest Service Regional Guides for the Northern, Intermountain, and Pacific Northwest Regions and will amend land use plans for the administrative units of the Forest Service and Bureau of Land Management within the ICBEMP area as follows:

Forest Service: Boise, Payette, Salmon-Challis, and Sawtooth National Forests and the portion of the Caribou National Forest outside the Greater Yellowstone Ecosystem in the Intermountain Region; Panhandle, Clearwater, Nez Perce, Kootenai, Lolo, Flathead, Helena, Deerlodge, and Bitterroot National Forests in the Northern Region; and Ochoco, Winema, Malheur, Deschutes, Fremont, Wallowa-Whitman, Umatilla, Okanogan, and Colville National Forests in the Pacific Northwest Region. Bureau of Land Management: Lower Snake River District, Upper Snake River District, and the Upper Columbia-Salmon Clearwater District in Idaho; Missoula Field Office in Montana; and Prineville, Lakeview, Burns, Vale, and Spokane Districts in Oregon/Washington.

Dated: March 22, 2000.

Martha Hahn,

State Director, Bureau of Land Management.

Dated: March 23, 2000.

Dale Bosworth,

Regional Forester, U.S. Forest Service.

[FR Doc. 00–8208 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Approval to Conduct an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to request approval for an information collection, the *Women on U.S. Farms Survey.*

DATES: Comments on this notice must be received by June 8, 2000 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4117 South Building, Washington, D.C. 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Women on U.S. Farms Survey.

Type of Request: Intent to Seek Approval to Conduct an Information Collection.

Abstract: The goal of this National Agricultural Statistics Service and Penn State University co-operative project is to expand the knowledge base concerning the participation of women in U.S. agriculture. This knowledge will be useful for formulating policy related to agriculture and rural development and will also be helpful for social and economic researchers interested in farming and agriculture. Farm women have been found to contribute substantially to agricultural production through their involvement in farm work, farm decisions, and agricultural organizations. The U.S. Census of Agriculture, the major source of data about agricultural production and farm operators in the United States, undercounts women's involvement in farm enterprises because only one operator per farm is counted. In addition, no national-level study has sought information about women's participation in agriculture since 1980. We have only limited information about how changes in agriculture and farming have affected women's work on farms and their participation in decisions related to farming. The findings from the proposed study will provide information for developing government policies that can more effectively serve women as well as men who live and work on farms. Policies and programs that lower structural barriers and increase opportunities for women can improve the economic viability of U.S. farms.

The project addresses the following objectives: (1) To analyze the nature and extent of women's participation in farm operations in the U.S. today, including their participation in farm tasks, farm decision-making, farm organizations, and government agriculture programs; to ascertain the variation in such involvement by region, type of farm, and the socio-demographic characteristics of the women themselves; and to describe changes that have occurred in the last 20 years. (2) To assess the current participation of women on U.S. farms in nonfarm work, including the type and extent of off-farm employment, nonfarm self-employment, and involvement in the informal economy and changes in nonfarm work patterns since 1980.

The sample is 5,000 farms operated as sole proprietorships, partnerships, or family corporations. The respondent will be the farm operator, if a woman, or the wife of the male farm operator at each of the selected farms. While it is anticipated that the overwhelming majority of farm operators will be men, most are expected to have spouses present in the household. The projected usable sample of farm women is thus approximately 4,000 cases. In addition, 500 farm men will be interviewed to compare the work of farm men and women and to identify differences in men's and women's perceptions of women's involvement in the farm enterprise. The men who will be interviewed will be spouses or partners of 500 of the farm women who are interviewed in the study. All interviews will be conducted using a computer-assisted telephone interviewing system, which provides for quality control monitoring of interviews, managing call scheduling and call-backs, automatic record keeping, question presentation, and response recording. Approximately two weeks prior to the beginning of the interviews, letters will be sent to the sample members explaining the purpose of the study and alerting them to the coming call.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Test interviews indicated that the women's interview will require approximately 28 minutes and the men's approximately 20 minutes. There will be a pre-survey letter mailed to all 5,000 in the sample.

Respondents: Female and male farm operators.

Estimated Number of Respondents: 4,000 women and 500 men.

Estimated Total Annual Burden on Respondents: 2,400 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, Agency OMB Clearance Officer, at (202) 720–5778.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4162 South Building, Washington, D.C. 20250–2000. All responses to this notice will become a matter of public record and be included in the request for OMB approval.

Signed at Washington, D.C., March 6, 2000.

Rich Allen,

Associate Administrator.

[FR Doc. 00–8248 Filed 4–3–00; 8:45 am]

BILLING CODE 3410–20–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Passenger Vessel Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance

Board (Access Board) has established an advisory committee to assist it in developing a proposed rule on accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. This document gives notice of the dates, times, and location of the next meeting of the Passenger Vessel Access Advisory Committee (committee).

DATES: The next meeting of the committee is scheduled for April 26 through 28, 2000, beginning at 9:00 a.m. and ending at 6:00 p.m. each day.

ADDRESSES: The meeting will be held in the 3rd floor training room at 1331 F Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Beatty, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–5434 extension 119 (Voice); (202) 272–5449 (TTY). E-mail address: pvaac@access-board.gov. This document is available in alternate formats (cassette tape, Braille, large print, or computer disk) upon request. This document is also available on the Board's Internet Site at http://www.access-board.gov/notices/pvaacmtg.htm.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board (Access Board) established a Passenger Vessel Access Advisory Committee (committee) to assist the Board in developing proposed accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. 63 FR 43136 (August 12, 1998). The committee is composed of owners and operators of various passenger vessels; persons who design passenger vessels; organizations representing individuals with disabilities; and other individuals affected by the Board's guidelines.

The meeting is open to the public and interested persons can attend and communicate their views. Members of the public will have an opportunity to address the committee on issues of interest to them and the committee during the public comment period generally scheduled at the end of each meeting day. Members of groups, or individuals who are not members of the committee, may also have the opportunity to participate with subcommittees of the committee. Additionally, all interested persons will have the opportunity to comment when the proposed accessibility guidelines for passenger vessels are issued in the **Federal Register** by the Access Board.

The facility is accessible to individuals with disabilities. Individuals who require sign language interpreters or real-time captioning systems should contact Paul Beatty by April 18, 2000. Notices of future meetings will be published in the **Federal Register**.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 00–8202 Filed 4–3–00; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010600C] [A]

Notice of Decision and Availability of Decision Documents on the Issuance of Permits for Incidental Take of Threatened and Endangered Species

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

ACTION: Notice of decision and availability of decision documents on the issuance of a permit (1232) for incidental takes of endangered and threatened species.

SUMMARY: This notice advises the public that a decision on the application for an incidental take permit by the State of Oregon Department of Fish and Wildlife (ODFW) and the State of Washington Department of Fish and Wildlife (WDFW), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), has been made and that the decision documents are available upon request.

DATES: Permit 1232 was issued on March 15, 2000, subject to certain conditions set forth therein, and expires on December 31, 2000.

ADDRESSES: Requests for copies of the decision documents or any of the other associated documents should be directed to the Protected Resources Division (PRD), F/NWR3, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (503–230–5400).

FOR FURTHER INFORMATION CONTACT: Robert Koch, Portland, OR (ph: 503–230–5424, fax: 503–230–5435, e-mail: robert.koch@noaa.gov).

SUPPLEMENTARY INFORMATION: The following species, evolutionary significant units (ESU's), and runs are covered in the permit:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River (SnR) spring/summer, endangered upper Columbia River (UCR) spring.

Sockeye salmon (*O. nerka*): endangered SnR.

Steelhead (*O. mykiss*): endangered UCR.

Decision

Notice was published on February 3, 2000 (65 FR 5322) that ODFW and WDFW jointly applied for a section 10(a)(1)(B) permit for incidental takes of ESA-listed anadromous fish adults associated with otherwise lawful sport and commercial fisheries on non-listed species in the lower and middle Columbia River and its tributaries in the Pacific Northwest. ODFW and WDFW submitted a Conservation Plan with their permit application that describes measures designed to monitor, minimize, and mitigate the incidental taking of ESA-listed anadromous salmonids associated with some or all of the winter/spring/summer fisheries that are expected to occur during 2000. Specifically, this Conservation Plan and Permit cover only those species, ESU's, and runs identified above which occur primarily in Columbia River mainstem fisheries through July 2000. Incidental take of other listed species, ESU's and runs during the conduct of fall season fisheries (i.e., SnR fall chinook, SnR steelhead) are not authorized by this permit and will require a separate application from ODFW and WDFW.

NMFS' decision is to adopt the preferred alternative in the Conservation Plan together with the preferred alternative in the Environmental Assessment that was completed for this permit action and issue a permit with conditions authorizing incidental takes of the ESA-listed anadromous fish species. This decision is based on a thorough review of the alternatives and their environmental consequences. NMFS' conditions will ensure that the incidental takes of ESA-listed anadromous fish will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. By adopting the preferred alternative in the Conservation Plan, with the Conservation Plan's stated assurances that ODFW and WDFW's mitigation program will be implemented, all practicable means to avoid or minimize harm have been adopted.

ODFW and WDFW requested incidental takes of threatened lower Columbia River (LCR) chinook salmon, threatened upper Willamette River (UWR) chinook salmon, threatened SnR steelhead, threatened middle Columbia River (MCR) steelhead, threatened LCR

steelhead, and threatened UWR steelhead. Protective regulations are currently proposed for LCR and UWR chinook salmon (65 FR 169, January 3, 2000) and SnR, MCR, LCR, and UWR steelhead (64 FR 73479, December 30, 1999). NMFS did not act on that part of ODFW and WDFW's permit application. In the future, when NMFS promulgates final rules under section 4(d) of the ESA that will provide take prohibitions for threatened LCR chinook salmon, threatened UWR chinook salmon, threatened SnR steelhead, threatened MCR steelhead, threatened LCR steelhead, and threatened UWR steelhead, NMFS may amend the permit to include the authorization for incidental takes of these species as ODFW and WDFW requested in their application. Issuance of the permit does not presuppose the contents of the eventual protective regulations.

Rationale for Decision

The decision to issue the permit was made because the Conservation Plan proposed by ODFW and WDFW meets the statutory criteria for issuance of an incidental take permit under section 10 of the ESA. In issuing the permit, NMFS determined that ODFW and WDFW's Conservation Plan provides adequate mitigation measures to avoid, minimize, and/or compensate for the anticipated takes of ESA-listed anadromous fish.

The permit was granted only after NMFS determined that the permit was applied for in good faith, that all permit issuance criteria were met, including the requirement that granting the permit would not jeopardize the continued existence of the species, and that the permit is consistent with the purposes and policies set forth in the Endangered Species Act of 1973, as amended.

Dated: March 29, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–8250 Filed 4–3–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032800F]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Capacity Committee in April, 2000. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on April 19, 2000, at 10:00 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 300 Woodbury Avenue, Portsmouth, NH 03801; telephone: (603) 431–8000.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–04922.

SUPPLEMENTARY INFORMATION: The Committee will continue its exploration of fishing capacity issues. The Committee will discuss two proposals that may help alleviate problems caused by excess fishing capacity. These two proposals would allow the transfer of permits under certain conditions. The Committee will also discuss other ways to reduce fishing capacity, such as vessel buybacks, allowing vessels to defer fishing effort until stocks rebuild, or combinations of these and other options. The Committee will receive a qualitative report on fisheries in New England that have excessive fishing capacity.

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 **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: March 29, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–8251 Filed 4–3–00; 8:45 am]

BILLING CODE 3510–22–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 proposed applications entitled: AmeriCorps Promise Fellows Continuation Application Instructions. Copies of the information collection requests can 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 June 5, 2000.

ADDRESSES: Send comments to the Corporation for National and Community Service, Tracy Stone, Director, AmeriCorps Promise Fellows, 1201 New York Avenue, N.W., Washington, D.C., 20525.

FOR FURTHER INFORMATION CONTACT: Tracy Stone (202) 606–5000, ext. 173.

SUPPLEMENTARY INFORMATION:

Comment Request

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;
- 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.

Background

The AmeriCorps Promise Fellows program supports a leadership cadre of AmeriCorps members spearheading community efforts to provide young people with five basic promises:

• Caring adults in their lives as parents, mentors, tutors, and coaches;
• Safe places with structured activities in which to learn and grow;
• A healthy start;
• An effective education that equips them with marketable skills; and
• An opportunity to give back to communities through their own service.

The AmeriCorps Promise Fellows Continuation Application Instructions provide the requirements, instructions and forms that current grantees of the program need to complete an application to the Corporation for continued funding.

Current Action

The Corporation seeks public comment on the forms, the instructions for the forms, and the instructions for the narrative portion of these continuation application instructions.

Type of Review: New collection.
Agency: Corporation for National and Community Service.
Title: AmeriCorps Promise Fellows Continuation Application Instructions.
OMB Number: None.
Agency Number: None.
Affected Public: Entities in their second or third year of operation as grantees of the Corporation's AmeriCorps Promise Fellows program.
Total Respondents: 66.
Frequency: Once per year.
Average Time Per Response: 25 hours.
Estimated Total Burden Hours: 1,650 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 will also become a matter of public record.

Dated: March 28, 2000.

Thomasenia P. Duncan,

General Counsel.

[FR Doc. 00–8206 Filed 4–3–00; 8:45 am]

BILLING CODE 6050–28–U

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

National Senior Service Corps; Schedule of Income Eligibility Levels

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: This Notice revises the schedules of income eligibility levels for participation in the Foster Grandparent Program (FGP) and the Senior Companion Program (SCP) of the Corporation, published at 64 FR 17626 on April 12, 1999.

DATES: These guidelines go into effect on March 31, 2000.

FOR FURTHER INFORMATION CONTACT: Corporation for National and Community Service, Ruth Archie, National Senior Service Corps, 1201 New York Avenue NW, Washington, DC 20525, or by telephone at (202) 606–5000, ext. 289.

SUPPLEMENTARY INFORMATION: The revised schedules are based on changes in the Poverty Guidelines issued by the Department of Health and Human Services (DHHS), published in 65 FR 7555, February 15, 2000. In accordance with program regulations, the income eligibility level for each State, Puerto Rico, the Virgin Islands and the District of Columbia is 125 percent of the DHHS Poverty Guidelines, except in those areas determined by the Corporation to be of higher cost of living as of March 1, 2000. In such instances, the guidelines shall be 135 percent of the DHHS Poverty levels. The level of eligibility is rounded to the next highest multiple of $5.00.

In determining income eligibility, consideration should be given to the following, as set forth in 45 CFR 2551–2553 dated October 1, 1999.

Allowable medical expenses are annual out-of-pocket expenses for health insurance premiums, health care services, and medications provided to the applicant, enrollee, or spouse and were not and will not be paid for by Medicare, Medicaid, other insurance, or by any other third party and, must not exceed 15 percent of the applicable Corporation income guideline.

Annual income is counted for the past 12 months and includes: The applicant or enrollee's income and the applicant or enrollee's spouse's income, if the spouse lives in the same residence. Sponsors must count the value of shelter, food, and clothing, if provided at no cost by persons related to the applicant, enrollee or spouse.

Any person whose income is not more than 100 percent of the DHHS Poverty Guideline for her/his specific family unit shall be given special consideration for participation in the Foster Grandparent and Senior Companion Programs.

2000 FGP/SCP INCOME ELIGIBILITY LEVELS

[Based on 125 percent of DHHS Poverty Guidelines]

States	Family units of:			
	One	Two	Three	Four
All, except High Cost Areas, Alaska and Hawaii	$10,440	$14,065	$17,690	$21,315

For family units with more than four members, add $3,625 for each additional member in all States except designated High Cost Areas, Alaska and Hawaii.

2000 FGP/SCP INCOME ELIGIBILITY LEVELS FOR HIGH COST AREAS

[Based on 135 percent of DHHS Poverty Guidelines]

Area	Family Units of			
	One	Two	Three	Four
All, except Alaska and Hawaii	$11,275	$15,190	$19,105	$23,020

2000 FGP/SCP INCOME ELIGIBILITY LEVELS FOR HIGH COST AREAS—Continued

[Based on 135 percent of DHHS Poverty Guidelines]

Area	Family Units of			
	One	Two	Three	Four
Alaska	14,080	18,985	23,885	28,785
Hawaii	12,950	17,455	21,965	26,475

For family units with more than four members, add $3,625 for all areas, $4,900 for Alaska, and $4,510 for Hawaii, for each additional member.

The income eligibility levels specified above are based on 135 percent of the DHHS poverty guidelines and are applicable to the following high cost metropolitan statistical areas and primary metropolitan statistical areas:

High Cost Areas (Including All Counties/Locations Included in That Area as Defined by the Office of Management and Budget)

Alaska

(All Locations)

California

Los Angeles-Compton-San Gabriel-Long Beach-Hawthorne (Los Angeles County)
Santa Barbara/Santa Maria/Lompoc (Santa Barbara County)
Santa Cruz-Watsonville (Santa Cruz County)
Santa Rosa-Petaluma (Sonoma County)
San Diego-El Cajon (San Diego County)
San Jose-Los Gatos (Santa Clara County)
San Francisco/San Rafael (Marin County)
San Francisco/Redwood City (San Mateo County)
San Francisco (San Francisco County)
Oakland-Berkeley (Alameda County)
Oakland-Martinez (Contra Costa County)
Anaheim-Santa Ana (Orange County)
Oxnard-Ventura (Ventura County)

Connecticut

Stamford (Fairfield)

District of Columbia/Maryland/Virginia

District of Columbia and Surrounding Counties in Maryland and Virginia. MD counties: Anne Arundel, Calvert, Charles, Cecil, Frederick, Montgomery and Prince Georges, Queen Annes Counties. VA Counties: Arlington, Fairfax, Loudoun, Prince William, Stafford, Alexandria City, Fairfax City, Falls Church City, Manassas City and Manassas Park City.

Hawaii

(All Locations)

Illinois

Chicago-Des Plaines-Oak Park-Wheaton-Woodstock (Cook, DuPage and McHenry Counties)

Massachusetts

Barnstable (Barnstable)
Edgartown (Dukes)
Boston-Malden (Essex, Norfolk, Plymouth, Middlesex and Suffolk Counties)
Worcester (Worcester City)
Brockton-Wellesley-Braintree-Boston (Norfolk County)
Dorchester-Boston (Suffolk County)
Worcester (City) (Worcester County)

New Jersey

Bergen-Passaic-Paterson (Bergen and Passaic Counties)
Jersey City (Hudson)
Middlesex-Somerset-Hunterdon (Hunterdon, Middlesex and Somerset Counties)
Monmouth-Ocean-Spring Lake (Monmouth and Ocean Counties)
Newark-East Orange (Essex, Morris, Sussex and Union Counties) Trenton (Mercer County)

New York

Nassau-Suffolk-Long Beach-Huntington (Suffolk and Nassau Counties)
New York-Bronx-Brooklyn (Bronx, Kings, New York, Putnam, Queens, Richmond and Rockland Counties)
Westchester-White Plains-Yonkers-Valhalla (Westchester County)

Pennsylvania

Philadelphia-Doylestown-West Chester-Media-Norristown (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

Wyoming

(All Locations)

The revised income eligibility levels presented here are calculated from the base DHHS Poverty Guidelines now in effect as follows:

2000 DHHS POVERTY GUIDELINES FOR ALL STATES

Family units of	States			
	One	Two	Three	Four
All, except Alaska/Hawaii	$8,350	$11,250	$14,150	$17,050
Alaska	10,430	14,060	17,690	21,320
Hawaii	9,590	12,930	16,270	19,610

(For family units with more than four members, add: $2,900 for all areas, $3,630 for Alaska, and $3,340 for Hawaii, for each additional member.)

Authority: These programs are authorized pursuant to 42 U.S.C. 5011 and 5013 of the Domestic Volunteer Service Act of 1973, as amended. The income eligibility levels are determined by the current guidelines published by DHHS pursuant to Sections 652 and 673 (2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty guidelines to be adjusted for Consumer Price Index changes.

March 29, 2000.

Thomas Endres,

Director, National Senior Service Corps, Corporation for National and Community Service.

[FR Doc. 00–8188 Filed 4–3–00; 8:45 am]

BILLING CODE 6050–28–U

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Availability of Funds for AmeriCorps State Formula Program Grants in North Dakota and South Dakota and Notice of Technical Assistance Calls for Potential Applicants

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability of funds for new and renewal grants; notice of availability of 2000 application guidelines; notice of technical assistance calls.

SUMMARY: The Corporation for National and Community Service (Corporation) announces the availability of approximately $500,000 to support new and continuing national service programs in North Dakota and approximately $500,000 to support new and continuing national service programs in South Dakota. (CFDA #94.004). The Corporation has scheduled two technical assistance calls for potential applicants.

DATES: To be considered, the Corporation must receive applications by 3:30 p.m., Eastern Daylight Time, Monday, May 15, 2000.

ADDRESSES: Applications must be submitted to the Corporation for National Service, 1201 New York Avenue NW, Box SND, Washington, D.C. 20525. The Corporation will not accept applications that are submitted via facsimile or by e-mail transmission.

FOR FURTHER INFORMATION: For further information, to obtain a copy of the application guidelines, or to register for one of the technical assistance calls, please contact Jamia McLean, Corporation for National Service, 1201 New York Avenue, NW, Washington, D.C. 20525, phone (202) 606–5000, ext. 292, TDD (202) 565–2799.

SUPPLEMENTARY INFORMATION: These funds are authorized under the National and Community Service Act of 1990, as amended, and represent the statute's population-based provision of program assistance formula funds that, in most cases, flow through approved state commissions on national and community service. Because neither North Dakota nor South Dakota currently maintains an approved state commission or alternative administrative entity, eligible entities may apply directly to the Corporation for formula funds. Local government agencies, institutions of higher education, public or private nonprofit organizations, and Indian Tribes in North Dakota and South Dakota are eligible entities. An organization described in section 501(c)(4) of the Internal Revenue Code of 1986, 26 U.S.C. 501(c)(4), that engages in lobbying activities is not eligible for these funds.

Requirements relating to this assistance are published at 45 CFR Parts 2510 *et seq.* and are further described in the application guidelines. The Corporation will also provide *Principles for High Quality National Service Programs,* which includes program examples, upon request.

Organizations interested in applying for these program funds may participate in one of two conference calls to be held on April 3, 2000 and April 10, 2000, respectively, during which Corporation staff will provide technical assistance to potential applicants. The calls will begin at 2:00 p.m. and conclude at 4:00 p.m. (E.D.T.). Upon registration for one of the calls, you will be provided with the applicable 800 number needed for participation.

The provision of these grants is subject to the availability of appropriated funds.

Dated: March 30, 2000.

Peter Heinaru,

*Director, AmeriCorps*State/National.*

[FR Doc. 00–8256 Filed 4–3–00; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness, DOD).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, The Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provision thereof. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the function of the Agency, including whether the information shall have practical utility: (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received before June 5, 2000.

ADDRESSES: Written comments and recommendation on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness), (Force Management Policy/Military Personnel Policy/Accession Policy) ATTN: Lieutenant Colonel Michael R. Ostroski, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: To request additional information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call (703) 695–5529.

Title, Associated Form, and OMB Control Number: Record of Military Processing, Armed Forces of the United States, DD Form 1966, OMB Control Number: 0704–0173.

Needs and Uses: This information collection is to obtain data on individuals applying for enlistment in the Armed Forces of the United States to determine eligibility for enlistment. The information collected accompanies the applicant throughout the enlistment process. It also is used for establishing personnel records on those who enlist.

Affected Public: Individuals or households.

Annual Burden Hours: 170,000.

Number of Respondents: 510,000.

Responses Per Respondent: 1.

Average Burden Per Response: 20 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Title 10 U.S.C., Sections 504, 505, 508, 12102 and 520a, Title 14 U.S.C., Sections 351 and 632, and Title 50

U.S.C., Section 451, requires applicants to meet standards for enlistment into the Armed Forces. This information collection is the basis for determining eligibility of applicants for enlistment in the Armed Forces and is needed to verify data given by the applicant and to determin his/her qualification of enlistment. The information collected aids in the determination of qualifications, term of service, and grade in which a person, if eligible, will enter active duty or reserve status.

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–8179 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Continuous Open Enrollment Demonstration for the Designated Provider Program

AGENCY: Health Affairs, Department of Defense.

ACTION: Notice of demonstration project.

SUMMARY: This notice is to advise interested parties of a demonstration project which will enroll military retirees and their family members (to include Medicare-eligible beneficiaries) in the Uniformed Services Family Health Plan on a continuous basis. The continuous open enrollment demonstration project will evaluate the benefits and costs of the program. Continuous open enrollment for retirees and their family members in the Designated Provider program will result in enrollment requirements consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program. In this project, DoD will allow eligible retirees and their family members to elect to enroll in the Uniformed Services Family Health Plan at any time during the demonstration period in exchange for their agreement to receive comprehensive health care services from the Designated Provider. Funding for the demonstration for care provided will come from existing DoD appropriations. This demonstration will be conducted at three of the seven Designated Provider sites. DoD will conduct an analysis of the benefits and costs of the program using the enrolled populations of the other four Designated Providers as the control group. The demonstration is scheduled to end September 30, 2001.

DATES: May 4, 2000.

FOR FURTHER INFORMATION CONTACT: Earl Hanson, TRICARE Management Activity (703) 681–1757.

SUPPLEMENTARY INFORMATION:

A. Background

Health care for retirees and their family members, to include Medicare-eligible military retirees and family members, is now available under the Designated Provider program. When DoD transitioned the Uniformed Services Treatment Facilities to the Designated Provider program providing the TRICARE Prime benefit in 1998, the Department and the Designated Providers agreed by contract to limit enrollment of retirees and their family members to once per year. In accordance with the National Defense Authorization Act for Fiscal Year 2000, Section 707, the Department of Defense and the Designated Providers randomly selected three sites to actively participate in a continuous open enrollment demonstration that would allow retiree and retiree family members to enroll in the Uniformed Services Family Health Plan without regard to an annual open enrollment season. The remaining four Designated Providers will be control sites. The selected sites will comply with all provisions for their existing contracts and through a modification to the contracts, allow retirees and their family members to enroll at any time during the demonstration period. These enrollees will comply with existing managed care program policies and requirements for the Uniformed Services Family Health Plan.

C. Description of the Continuous Open Enrollment Demonstration

(1) *Location of Project:* Continuous open enrollment will be conducted in the geographical service area of the Sisters of Charity Health Care System located on Staten Island, New York; the Brighton Marine Health Center located in Boston, Massachusetts; and the Pacific Medical Center located in Seattle, Washington. The control group is a geographic service area operated by Martin's Point Health Care located in Portland, Maine; Johns Hopkins Medical Services Corporation located in Baltimore, Maryland; CHRISTUS Health located in Houston, Texas; and Fairview Health System located in Cleveland, Ohio. The geographical service area is identified by zip codes in and around the Designated Providers' corporate centers.

(2) *Continuous Open Enrollment Schedule:* Health care delivery is scheduled to begin on February 1, 2000, for the Sisters of Charity Health Care System and the Brighton Marine Health Center. Pacific Medical Center will begin providing health care services on March 1, 2000. Prior to the beginning of health care delivery under this demonstration, the participating Designated Providers will issue public announcements providing information about the program and the enrollment process. The public announcements will indicate that an application acceptance period will begin in January 2000. The demonstration will continue until September 30, 2000.

(3) *Eligible population:* To be eligible to enroll in this demonstration a military retiree or their family member must, (1) be eligible for care from DoD, (2) reside within geographic service area of participating Designated Providers, and (3) be solely reliant for health care services from the Military Health System and/or Title XVIII of the Social Security Act.

(4) *Enrollment capacity:* Under this demonstration there is no limitation on the number of eligible beneficiaries that may enroll in the Designated Providers' Uniformed Services Family Health Plan. Enrollment outside the demonstration is limited to 110 percent of enrollment as of the first day of the previous fiscal year.

(5) *Enrollment:* Enrollment applications will be accepted by mail or in person at an address designated by the participating Designated Providers. The enrollment fee is currently $230 for single enrollee and maximum of $460 for a family. It is the Department's policy to encourage enrollment in Medicare Part B. Therefore, enrollment fees for Medicare-eligible enrollees that maintain their Medicare Part B monthly premiums are waived under the Uniformed Services Family Health Plan.

Enrollment under the demonstration is for a twelve-month period, which is automatically renewed annually. Beneficiaries may leave the program at the end of their twelve-month period by affirmatively requesting disenrollment approximately 60 calendar days prior to automatic renewal. Enrollees discontinuing their enrollment prior to any twelve-month period are locked out of further enrollment in DoD's TRICARE program for a period of twelve months from the effective date of their disenrollment. Portability, transfers, and split family enrollments exist between TRICARE regions and contractors, although portability and transfers for Medicare-eligible enrollees limited to Designated Provider geographic service areas.

As a condition of enrollment, each dual-eligible beneficiary will be required to receive all of his or her

health care services, except emergency care, through the Designated Provider program.

D. Impact of Demonstration Project on Enrollees and the Department of Defense.

The goal of the Designated Provider demonstration project is to allow retired beneficiaries and their dependents the opportunity to enroll throughout the program year. The evaluation will document the benefits of open enrollment opportunities to covered beneficiaries and the cost impact upon the Department of Defense, as well as a recommendation on whether to authorize open enrollments in the managed care plans of the Designated Providers permanently.

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–8177 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial

AGENCY: Joint Service Committee on Military Justice (JSC), DOD.

ACTION: Notice of Proposed Amendments to the Manual for Courts-Martial, United States, (1998 ed.) and Notice of Public Meeting.

SUMMARY: The Department of Defense is considering recommending changes to the Manual for Courts-Martial, United States, (1998 ed.) (MCM). The proposed changes concern the rules of procedure applicable in trials by courts-martial and implement the amendment to Article 19 of the Uniform Code of Military Justice contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000. Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation. The proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, ''Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon,'' May 21, 1964, and do not constitute the official position of the Department of Defense, the Military Departments, or any other government agency.

This notice also sets forth the date, time and location for the public meeting of the JSC to discuss the proposed changes.

This notice is provided in accordance with DoD Directive 5500.17, ''Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice,'' May 8, 1996. A 30-day public comment period is set vice the normal 75-day period due to the need to expedite the conforming amendments to 10 U.S.C. 819 (Article 19, UCMJ). This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

DATES: Comments on the proposed changes must be received no later than May 4, 2000 for consideration by the JSC. A public meeting will be held on Tuesday, April 18, 2000 at 2:00 p.m.

ADDRESSES: Comments on the proposed changes should be sent to Lt Col Thomas C. Jaster, U.S. Air Force, Air Force Legal Services Agency, 112 Luke Avenue, Room 343, Bolling Air Force Base, Washington, DC 20332–8000. The public meeting will be held at Room 808, 1501 Wilson Blvd, Arlington, VA 22209–2403.

FOR FURTHER INFORMATION CONTACT: Lt Col Thomas C. Jaster, U.S. Air Force, Air Force Legal Services Agency, 112 Luke Avenue, Room 343, Bolling Air Force Base, Washington, DC 20332–8000, (202) 767–1539; FAX (202) 404–8755.

SUPPLEMENTARY INFORMATION: The proposed amendments to the Manual for Courts-Martial are as follows:

Amend R.C.M 201(f)(2)(B)(i) to read as follows:

''Upon a finding of guilty, special courts-martial may adjudge, under limitations prescribed by this Manual, any punishment authorized under R.C.M. 1003 except death, dishonorable discharge, dismissal, confinement for more than 1 year, hard labor without confinement for more than 3 months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than 1 year.''

Amend R.C.M 201(f)(2)(B)(ii) to read as follows:

''(ii) A bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may not be adjudged by a special court-martial unless:

(a) Counsel qualified under Article 27(b) is detailed to represent the accused; and

(b) A military judge is detailed to the trial, except in a case in which a military judge could not be detailed because of physical conditions or military exigencies. Physical conditions or military exigencies, as the terms are here used, may exist under rare circumstances, such as on an isolated ship on the high seas or in a unit in an inaccessible area, provided compelling reasons exist why trial must be held at that time and at that place. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to detail a military judge. If a military judge cannot be detailed because of physical conditions or military exigencies, a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may be adjudged provided the other conditions have been met. In that event, however, the convening authority shall, prior to trial, make a written statement explaining why a military judge could not be obtained. This statement shall be appended to the record of trial and shall set forth in detail the reasons why a military judge could not be detailed, and why the trial had to be held at that time and place.''

Amend the analysis accompanying R.C.M. 201(f) by inserting the following before the discussion of subsection (3):

''2000 Amendment: Subsections (f)(2)(B)(i) and (f)(2)(B)(ii) were amended to remove previous limitations and thereby implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999). Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation.''

Amend the seventh paragraph of the Discussion accompanying R.C.M. 601(e)(1) to read as follows:

''The convening authority should acknowledge by an instruction that no bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may be adjudged when the prerequisites under Article 19 will not be met. See R.C.M. 201(f)(2)(B)(ii). For example, this instruction should be given when a court reporter is not detailed.''

Amend the first paragraph of the Discussion accompanying R.C.M. 808 to read as follows:

''Except in a special court-martial not authorized to adjudge a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, the trial counsel should ensure that a qualified court reporter is detailed to the court-martial. Trial counsel should also ensure that all exhibits and other documents relating to the case are properly maintained for later inclusion in the record. See also R.C.M. 1103(j) as to the use of videotapes, audiotapes, and similar recordings for the record of trial. Because of the potential requirement for a verbatim transcript, all proceedings, including sidebar conference, arguments, and rulings and instructions by the military judges, should be recorded.''

Amend the sixth paragraph of the Discussion accompanying R.C.M. 1003(b)(2 to read as follows:

''At a special court-martial, if a bad-conduct discharge and confinement are adjudged, then the operation of Article 58b results in a forfeiture of two-thirds of pay only (not allowances) during that period of confinement. If only confinement is adjudged, and that confinement exceeds six months, then the operation of Article 58b results in a forfeiture of two-thirds of pay only (not allowances) during the period of confinement. If only a bad conduct discharge is adjudged, Article 58b has no effect on pay.''

Amend R.C.M. 1103(b)(2)(B)(i) to read as follows:

''(i) Any part of the sentence adjudged exceeds six months confinement, forfeiture of pay greater than two-thirds pay per month, or any forfeiture of pay for more than six months or other punishments which may be adjudged by a special court-martial; or''

Amend the analysis accompanying R.C.M. 1103(b)(2)(B) by inserting the following before the discussion of subsection (2)(C):

''2000 Amendment: Subsection (2)(B) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(b)(2)(B) was amended to prevent an inconsistent requirement for a verbatim transcript between a general court-martial and a special court-martial when the adjudged sentence of a general court-martial does not include a punitive discharge or confinement greater than six months, but does include forfeiture of two-thirds pay per month for more than six months but not more than 12 months.''

Amend R.C.M. 1103(c) to read as follows:

''(c) Special courts-martial.

(1) Involving a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months. The requirements of subsections (b)(1), (b)(2)(A), (b)(2)(B), (b)(2)(D), and (b)(3) of this rule shall apply in a special court-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, has been adjudged.

(2) All other special courts-martial. If the special court-martial resulted in findings of guilty but a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, was not adjudged, the requirements of subsections (b)(1), (b)(2)(D), and (b)(3)(A)–(F) and (I)–(M) of this rule shall apply.''

Amend the analysis accompanying R.C.M. 1103(c) by inserting the following before the discussion of subsection (e):

''2000 Amendment: Subsection (c) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(c) was amended to conform the requirements for a verbatim transcript with the requirements of Article 19 for a ''complete record'' in cases where the adjudged sentence includes a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months.''

Amend R.C.M. 1103(f)(1) to read as follows:

''(1) Approve only so much of the sentence which could be adjudged by a special court-martial, except that no bad-conduct discharge, confinement for more than six months, or forfeiture of two-thirds pay per month for more than six months, may be approved; or''

Amend the analysis accompanying R.C.M. 1103(f) by inserting the following before the discussion of subsection (g):

''2000 Amendment: Subsection (f)(1) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(f)(1) was amended to include the additional limitations on sentence contained in Article 19, UCMJ.''

Amend R.C.M. 1104(a)(2)(A) to read as follows:

''(A) Authentication by the military judge. In special courts-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, has been adjudged and in general courts-martial, except as provided in subsection (a)(2)(B) of this rule, the military judge present at the end of the proceedings shall authenticate the record of trial, or that portion over which the military judge presided. If more than one military judge presided over the proceedings, each military judge shall authenticate the record of the proceedings over which that military judge presided, except as provided in subsection (a)(2)(B) of this rule. The record of trial of special courts-martial in which no bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, was adjudged shall be authenticated in accordance with regulations of the Secretary concerned.''

Amend the analysis accompanying R.C.M. 1104(a) by inserting the following before the discussion of subsection (b):

''2000 Amendment: Subsection (a)(2)(A) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1104(a)(2)(A) was amended to ensure that the military judge authenticates all verbatim records of trial at special courts-martial.''

Amend R.C.M. 1104(e) to read as follows:

''(e) Forwarding. After every court-martial, including a rehearing and new and other trials, the authenticated record shall be forwarded to the convening authority for initial review and action, provided that in case of a special court-martial in which a bad-conduct discharge or confinement for one year was adjudged or a general court-martial, the convening authority shall refer the record to the staff judge advocate or legal officer for recommendation under R.C.M. 1106 before the convening authority takes action.''

Amend the analysis accompanying R.C.M. 1104(e) by inserting the following at the end of the discussion of subsection (e):

''2000 Amendment: Subsection (e) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment reflects the change to R.C.M. 1106 for special court-martial with an adjudged sentence that includes confinement for one year.''

Amend R.C.M. 1106(a) to read as follows:

''(a) In general. Before the convening authority takes action under R.C.M. 1107 on a record of trial by general court-martial or a record of trial by special court-martial which includes a sentence to a bad-conduct discharge or confinement for one year, that convening authority's staff judge advocate or legal officer shall, except as provided in subsection (c) of this rule, forward to the convening authority a recommendation under this rule.''

Amend the analysis accompanying R.C.M. 1106(a) by inserting the following before the discussion of subsection (b):

''2000 Amendment: Subsection (e) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment requires all special courts-martial cases subject to appellate review to comply with this rule.''

Amend the second paragraph of the Discussion accompanying R.C.M. 1107(d)(1) to read as follows:

''When mitigating forfeitures, the duration and amounts of forfeiture may be changed as long as the total amount forfeited is not increased and neither the amount nor

duration of the forfeitures exceeds the jurisdiction of the court-martial. When mitigating confinement or hard labor without confinement, the convening authority should use the equivalencies at R.C.M. 1003(b)(6) and (7), as appropriate. One form of punishment may be changed to a less severe punishment of a different nature, as long as the changed punishment is one that the court-martial could have adjudged. For example, a bad-conduct discharge adjudged by a special court-martial could be changed to confinement for up to one year (but not vice versa). A pretrial agreement may also affect what punishments may be changed by the convening authority''

Amend R.C.M. 1107(d)(4) to read as follows:

''(4) Limitations on sentence based on record of trial. If the record of trial does not meet the requirements of R.C.M. 1103(b)(2)(B) or (c)(1), the convening authority may not approve a sentence in excess of that which may be adjudged by a special court-martial, or one which includes a bad-conduct discharge, confinement for more than six months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than six months.''

Amend the analysis accompanying R.C.M. 1107(e) by inserting the following at the end of the discussion of subsection (e):

''2000 Amendment: Subsection (f)(1) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1107(d)(4) was amended to include the additional limitations on sentence contained in Article 19, UCMJ.

Amend R.C.M. 1109(e) and (e)(1) to read as follows:

''(e) Vacation of a suspended special court-martial sentence wherein a bad-conduct discharge or confinement for one year was not adjudged.

(1) In general. Before vacating the suspension of a special court-martial punishment that does not include a bad-conduct discharge or confinement for one year, the special court-martial convening authority for the command in which the probationer is serving or assigned shall cause a hearing to be held on the alleged violation(s) of the conditions of suspension.''

Amend the analysis accompanying R.C.M. 1109(e) by inserting the following at the end of the discussion of subsection (e):

''2000 Amendment: Subsection (e) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial.''

Amend R.C.M. 1109(f) and (f)(1) to read as follows:

''(f) Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge or confinement for one year.

(1) The procedure for the vacation of a suspended approved bad-conduct discharge or of any suspended portion of an approved sentence to confinement for one year, shall follow that set forth in subsection (d) of this rule.''

Amend the analysis accompanying R.C.M. 1109(f) by inserting the following at the end of the discussion of subsection (f):

''2000 Amendment: (f) Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge or confinement for one year. Subsection (f) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment reflects the decision to treat an approved sentence of confinement for one year, regardless of whether any period of confinement is suspended, as a serious offense, in the same manner as a suspended approved bad-conduct discharge at special courts-martial under Article 72, UCMJ and R.C.M. 1109.''

Amend the Discussion accompanying R.C.M. 1109(f) to read as follows:

''An officer exercising special court-martial jurisdiction may vacate any suspended punishments other than an approved suspended bad-conduct discharge or any suspended portion of an approved sentence to confinement for one year, regardless of whether they are contained in the same sentence as the bad-conduct discharge or confinement for one year. See Appendix 18 for a sample of a Report of Proceedings to Vacate Suspension of a Special Court-Martial Sentence including a bad-conduct discharge or confinement for one year under Article 72, UCMJ, and R.C.M. 1109 (DD Form 455).''

Amend the title to Appendix to read as follows:

''Report of Proceedings to Vacate Suspension of a General Court-Martial or of a Special Court-Martial Sentence Including a Bad-Conduct Discharge or Confinement for One Year Under Article 72, UCMJ, and R.C.M. 1109 (DD Form 455).''

Amend R.C.M. 1110(a) to read as follows:

''(a) In general. After any general court-martial, except one in which the approved sentence includes death, and after any special court-martial in which the approved sentence includes a bad-conduct discharge or confinement for one year, the accused may waive or withdraw appellate review.''

Amend the analysis accompanying R.C.M. 1110(a) by inserting the following at the end of the discussion of subsection (a):

''2000 Amendment: Subsection (a) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P.L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial.''

Amend the Discussion accompanying R.C.M. 1110(a) to read as follows:

''Appellate review is not available for special courts-martial in which a bad-conduct discharge or confinement for one year was not adjudged or approved or for summary courts-martial. Cases not subject to appellate review, or in which appellate review is waived or withdrawn, are reviewed by a judge advocate under R.C.M. 1112. Such cases may also be submitted to the Judge Advocate General for review. See R.C.M. 1201(b)(3). Appellate review is mandatory when the approved sentence includes death.''

Amend R.C.M. 1111(b) to read as follows:

''(1) Cases including an approved bad-conduct discharge or confinement for one year. If the approved sentence of a special court-martial includes a bad-conduct discharge or confinement for one year, the record shall be disposed of as provided in subsection (a) of this rule.

(2) Other cases. The record of trial by a special court-martial in which the approved sentence does not include a bad-conduct discharge or confinement for one year shall be forwarded directly to a judge advocate for review under R.C.M. 1112. Four copies of the order promulgating the result of trial shall be forwarded with the record of trial, unless otherwise prescribed by regulations of the Secretary concerned.''

Amend the analysis accompanying R.C.M. 1111(b) by inserting the following at the end of the discussion:

''2000 Amendment: R.C.M. 1111(b) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. The amendment ensures all special courts-martial not requiring appellate review are reviewed by a judge advocate under R.C.M. 1112.''

Amend R.C.M. 1112(a)(2) to read as follows:

''Each special court-martial in which the accused has waived or withdrawn appellate review under R.C.M. 1110 or in which the approved sentence does not include a bad-conduct discharge or confinement for one year; and''

Amend the analysis accompanying R.C.M. 1112 by inserting the following at the end of the discussion:

''2000 Amendment: R.C.M. 1112(a)(2) was amended to implement the amendment to 10 U.S.C. § 819 (Article 19, UCMJ) contained in

section 577 of the National Defense Authorization Act for Fiscal Year 2000, P. L. No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. The amendment ensures all special court-martials not requiring appellate review are reviewed by a judge advocate under R.C.M. 1112.''

Amend Page A8–19, Left Margin Entry to Note 100 to read as follows:

Advice in GCMs and SPCMs in which BCD or confinement for one year is adjudged	[Note 100. In cases subject to review by a Court of Criminal Appeals, the following advice should be given. In other cases proceed to Note 101 or 102 as appropriate.]

Amend Page A8–21, Left Margin Entry to Note 102 to read as follows:

SPCM not involving a BCD or confinement for one year	[Note 102. In special courts-martial not involving BCD or confinement for one year, the following advice should be given.]

Amend Page A17–4, first note to paragraph d, to read as follows:

''[Note. Orders promulgating the vacation of the suspension of a dismissal will be published by departmental orders of the Secretary concerned. Vacations of any other suspension of a general court-martial sentence, or of a special court-martial sentence which as approved and affirmed includes a bad-conduct discharge or confinement for one year, will be promulgated by the officer exercising general court-martial jurisdiction over the probationer (Article 72(b)). The vacation of suspension of any other sentence may be promulgated by an appropriate convening authority under Article 72(c). See R.C.M. 1109.]''

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–8181 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Advisory Council on Dependents' Education

AGENCY: Department of Defense Education Activity (DoDEA).

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that a meeting of the Advisory Council on Dependents' Education (ACDE) is scheduled to be held from 8 a.m. to 5 p.m. on Thursday, May 4, 2000. The meeting will be open to the public and will be held in the 9th floor conference room at the Department of Defense Education Activity, 4040 North Fairfax Drive, Arlington, Virginia 22203–1635. The purpose of the Council is to recommend to the Director, Department of Defense Education Activity (DoDEA), general policies for operation of the Defense dependents' education system; to provide the Director with information about effective educational programs and practices that should be considered by DoDEA; and to perform other tasks as may be required by the Secretary of Defense. The focus of this meeting will be the new DoDEA Community Strategic Plan for 2001–2006, DoDEA organizational changes, and a recap of issues discussed at the October 1999 meeting. These issues include (1) the development of an individual plan for each student in conjunction with counseling on post-school opportunities, (2) coordination of on-going initiatives within DoDEA, and (3) a review of the best practices in the use of technology in DoDEA. For further information contact Ms. Polly Purser, at 703–696–4235, extension 1911.

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–8178 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the President's Sedcurity Policy Advisory Board Action Notice

SUMMARY: The President's Security Policy Advisory Board has been established pursuant to Presidential Decision Directive/NSC–29, which was signed by President on September 16, 1994.

The Board advises the President on proposed legislative initiatives and executive orders pertaining to U.S. security policy, procedures and practices as developed by the U.S. Security Policy Board, and functions as a federal advisory committee in accordance with the provisions of Pub. L. 92–463, the ''Federal Advisory Committee Act.''

The President has appointed from the private sector, three of five Board members each with a prominent background and expertise related to security policy matters. General Larry Welch, USAF (Ret.) chairs the Board. Other members include: Rear Admiral Thomas Brooks, USN (Ret.) and Ms. Nina Stewart.

The next meeting of the Advisory Board will be held on April 11, 2000 at 1400 hrs at the Charles Stark Draper Laboratory, Inc., Albert G. Hill Building, 1 Hampshire Street, Cambridge, Massachusetts 02139, The meeting will be open to the public.

For further information please contact Mr. Bill Isaacs, telephone: 703–602–0815.

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–8176 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Office of the Secretary proposes to add a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on May 4, 2000, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to OSD Privacy Act Coordinator, Records Section, Directives and Records Division, Washington Headquarter Services, Correspondence and

Directives, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 588–0159.

SUPPLEMENTARY INFORMATION: The Office of the Secretary systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 23, 2000, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DWHS P45

SYSTEM NAME:

OSD/Joint Staff Voluntary Leave Transfer Program Records.

SYSTEM LOCATION:

Washington Headquarters Services, Directorate for Personnel and Security, Labor Management and Employee Relations, 1777 North Kent Street, Arlington, VA 22209–2164.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

OSD and Joint Staff individuals who have volunteered to participate in the leave transfer program as a donor and OSD or Joint Staff individuals who have exhausted or are likely to exhaust the balance of their leave due to a medical emergency and are requesting leave donations from volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Leave Recipient Applications (DD Form 2539 or similar) which contain the individual's name, Voluntary Leave Transfer Recipient Number, organization, office telephone number, Social Security Number, position title, grade, pay level, leave balances, number of hours requested, brief description of the medical or personal hardship which qualifies the individual for inclusion in the program, the status of that hardship, and a statement that selected data elements may be used in soliciting donations.

The file may also contain medical or physician certifications and agency approvals or denials.

Leave Donor Applications (DD Form 2538 or similar) which contain the individual's name, organization, office telephone number, Social Security Number, position title, grade, pay level, leave balances, number of hours donated and the name of the designated recipient or Leave Transfer Recipient Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6331 et seq. (Leave); 5 CFR Part 630; and OSD Administrative Instruction 98, ''Voluntary Leave Transfer Program''; and E.O. 9397 (SSN).

PURPOSE(S):

The file is used in managing the OSD/Joint Staff Voluntary Leave Transfer program. A Voluntary Leave Transfer Recipient Number is assigned to each verified recipient. A brief hardship description with the prospective recipient's assigned number is published internally for solicitation purposes. If insufficient donations of leave are offered by the recipient's immediate organization, solicitation is extended beyond that immediate organization until sufficient leave donations to cover the recipient's uncovered leave is reached. Social Security Numbers of donors and recipients are required to effectuate the transfer of leave from the donor's account to the recipient's account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness.

To the personnel and pay offices of the Federal agency involved to effectuate the leave transfer where leave donor and leave recipient are employed by different Federal agencies.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in folders in file cabinets and electronic records are stored on magnetic media.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number or Voluntary Leave Transfer Recipient Number.

SAFEGUARDS:

Records are accessed by custodian of the records or by persons responsible for servicing the record system in performance of their official duties. Records are stored in controlled-access office space that is locked during non-business hours.

RETENTION AND DISPOSAL:

Records are destroyed one year after the end of the year in which the file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Washington Headquarters Services, Directorate for Personnel and Security, ATTN: Assistant Director, Labor Management and Employee Relations, 1777 North Kent Street, Arlington, VA 22209–2164.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Washington Headquarters Services, Directorate for Personnel and Security, Labor Management and Employee Relations, 1777 North Kent Street, Arlington, VA 22209–2164.

Individual should provide full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Washington Headquarters Services, Directorate for Personnel and Security, Labor Management and Employee Relations, 1777 North Kent Street, Arlington, VA 22209–2164.

Individual should provide full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided primarily by the record subject; however, some data may be obtained from personnel and leave records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–8182 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 215. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 215 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: April 1, 2000.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 214. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The Text of the Bulletin follows:

BILLING CODE 5001–01–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGES IN CIVILIAN BULLETIN 215 UPDATES RATES FOR GUAM AND NORTHERN MARIANA ISLANDS.						
ALASKA						
ANCHORAGE [INCL NAV RES]						
05/01 - 09/15	161		68		229	01/01/2000
09/16 - 04/30	80		60		140	01/01/2000
BARROW	115		73		188	03/01/1999
BETHEL	92		65		157	01/01/2000
CLEAR AB	80		54		134	01/01/2000
COLD BAY	140		73		213	01/01/2000
COLDFOOT	135		71		206	10/01/1999
CORDOVA	80		72		152	03/01/2000
CRAIG						
05/01 - 08/31	95		66		161	10/01/1998
09/01 - 04/30	79		64		143	10/01/1998
DEADHORSE	80		67		147	03/01/1999
DENALI NATIONAL PARK						
06/01 - 08/31	125		56		181	01/01/2000
09/01 - 05/31	90		53		143	01/01/2000
DILLINGHAM	100		58		158	01/01/2000
DUTCH HARBOR-UNALASKA	110		71		181	03/01/1999
EARECKSON AIR STATION	80		54		134	01/01/2000
EIELSON AFB						
05/01 - 09/15	149		62		211	01/01/2000
09/16 - 04/30	75		55		130	01/01/2000
ELMENDORF AFB						
05/01 - 09/15	161		68		229	01/01/2000
09/16 - 04/30	80		60		140	01/01/2000
FAIRBANKS						
05/01 - 09/15	149		62		211	01/01/2000
09/16 - 04/30	75		55		130	01/01/2000
FT. RICHARDSON						
05/01 - 09/15	161		68		229	01/01/2000
09/16 - 04/30	80		60		140	01/01/2000
FT. WAINWRIGHT						
05/01 - 09/15	149		62		211	01/01/2000
09/16 - 04/30	75		55		130	01/01/2000
GLENNALLEN	94		54		148	01/01/2000
HEALY						
06/01 - 08/31	125		56		181	01/01/2000
09/01 - 05/31	90		53		143	01/01/2000
HOMER						

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
04/30 - 10/03	119	65	184	03/01/2000
10/04 - 04/29	69	60	129	03/01/2000
JUNEAU	95	66	161	01/01/2000
KAKTOVIK	165	75	240	01/01/2000
KAVIK CAMP	125	69	194	03/01/1999
KENAI-SOLDOTNA				
04/01 - 10/31	104	65	169	01/01/2000
11/01 - 03/31	67	61	128	01/01/2000
KENNICOTT	149	68	217	10/01/1998
KETCHIKAN				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
KING SALMON				
05/01 - 10/01	160	88	248	01/01/2000
10/02 - 04/30	100	82	182	01/01/2000
KLAWOCK				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
KODIAK	90	68	158	01/01/2000
KOTZEBUE				
05/01 - 08/31	137	63	200	01/01/2000
09/01 - 04/30	95	54	149	01/01/2000
KULIS AGS				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
MCCARTHY	149	68	217	10/01/1998
METLAKATLA				
05/30 - 10/01	85	52	137	03/01/1999
10/02 - 05/29	78	51	129	03/01/1999
MURPHY DOME				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
NOME	85	58	143	01/01/2000
NUIQSUT	120	47	167	01/01/2000
PETERSBURG	87	57	144	03/01/1999
POINT HOPE	130	70	200	03/01/1999
POINT LAY	105	67	172	03/01/1999
PRUDHOE BAY	80	67	147	03/01/1999
SEWARD				
05/01 - 09/15	119	75	194	03/01/2000
09/16 - 04/30	75	71	146	03/01/2000
SITKA-MT. EDGECOMBE				
05/16 - 09/16	139	73	212	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
09/17 - 05/15	129	72	201	01/01/2000
SKAGWAY				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
SPRUCE CAPE	90	68	158	01/01/2000
TANANA	85	58	143	01/01/2000
UMIAT	107	33	140	03/01/1999
VALDEZ				
05/01 - 10/01	117	68	185	01/01/2000
10/02 - 04/30	99	66	165	01/01/2000
WAINWRIGHT	111	81	192	01/01/2000
WASILLA	95	60	155	01/01/2000
WRANGELL				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
YAKUTAT	110	68	178	03/01/1999
[OTHER]	80	54	134	01/01/2000
AMERICAN SAMOA				
AMERICAN SAMOA	85	67	152	03/01/2000
GUAM				
GUAM (INCL ALL MIL INSTAL)	150	71	221	04/01/2000
HAWAII				
CAMP H M SMITH	99	61	160	01/01/2000
EASTPAC NAVAL COMP TELE AREA	99	61	160	01/01/2000
FT. DERUSSEY	99	61	160	01/01/2000
FT. SHAFTER	99	61	160	01/01/2000
HICKAM AFB	99	61	160	01/01/2000
HONOLULU (INCL NAV & MC RES CTR)	99	61	160	01/01/2000
ISLE OF HAWAII: HILO	71	50	121	01/01/2000
ISLE OF HAWAII: OTHER	89	50	139	01/01/2000
ISLE OF KAUAI				
05/01 - 11/30	103	58	161	01/01/2000
12/01 - 04/30	131	61	192	01/01/2000
ISLE OF KURE	65	41	106	05/01/1999
ISLE OF MAUI	100	64	164	01/01/2000
ISLE OF OAHU	99	61	160	01/01/2000
KANEOHE BAY MC BASE	99	61	160	01/01/2000
KEKAHA PACIFIC MISSILE RANGE FAC				
05/01 - 11/30	103	58	161	01/01/2000
12/01 - 04/30	131	61	192	01/01/2000
KILAUEA MILITARY CAMP	71	50	121	01/01/2000
LUALUALEI NAVAL MAGAZINE	99	61	160	01/01/2000
NAS BARBERS POINT	99	61	160	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
PEARL HARBOR [INCL ALL MILITARY]	99	61	160	01/01/2000
SCHOFIELD BARRACKS	99	61	160	01/01/2000
WHEELER ARMY AIRFIELD	99	61	160	01/01/2000
[OTHER]	72	61	133	01/01/2000
JOHNSTON ATOLL				
JOHNSTON ATOLL	13	9	22	10/01/1998
MIDWAY ISLANDS				
MIDWAY ISLANDS [INCL ALL MILITAR	150	47	197	02/01/2000
NORTHERN MARIANA ISLANDS				
ROTA	149	72	221	04/01/2000
SAIPAN	154	87	241	04/01/2000
[OTHER]	55	72	127	04/01/2000
PUERTO RICO				
BAYAMON				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
CAROLINA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
FAJARDO [INCL CEIBA & LUQUILLO]	82	54	136	01/01/2000
FT. BUCHANAN [INCL GSA SVC CTR,				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
HUMACAO	82	54	136	01/01/2000
LUIS MUNOZ MARIN IAP AGS				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
MAYAGUEZ	85	59	144	01/01/2000
PONCE	96	69	165	01/01/2000
ROOSEVELT RDS & NAV STA	82	54	136	01/01/2000
SABANA SECA [INCL ALL MILITARY]				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
SAN JUAN & NAV RES STA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
[OTHER]	62	57	119	01/01/2000
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	93	72	165	01/01/2000
12/15 - 04/14	129	76	205	01/01/2000
ST. JOHN				
04/15 - 12/14	219	84	303	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
12/15 - 04/14	382		100		482	01/01/2000
ST. THOMAS						
04/15 - 12/14	163		73		236	01/01/2000
12/15 - 04/14	288		86		374	01/01/2000
WAKE ISLAND						
WAKE ISLAND	60		32		92	09/01/1998

[FR Doc. 00–8180 Filed 4–3–00 8:45 am]

BILLING CODE 5001–01–C

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Public Forum To Be Held by Vicksburg District

AGENCY: U.S. Army Corps of Engineers, Vicksburg District, DOD.

ACTION: Notice of open meeting.

SUMMARY: The purpose of the meeting: (1) Briefing by Vicksburg District Commander on background and general status of the J. Bennett Johnson Waterway Project; (2) Comments by representatives of the Red River Valley Association and the Red River Waterway Commission re economic and recreation benefits of the project to the region; (3) Comments from Senator Mary Landrieu re the current status and potential future of the waterway and region; (4) A public forum with statements and presentations by public participations on matters pertaining to water resources issues in the Red River Valley.

DATES: The meeting will be held at 2:30 p.m. on April 17, 2000.

ADDRESSES: The meeting will be held on board the MISSISSIPPI V at City Front, Alexandria, LA.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Rottman, telephone, (601) 631–5010.

John A. Hall,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 00–8204 Filed 4–3–00; 8:45 am]

BILLING CODE 3710–PU–M

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to add an exempt system of records.

SUMMARY: The Department of the Navy proposes to add an exempt system of records to its inventory of records systems notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective on May 4, 2000, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on March 23, 2000, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05813-4

SYSTEM NAME:

Trial/Government Counsel Files.

SYSTEM LOCATION:

Trial Service Offices, Detachments, and Branch Offices which have trial counsel assigned, regardless of branch of service. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy, Marine Corps, and Coast Guard members who have been charged with violating the Uniform Code of Military Justice (UCMJ) and pending trial by court-martial, an investigation pursuant to Article 32, UCMJ, or a Court or Board of Inquiry; convicted or acquitted by court-martial; charged with violating the UCMJ in cases in which charges were dismissed; or the subject of a military justice investigation, a Court or Board of Inquiry, or other administrative or

disciplinary hearing, which did not result in a court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Charge sheets; convening orders; appointing orders; investigative reports of Federal, state, and local law enforcement agencies; local command investigations; witness statements; results from witness interviews; witness travel claim programs and files; documentary evidence; pretrial advice; immunity requests; search authorizations; general correspondence; legal research and memoranda; motions; forensic reports; pretrial confinement orders; personnel, financial, and medical records; report of Article 32, UCMJ investigations; report of Court or Board of Inquiry; subpoenas; discovery requests; correspondence reflecting pretrial negotiations; requests for resignation or discharge in lieu of trial by court-martial; work-product of trial counsel and trial department staff; results of trial memoranda; case tracking programs and files; and forms to comply with the Victim and Witness Assistance Program, the Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 42 U.S.C. 10606–10607; E.O. 9397 (SSN); and Rule for Court-Martial 502(d)(5), Manual for Court-Martial; and the Victims' Rights and Restitution Act of 1990.

PURPOSE(S):

To prosecute or otherwise resolve military justice cases.

To obtain support from the U.S. Department of Justice on requests for immunity for civilian witnesses.

To obtain information from a Federal, state, local, or foreign agency, or from an individual or organization, relating to an investigation, charges, or court-martial.

To provide information and support to victims and witnesses in compliance with the Victim and Witness Assistance Program, Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the U.S. Department of Justice to obtain support for requests for immunity for civilian witnesses.

To a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, charges, or court-martial, and the disclosure is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

To victims and witnesses to comply with the Victim and Witness Assistance Program, Sexual Assault Prevention and Response Program, and the Victims' Rights and Restitution Act of 1990.

To attorney licensing and/or disciplinary authorities as required to support professional responsibility investigations and proceedings.

The ''Blanket Routine Uses'' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

Name and/or Social Security Number, year of case.

SAFEGUARDS:

Classified information is stored in locked safe drawers with the proper security measures applicable. Unclassified information is located in file cabinets. Some file cabinets have locking capabilities. Automated files are password protected. Offices are locked during non-working hours. The files are not accessible to the public or to persons within the command without an official need to know.

RETENTION AND DISPOSAL:

Files relating to pretrial matters are destroyed when two years old or purpose is served. Files relating to court-martial reviews and appeals are destroyed four years after completion of appellate review.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Legal Service Command, Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374–5066 and at the Trial Service Office, Detachment, or Branch Office where the matter was handled.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the cognizant Trial Service Office, Detachment, or Branch Office. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include the full name, Social Security Number, and address of the individual concerned; the name of the case; and any other identifying information which may be of assistance in locating the record. The request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the cognizant Trial Service Office, Detachment, or Branch Office. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include the full name, Social Security Number, and address of the individual concerned; the name of the case; and any other identifying information that may be of assistance in locating the record. The request must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Court-martial, Article 32, UCMJ investigations, Courts or Boards of Inquiry or other administrative or disciplinary hearings; convening authorities; Federal, state, and local law enforcement agencies; witness interviews; personnel, financial, and medical records; medical facilities; financial institutions; case tracking programs and files; and the work-product of trial counsel, legalmen, and legal assistants working on particular cases.

EXEMPTION CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2).

However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

[FR Doc. 00–8183 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration adds a routine use to allow the disclosure of records to state and local authorities for purposes of providing (1) notification that individuals, who have been convicted of a specified sex offense or an offense against a victim who is a minor, will be residing in the state upon release from military confinement and (2) information about the individual for inclusion in a state operated sex offender registry.

DATES: This action will be effective on May 4, 2000, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on March 23, 2000, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: March 29, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01640-1

SYSTEM NAME:

Individual Correctional Records *(June 25, 1997, 58 FR 34234).*

CHANGES:

* * * * *

SYSTEM LOCATION:

In lines 6-8, delete from ''Bureau'' to end of sentence and replace with ''Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.''

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

In line 25, delete the words ''disciplinary action data cards'' and replace with ''records''. In line 32, after the word ''release''; delete the rest of the entry and replace with ''reports showing legal status, offense charged, and length of time confined. Names, addresses, and telephone numbers of victims/witnesses.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add the following paragraph to entry ''To state and local authorities for purposes of providing (1) notification that individuals, who have been convicted of a specified sex offense or an offense against a victim who is a minor, will be residing in the state upon release from military confinement and (2) information about the individual for inclusion in a state operated sex offender registry.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Policy Officials: Commander, Navy Personnel Command (Pers–84) 5720 Integrity Drive, Millington, TN 38055–8400 and Commandant of the Marine Corps (Code POS–40), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Record Holders: United States Naval Brigs and United States Marine Corps Brigs. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers–84), 5720 Integrity Drive, Millington, TN 38055–8400.''

* * * * *

N01640-1

SYSTEM NAME:

Individual Correctional Records.

SYSTEM LOCATION:

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Navy Personnel Command (Pers–84), 5720 Integrity Drive, Millington, TN 38055–8400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members confined in a naval facility as a result of or pending trial by courts-martial; military members sentenced to three days bread and water or diminished rations; and military members awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities—courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting lists and records; personal history records; individual prisoner utilization records; requests for interview; initial interview; spot reports; prisoner identification records; parolee agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; records showing name, grade, Social Security Number, sex, education, sentence,

offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; reports showing legal status, offense charged, and length of time confined. Names, addresses, and telephone numbers of victims/witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951; 42 U.S.C. 10601 et seq., Victim's Rights and Restitution Act of 1990 as implemented by DoD Instruction 1030.2, Victim and Witness Assistance Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

To determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole; and to notify victims/witnesses of crime of release related activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, and local law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory order.

To state and local authorities for purposes of providing (1) notification that individuals, who have been convicted of a specified sex offense or an offense against a victim who is a minor, will be residing in the state upon release from military confinement and (2) information about the individual for inclusion in a state operated sex offender registry.

To confinement/correctional system agencies for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

To victims and witnesses of crime for the purpose of notifying them of date of parole or clemency hearing and other release related activities.

The ''Blanket Routine Uses'' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computerized data base.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Computer data base is password protected.

RETENTION AND DISPOSAL:

Two years after a prisoner is released or transferred from a brig or expiration of parole, prisoner records are transferred to the appropriate Federal Records Center.

Federal Records Center Atlanta, 1557 St. Joseph Avenue, East Point, GA 30344 has records from ashore brigs under the area coordination of the Commander in Chief, U.S. Atlantic Fleet; Commander in Chief, U.S. Naval Forces Europe; Commander, Naval Education and Training, afloat brig on Atlantic Fleet ships, and Naval Consolidated Brig, Charleston.

Federal Records Center Los Angeles, 2400 Avila Road, P.O. Box 6719, Laguna Niegel, CA 92607–6719 has records for ashore brigs under the area consideration of the Commander in Chief, U.S. Pacific Fleet; afloat brigs on Pacific Fleet ships; and Naval Consolidated Brig, Miramar.

Records of prisoners accompany their transfer to other facilities.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Officials: Commander, Navy Personnel Command (Pers–84), 5720 Integrity Drive, Millington, TN 38055–8400 and Commandant of the Marine Corps (Code POS–40), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Record Holders: United States Naval Brigs and United States Marine Corps Brigs. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers–84), 5720 Integrity Drive, Millington, TN 38055–8400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the United States Naval Brig or United States Marine Corps Brig where incarcerated. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers-84), 5720 Integrity Drive, Millington, TN 38055-8400.

Requests should include full name and Social Security Number and must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the United States Naval Brig or United States Marine Corps Brig where incarcerated. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices, and/or may be obtained from the Commander, Navy Personnel Command (Pers–84), 5720 Integrity Drive, Millington, TN 38055–8400.

Requests should include full name and Social Security Number and must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any

activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

[FR Doc. 00–8185 Filed 4–3–00; 8:45 am]

BILLING CODE 5001–10–F

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 June 5, 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 29, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: New.

Title: Annual Performance Report for the Upward Bound, Upward Bound Math/Science, and Veterans Upward Bound Programs.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 9,000.

Abstract: Upward Bound grantees must submit the report annually. The reports are used to evaluate the performance of grantees prior to awarding continuation funds and to assess a grantee's prior experience at the end of each budget period. The Department will also aggregate the data to provide descriptive information on the programs and to analyze the impact of the program on the academic progress of participating students.

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. 00–8198 Filed 4–3–00; 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 May 4, 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, D.C. 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 29, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: Revision.

Title: Federal Pell Grant Program Recipient Financial Management System (RFMS).

Frequency: On Occasion.

Affected Public: Not-for-profit institutions; Businesses or other for-profit; Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 5,660.

Burden Hours: 396,200.

Abstract: The Federal Pell Grant Program provides grants to eligible students based on financial need to meet the costs of postsecondary education. The new RFMS modernizes the Federal Pell Grant Program and institutions report data and request funds through RFMS.

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. 00–8199 Filed 4–3–00; 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 May 4, 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 29, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Individuals with Disabilities Education Act.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,200.

Burden Hours: 30,000.

Abstract: Under the Individuals with Disabilities Education Act discretionary grants are authorized to support research and technology, personnel preparation, parent training, and information and technical assistance activities. This grant application provides the forms and information necessary for applicants to submit an application for funding, and information for use by technical reviewers to determine the quality of application.

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 Sheila Carey at (202) 708–6287 or via her internet address Sheila__Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–8200 Filed 4–3–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee); Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education

What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

When and Where Will the Meeting Take Place?

We will hold the public meeting on May 24 and 25, 2000 from 10:00 a.m. until 5:30 p.m. at the Ritz Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, Virginia 22202. You may call the Hotel on (703) 415–5000 to inquire about rooms.

What Access Does the Hotel Provide for Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, who is the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the U.S. Department of Education, Room 7007—MS 7592, 1990 K Street NW, Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under Section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011.

What are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between: (1) Accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

What Items Will be on the Agenda for Discussion at the Meeting?

Agenda topics will include an update on the Title IV Distance Education Demonstration Program, a panel discussion by Federal and higher education agency representatives on transfer of credit issues, a briefing on ethics requirements, and the review of agencies that have submitted petitions for renewal of recognition or interim reports.

What Agencies Will the Advisory Committee Review at the Meeting?

The Advisory Committee will review the following agencies during its May 24–25, 2000 meeting.

Nationally Recognized Accrediting Agencies

Interim Reports (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. American Academy for Liberal Education.

2. Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission.

3. Accrediting Bureau of Health Education Schools.

4. American Veterinary Medical Association, Council on Education.

5. The Council on Chiropractic Education, Commission on Accreditation.

6. Council on Education for Public Health.

7. National Environmental Health Sciences and Protection Accreditation Council.

8. National League for Nursing Accrediting Commission.

State Agency Recognized for the Approval of Public Postsecondary Vocational Education

Petition for Renewal of Recognition

1. Puerto Rico Human Resources and Occupational Development Council.

Interim Report

1. Oklahoma State Board of Vocational and Technical Education.

2. Utah State Board for Applied Technology Education.

State Agencies Recognized for the Approval of Nurse Education

Petition for Renewal of Recognition

1. Montana State Board of Nursing

Interim Report

1. Maryland Board of Nursing

Who Can Make Third-Party Oral Presentations at this Meeting?

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency listed above.

How Do I Request to Make an Oral Presentation?

You must submit a *written request* to make an oral presentation concerning an agency listed above to the contact person listed in this notice. The request must be received *no later than close of business on May 3, 2000.* Your request should include:

—The names of all persons seeking an appearance,
—The organization they represent, and
—A brief summary of the principal points to be made during the oral presentation.

This notice is *not* a call for third-party written comments. However, if you wish to provide the Advisory Committee with a brief document (no more than 6 pages maximum, including any attachments) illustrating the main points of your oral testimony, please enclose one original and 25 copies of the document with your written request to make an oral presentation. Please do not distribute written materials at the meeting or send materials directly to Committee members.

Materials received by the deadline (May 3, 2000) and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Department staff will not distribute documents received after the May 3, 2000 deadline to the Advisory Committee.

If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?

This notice requests third-party oral testimony, not written comment. A request for written comments on agencies that are being reviewed during this meeting was published in the **Federal Register** on January 18, 2000. The Advisory Committee will receive and consider only written comments submitted by the deadlines specified in that **Federal Register** notice.

How Do I Request to Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?

At the conclusion of the meeting, the Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. LeBold before the meeting.

How May I Obtain Access to the Records of the Meeting?

We will record the meeting and make a transcript available for public inspection at the U.S. Department of Education, 1990 K St. NW, Washington, DC, telephone (202) 219–7009, between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. It is preferred that an appointment be made in advance of such inspection.

What Agencies Will Be Postponed for Review until the December 2000 Meeting?

The agencies listed below, which were originally scheduled for review during the Committee's May 2000 meeting, will be postponed for review until the Committee's December 2000 meeting. Any third-party written comments regarding these agencies that were received by March 3, 2000, in accordance with the **Federal Register** notice published on January 18, 2000, will become part of the official record and will be considered by the Committee in its deliberations at the December 2000 meeting. There will be another opportunity to provide written comments on these agencies this summer; a **Federal Register** notice requesting comments on all agencies scheduled for review at the December 2000 meeting will be published in June or July 2000.

Nationally Recognized Accrediting Agencies

Petition for Initial Recognition

1. Midwifery Education Accreditation Commission.

Petitions for Renewal of Recognition

1. American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education.

2. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar.

3. Accreditation Commission for Acupuncture and Oriental Medicine.

4. Accrediting Commission on Education for Health Services Administration.

5. American Osteopathic Association, Bureau of Professional Education.

6. American Podiatric Medical Association, Council on Podiatric Medical Education.

7. National Council for Accreditation of Teacher Education.

8. New York State Board of Regents.

Authority: 5 U.S.C. Appendix 2.

Dated: March 29, 2000.

A. Lee Fritschler,

Assistant Secretary for Postsecondary Education.

[FR Doc. 00–8218 Filed 4–3–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Rocky Flats Field Office; Notice of Intent To Solicit Competitive Applications/Proposals for Financial Assistance

AGENCY: Rocky Flats Field Office, Department of Energy (DOE).

ACTION: Notice of intent to solicit competitive applications/proposals for financial assistance.

SUMMARY: The Rocky Flats Field Office (RFFO) of the Department of Energy is entrusted to contribute to the welfare of the nation by providing the scientific foundation, technology, policy and institutional leadership necessary to achieve efficiency in energy use, diversity in energy sources, a more productive and competitive economy, improved environmental quality, and a secure national defense. RFFO intends to fund a series of grants in special emphasis programs to encourage programs to train Native Americans, African Americans, Hispanic Americans, Asian-Pacific Americans, Women and Disabled Students to pursue training in the fields of sciences and engineering; and to fund local community projects contributing to diversity-related programs.

DATES: Applications may be submitted at any time on or before May 4, 2000. Applications received within 30 days from the date of this announcement, will be considered; applications received after that date may or may not be considered depending on the status of proposal review and selection.

ADDRESSES: Department of Energy, Rocky Flats Field Office, Contracts Management Division, 10808 Highway 93, Unit A, Golden, Colorado 80403–8200.

FOR FURTHER INFORMATION CONTACT: Elaine Nix, Department of Energy Rocky Flats Field Office, 10808 Highway 93, Unit A, Golden, Colorado 80403–8200, (303) 966–2054, for application forms and additional information. Completed applications or proposals must be sent to the addresses heading.

SUPPLEMENTARY INFORMATION: DOE RFFO is under no obligation to pay for any costs associated with the preparation or submission of applications/proposals if an award is not made. If an award is made, such costs may be allowable as provided in the applicable cost principles.

Availability Of Fiscal Year 1999 Funds

With this publication; DOE RFFO is announcing the availability of up to $300,000 in grant funds for fiscal year 2000. RFFO anticipates that four or less grants will be made for a total not to exceed $300,000. The awards will be made through a competitive process. Projects may cover a period of up to 5 years funding for out-years is dependent on appropriation from Congress. Length of awards may vary by applicant.

Restricted Eligibility

Eligible applicants for the purposes of funding under this notice include organizations and institutions residing in Colorado proposing to implement minority science and engineering projects in Colorado as described in the summary section of this announcement. Applicants are encouraged to propose project cost-sharing or sharing of in-kind services or resources. The awards will be made through a competitive process to organizations and institutions located in the State of Colorado. The Catalog of Federal Domestic Assistance number assigned to this program is 81.116.

Evaluation Criteria

All responsive Applications will be reviewed by a panel composed of Department of Energy RFFO representatives. Successful proposal(s) will be selected on the opinion of panel members of proposals most able to meet the objectives best able to meet the needs of this office.

Proposals must demonstrate and will be evaluated based on the following criteria:

1. Implementation plan demonstrates experience, qualifications, capabilities, and resources necessary to successfully accomplish the proposed activities. (25%)

2. Exhibits sound administrative and financial management practices. (25%)

• Ability and willingness to perform all administrative requirements of the grant.

• The relationship between direct and indirect costs, and other financial aspects of the proposed grant, demonstrates sound financial practices.

• Cost effectiveness of projects.

3. Relationship of the proposed project to the objectives of the solicitation. (25%)

4. Qualifications of key personnel. (10%)

• Adequacy of availability and level of expertise of proposed personnel resources.

• Level of expertise of key personnel as demonstrated in resumes containing relevant education, training, and experience (resumes should include relevant project work previously conducted by individuals of the team).

5. Successful past performance of similar projects. (15%)

• Proposals lacking records of relevant past performance will receive a neutral score.

DOE RFFO hereby reserves the right to fund, in part or whole, any, all, or none of the proposals submitted in response to this request. All applicants will be notified in writing of the action taken on their applications. Applicants should allow approximately 90 days for DOE evaluation. The status of any application during the evaluation and selection process will not be discussed with applicants. Unsuccessful applications will not be returned to the applicant.

Issued in Golden, Colorado, on March 15, 2000.

Hugh G. Miller,

Contracting Officer.

[FR Doc. 00–8219 Filed 4–3–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Resolution Commission

[Docket No. GP94–2–009]

Columbia Gas Transmission Corporation; Notice of Refund Report

March 29, 2000.

Take notice that on March 21, 2000, Columbia Gas Transmission Corporation (Columbia), tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made to comply with the April 17, 1995 Settlement (Settlement) in Docket No. GP94–02, *et al.,* as approved by the Commission on June 15, 1995 (Columbia Gas Transmission Corp., 71 FERC ¶ 61,337 (1995)).

Columbia states that on February 21, 2000 Columbia made refunds, as billing credits, in the amount of $309,789.90. The refunds represent deferred tax refunds received from Trailblazer Pipeline Company and Overthrust Pipeline Company. These refunds were made pursuant to Article VIII, Section E of the Settlement using the allocation percentage shown on Appendix G, Schedule 5 of the Settlement. The refunds include interest at the FERC rate, in accordance with the Code of Federal Regulations, Subpart F, Section 154.501(d).

Columbia states that copies of its filing have been mailed to all affected customers and state commissions.

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 April 5, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8270 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP94–72–012]

Iroquois Gas Transmission System, L.P.; Notice of Proposed Changes in FERC Gas Tariff

March 29, 2000.

Take notice that on March 24, 2000, Iroquois Gas Transmission System, L.P. (Iroquois, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of March 24, 2000.

Twenty-Seventh Revised Sheet No. 4
Original Sheet No. 4A
Ninth Revised Sheet No. 5
Fourth Revised Sheet No. 14
Fourth Revised Sheet No. 15
Fourth Revised Sheet No. 29
Fifth Revised Sheet No. 30
Second Revised Sheet No. 75B
Third Revised Sheet No. 75C

Iroquois asserts that the filing is in compliance with the Commission's order issued in the captioned proceedings on February 10, 2000, approving an offer of settlement which was filed on December 17, 1999.

Iroquois states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties in Docket Nos. RP94–72, FA92–59 and RP97–126.

Any person desiring to protest this 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 as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8272 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–108–000]

Questar Pipeline Company; Notice of Technical Conference

March 29, 2000.

In the Commission's order issued on March 20, 2000, the Commission directed that a technical conference be held to address issues raised by the filing.

Take notice that the technical conference will be held on Wednesday, April 26, 2000, at 10:00 am, in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8271 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–027]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

March 29, 2000.

Take notice that on March 24, 1999, Tennessee Gas Pipeline Company (Tennessee), tendered for filing two firm service agreements and a description of the essential conditions involved in agreeing to two (2) Negotiated Rate Arrangements. Tennessee requests that the Commission approve the Negotiated Rate Arrangements to be effective on April 1, 2000, for one agreement and May 1, 2000, for the other agreement.

Tennessee states that the filed Negotiated Rate Arrangements reflect negotiated rates between Tennessee and Consolidated Edison Company of New York, Inc. (Con Edison) for transportation service, under two transportation agreements for a period to be effective beginning April 1, 2000, until October 31, 2003, for one and for a period beginning May 1, 2000, until November 30, 2002, for the other.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8275 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG00–117–000, et al.]

Ameren Energy Generating Company, et al.; Electric Rate and Corporate Regulation Filings

March 28, 2000.

Take notice that the following filings have been made with the Commission:

1. Ameren Energy Generating Company

[Docket No. EG00–117–000]

Take notice that on March 23, 2000, Ameren Energy Generating Company (Generating Co.), c/o Ameren Services, 1901 Chouteau Avenue, St. Louis, MO 63166, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations. Generating Co. proposes to acquire five electric generating stations currently owned by Central Illinois Public Service Company (AmerenCIPS) with approximately 2900 MW of generating capacity, as well as certain additional generating units, and to sell all of the electric energy available from those units at wholesale. The transfer to Generating Co. of generating units owned by AmerenCIPS is intended to implement the Illinois Electric Service Customer Choice and Rate Relief Law of 1997. State Commission determinations allowing such facilities to become eligible facilities have been issued by the Illinois Commerce Commission and the Missouri Public Service Commission.

Comment date: April 18, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Indeck Colorado, LLC

[Docket No. EG00–118–000]

Take notice that on March 23, 2000, Indeck Colorado, LLC (Indeck Colorado) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935 and part 365 of the Commission's regulations.

Comment date: April 18, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Western Power Trading Forum, Complainant, v. California Independent System Operator Corporation, Respondent

[Docket No. EL00–58–000]

Take notice that on March 24, 2000, the Western Power Trading Forum (Complainant) filed a complaint and request for expedited relief under Sections 206 and 306, *et seq.*, of the Federal Power Act, 16 U.S.C. 824e and 825e (1994), and Section 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, alleging that the Grid Management Charge of the California Independent System Operator Corporation (ISO) is unjust, unreasonable, unduly discriminatory, anticompetitive, excessive, and in violation of a prior ISO settlement approved in Docket Nos. ER98–211–000, *et al.*

Comment dates: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice. Answers to the Complaint shall also be due on or before April 13, 2000.

4. Western Systems Power Pool

[Docket No. ER91–195–041]

Take notice that on March 23, 2000, the Western Systems Power Pool (WSPP) filed certain information to update its January 31, 2000 quarterly filing. This data is required by Ordering Paragraph (D) of the Commission's June 27, 1991 Order (55 FERC ¶61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992 Order On Rehearing Denying Request Not To Submit Information, And Granting In Part And Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

5. CinCap VII, LLC

[Docket No. ER00–1831–001]

Take notice that on March 23, 2000, CinCap VII, LLC (CinCap VII) submitted an amendment to its application for approval of CinCap VII's Rate Schedule FERC No. 1 providing for market-based capacity and energy sales at wholesale, transmission capacity reassignment and the sale of ancillary services at market-based rates.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. CinCap VIII, LLC

[Docket No. ER00–1834–001]

Take notice that on March 23, 2000, CinCap VIII, LLC (CinCap VIII) submitted an amendment to its application for approval of CinCap VIII's Rate Schedule FERC No. 1 providing for market-based capacity and energy sales at wholesale, transmission capacity reassignment and the sale of ancillary services at market-based rates.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Virginia Electric and Power Company

[Docket No. ER00–1940–000]

Take notice that on March 22, 2000, Virginia Electric and Power Company (Virginia Power) tendered for filing the following:

1. Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Allegheny Energy Supply Company, LLC.

2. Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Allegheny Energy Supply Company, LLC.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreements, Virginia Power will provide point-to-point service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of March 22, 2000, the date of filing of the Service Agreements.

Copies of the filing were served upon Allegheny Energy Supply Company, LLC, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: April 12, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Entergy Services, Inc.

[Docket No. ER00–1947–000]

Take notice that on March 23, 2000, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (together Entergy) filed an amendment to its Open Access Transmission Tariff (OATT). Entergy states that the purpose of the proposed OATT amendment is to implement the retail access pilot program in Texas (Texas Pilot). The changes to the OATT are designed to provide unbundled transmission access to retail customers participating in Texas Pilot. Entergy states that it has conformed the amendment to be consistent with prior OATT retail access amendments accepted by the Federal Energy Regulatory Commission.

Entergy requests an effective date of June 1, 2001, for the amendment, to coincide with the commencement of the Texas Pilot.

Entergy has served a copy of this filing on its state and local regulatory commissions and its OATT customers.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Tampa Electric Company

[Docket No. ER00–1949–000]

Take notice that on March 23, 2000, Tampa Electric Company (Tampa Electric) filed a Notice of Termination of a letter of commitment under interchange service Schedule D between Tampa Electric and the City of Fort Meade, Florida (Fort Meade).

Copies of the filing have been served on Fort Meade and the Florida Public Service Commission.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Services, Inc.

[Docket No. ER00–1948–000]

Take notice that on March 23, 2000, Entery Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc. (EAI) (formerly Arkansas Power & Light Company), tendered for filing a 2000 Wholesale Formula Rate Update (Update) in accordance with the Power Coordination, Interchange and Transmission Service Agreements between EAI and the cities of Conway, West Memphis and Osceola, Arkansas (Arkansas Cities); the cities of Campbell and Thayer, Missouri (Missouri Cities), and the Arkansas Electric Cooperative Corporation (AECC); the Transmission Service Agreement between EAI and the Louisiana Energy and Power Authority (LEPA); the Transmission Service Agreement between EAI and the City of Hope, Arkansas (Hope); the Hydroelectric Power Transmission and Distribution Service Agreement between EAI and the City of North Little Rock, Arkansas (North Little Rock); the Wholesale Power Service Agreement between EAI and the City of Prescott, Arkansas (Prescott) and the Wholesale Power Service Agreement between EAI and Farmers Electric Cooperative Corporation (Farmers). Entergy Services states that the Update redetermines the formula rate charges and Transmission Loss factor in accordance with: (1) The above agreements, (2) the 1994 Joint Stipulation between EAI and AECC accepted by the Commission in Docket No. ER95–49–000, as revised by the 24th Amendment to the AECC Agreement accepted by the Commission on March 26, 1996 in Docket No. ER96–1116–000, (3) the formula rate revisions accepted by the Commission on February 21, 1995 in Docket No. ER95–363–000 as applicable to the Arkansas Cities, Missouri Cities, Hope and North Little Rock, (4) the formula revisions as applicable to LEPA accepted by the Commission on January 10, 1997 in Docket No. ER97–257–000, and (5) the Settlement Agreement accepted by the Commission on July 2, 1999 in Docket No ER98–2028–000 (the 1998 Formula Rate Update proceeding).

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Tampa Electric Company

[Docket No. ER00–1950–000]

Take notice that on March 23, 2000, Tampa Electric Company (Tampa Electric) filed a Notice of Termination of a letter of commitment under interchange service Schedule D between Tampa Electric and the City of Wauchula, Florida (Wauchula).

Copies of the filing have been served on Wauchula and the Florida Public Service Commission.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Tampa Electric Company

[Docket No. ER00–1951–000]

Take notice that on March 23, 2000, Tampa Electric Company (Tampa Electric) tendered for filing a service agreement with Cargill-Alliant, LLC (Cargill-Alliant) under Tampa Electric's market-based sale tariff. Tampa Electric requests that the service agreement be made effective on March 23, 2000.

Copies of the filing have been served on Cargill-Alliant and the Florida Public Service Commission.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Indeck Colorado, LLC

[Docket No. ER00–1952–000]

Take notice that on March 23, 2000, Indeck Colorado, LLC, filed an initial rate schedule to sell power at market-based rates and two purchase agreements with Public Service Company of Colorado under said rate schedule.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Ameren Services Company

[Docket No. ER00–00–1953–000]

Take notice that on March 23, 2000, Ameren Services Company (ASC) tendered for filing Service Agreements for Firm Point-to-Point Transmission Services between ASC and Central Illinois Light Company marketing, Central Illinois Light Company Retail and Cargill-Alliant, LLC (the parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Ameren Services Company

[Docket No. ER00–1954–000]

Take notice that on March 23, 2000, Ameren Services Company (ASC) tendered for filing a Service Agreement for Long-Term Firm Point-to-Point Transmission Services between ASC and Ameren Energy, Inc. as agent for Ameren Services Company (customer). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to customer pursuant to Ameren's Open Access Transmission Tariff.

ASC requests that the Service Agreement become effective March 10, 2000.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Ameren Services Company

[Docket No. ER00–1955–000]

Take notice that on March 23, 2000, Ameren Services Company (ASC) tendered for filing Service Agreements for Non-Firm Point-to-Point Transmission Services between ASC and Central Illinois Light Company Marketing, Central Illinois Light Company Retail and Cargill-Alliant, LLC (the parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Entergy Services, Inc.

[Docket No. ER00–1956–000]

Take notice that on March 23, 2000, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement and a Short-Term Firm Point-to-Point Transmission Service Agreement, both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Conectiv Energy Supply, Inc.

Entergy Services, Inc. requests that the Service Agreements become effective by March 14, 2000.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Dayton Power and Light Company

[Docket No. ER00–1957–000]

Take notice that on March 23, 2000, The Dayton Power and Light Company (DP&L) tendered for filing an Interconnection Agreement with DP&L Energy, Inc.

DP&L requests that the Agreement become effective on March 24, 2000.

Comment date: April 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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 or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–8268 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–55–000]

Distrigas of Massachusetts Corporation; Notice of Availability of the Environmental Assessment for the Proposed DOMAC LNG Plant Modifications Project

March 29, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this environmental assessment (EA) on the modification of existing facilities proposed by Distrigas of Massachusetts Corporation (DOMAC) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the proposed modification, construction, and operation at an existing liquefied natural gas (LNG) storage facility. The proposed project would allow DOMAC to establish a mutually beneficial thermal energy exchange arrangement between its LNG Plant and the Island End Cogeneration Project (Power Project) and to supply 66,000 MMBtu per day of regasified LNG to the Power Project. The proposed modifications would include:

- Installation of a closed-loop hot and cold water thermal energy transfer system consisting of piping, a warm water storage tank, water-to-water heat exchangers, and five water pumps;
- Substitution of existing low, medium, and high pressure vaporizers with equivalent capacity shell-and-tube hot water heat exchangers compatible with the thermal energy transfer system;
- Minor LNG Plant modifications necessary to meter and connect the Power Project's fuel supply line to the LNG Plant; and
- Installation of a new utility water supply system to serve both the LNG Plant and the Power Project.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public

interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow the instructions to ensure that your comments are received in time and properly recorded.

• Send two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Gas Group I, PJ–11.1;

• Reference Docket No. CP00–55–000; and

• Mail your comments so that they will be received in Washington, DC on or before May 1, 2000.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 395.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, to select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CHIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPs helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8273 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulation Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

March 29, 2000.

Take notice that the following hydroelectric application has been accepted by the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License.

b. *Project No.:* 2724–023.

b. *Date filed:* September 30, 1999.

d. *Applicant:* City of Hamilton, Ohio.

e. *Name of Project:* City of Hamilton Hydroelectric Project.

f. *Location:* Ford Canal and Great Miami River, Butler County, Ohio. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Michael Perry, Electric Department, 10 Journal Square, Suite 300, Hamilton, Ohio, 450111, or telephone (513) 868–5907.

i. *FERC Contact:* Nick Jayjack at (202) 219–2825, E–mail address *nicholas.jayjack@ferc.fed.us.*

j. Deadline for filing motions to intervene and protests is 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *The project consists of:* (1) An 8-foot-high (average), 1,660-foot-long concrete overflow diversion dam; (2) an 8-foot-high (average), 196-foot-long concrete overflow diversion dam; (3) a 3-mile-long power canal; (4) a concrete headgate structure at the canal entrance; (5) a 93-foot-wide by 63-foot-long by 50-foot-high powerhouse with an installed capacity of 1,500 kilowatts (kW) to be upgraded to 1,940 kW (the turbine-generator units are currently capable of producing 1,940 kW; however, system governors limit output to 1,500 kW); (6) a 21-foot-long spillway adjacent to the powerhouse; (7) a 50-foot-wide, 1,600-foot-long concrete and earthen tailrace; (8) a 0.25-mile-long, 13.2-kilovolt transmission line; (9) generator leads; and (10) appurtenant facilities.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must: (1) Bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005.

Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8269 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice Regarding Voluntary Identification of New Filings Made With the Commission

March 29, 2000.

This notice offers an optional and voluntary means for identification of new filings made with the Commission. Identification of filings as described below will help (1) ensure proper identification of filings, and (2) expedite the initial routing of filings within the Commission.

The filings covered by the optional procedures set out in this Notice are filings that need docket number assignment, *i.e.,* newly-docketed filings, such as pipeline certificate applications, applications for merger authority, applications for hydroelectric licensing, electric or gas rate filings, complaints, petitions for declaratory order. These optional procedures do not apply to interventions, comments, requests for rehearing, or the like, since these filings can be routed according to the docket number assigned to the filing initiating the proceeding.

The Commission receives many types of new filings requesting various forms of action. Upon receipt of these filings, it is currently incumbent upon the staff of the Secretary of the Commission (with advice from technical and legal staff) to determine the type of filing and how best to route that filing through the Commission for processing. However, if filings were more easily identifiable when filed, filings could be routed for processing faster, allowing processing time to be reduced accordingly. Additionally, as the Commission moves toward implementation of electronic filing, easy and expeditious identification of filings may become more critical for successful routing.

In order to assist filers in identifying filings, an Appendix is attached for reference. The Appendix lists filing types, a brief description of each filing type, and the related statutory reference. Filers may, at their discretion, submit a copy of the appropriate Appendix page with the type of filing highlighted or marked (by placing an 'X' in the box in front of the filing type). If a filer chooses to take this approach, all relevant filing types should be designated. For example, it could be necessary for a filer to submit an application for merger authority, and a new open access tariff. In such an instance, the filer would want to mark two types of filings: (1) application for merger authority, and (2) tariff-transmission. We also take this opportunity to suggest that filers inform the Commission of any related filings or proceedings in their transmittal (or cover) letters.

Please note that this approach for identifying new filings is an option that may or may not be adopted by a filer. The Appendix may be used immediately, and may be downloaded from our web site at http://www.ferc.fed.us/online/rims.htm. Due to technical difficulties the Appendix will not be available on the Commission's Issuance Posting System (CIPS). Alternatively, copies of this notice are on file with the Commission and are available for public inspection in the Public Reference Room. Any questions about or comments on this optional procedure may be directed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, (202) 208–0400.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–8274 Filed 4–3–00; 8:45 am]

BILLING CODE 6717–01–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 19, 2000

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Dickinson Family Stock Retention Trust, Kansas City, Missouri; Amy Dickinson Holewinski, Mission Hills, Kansas and Daniel L. Dickinson, Kansas City, Missouri, as Trustees, to acquire additional voting shares of DFC Acquisition Corporation Two, Kansas City, Missouri, and Dickinson Financial Corporation, Kansas City, Missouri, and thereby indirectly acquire voting shares of Armed Forces Bank of California, San Diego, California; Air Academy National Bank, Colorado Springs, Colorado; Armed Forces Bank, N.A., Fort Leavenworth, Kansas; and Bank Midwest, N.A., Kansas City, Missouri.

Board of Governors of the Federal Reserve System, March 30, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–8278 Filed 4–3–00; 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 28, 2000.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Community Pride Bank Corporation, Ham Lake, Minneapolis; to become a bank holding company by acquiring 100 percent of the voting shares of Community Pride Bank, Ham Lake, Minneapolis (a de novo bank).

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Shamrock Bancshares, Inc., Coalgate, Oklahoma; to acquire 100 percent of the voting shares of First Bank of Apache, Apache, Oklahoma.

Board of Governors of the Federal Reserve System, March 29, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–8193 Filed 4–3–00; 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 28, 2000.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Central Financial Corporation, Hutchinson, Kansas; to acquire 10 percent of the voting shares of Mid-America Bancorp, Inc., Jewell, Kansas, and thereby indirectly acquire Heartland Bank, N.A., Jewell, Kansas.

Board of Governors of the Federal Reserve System, March 30, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–8277 Filed 4–3–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 28, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President), 33 Liberty Street, New York, New York 10045–0001:

1. North Fork Bancorporation, Inc., Melville, New York; to acquire at least a majority of the voting shares of Dime Bancorp, Inc., New York, New York, and its subsidiaries, including The Dime Savings Bank of New York, FSB, and North American Mortgage Company, and thereby engage in extending credit and servicing loans and activities related to extending credit, pursuant to §§ 225.28(b)(1) and (2) of Regulation Y; operating a savings association pursuant to § 225.28(b)(4)(ii) of Regulation Y; and credit insurance activities pursuant to § 225.28(b)(11)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, March 30, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–8279 Filed 4–3–00; 8:45 am]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Sunshine Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, April 10, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW, Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days

before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: March 31, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–8384 Filed 3–31–00; 3:06 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice.

SUMMARY: The FTC is seeking Office of Management and Budget (OMB) clearance under the Paperwork Reduction Act (PRA) for consumer surveys to gather information for its study of the marketing of violent entertainment to children. The FTC seeks public comment regarding this notice, which is the second of two notices required by the PRA for information collection requests of this nature.

DATES: Comments on the proposed information requests must be submitted on or before May 4, 2000.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following addresses: Edward Clarke, Senior Economist, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503, and to Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or by e-mail to (entstudy@ftc.gov). The submissions should include the submitter's name, address, telephone number and, if available, FAX number and e-mail address. All submissions should be captioned ''Entertainment Industry Study—FTC File No. P994511.''

FOR FURTHER INFORMATION CONTACT: Requests for additional information, such as requests for the Supporting Statement, related attachments, or copies of the proposed collection of information, should be addressed to Sally Forman Pitofsky, Attorney, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Telephone: (202) 326-3318, E-mail: (entstudy@ftc.gov).

SUPPLEMENTARY INFORMATION: On August 25, 1999, the FTC published a Federal Register notice with a 60-day comment period soliciting comments from the public concerning the collection of information from: (1) members of the motion picture, music recording, and video and personal computer game industries and (2) consumers. See 64 FR 46392. The second PRA notice for the industry surveys was published on November 18, 1999 (64 FR 63046). OMB approved that collection of information on December 21, 1999 for use through December 31, 2002. This is the second PRA notice regarding the collection of information from consumers.

Comments Received

The FTC received one comment regarding its proposed consumer research from the Interactive Digital Software Association (IDSA). The IDSA recommended that the Commission put out for public comment any survey instrument used to assess consumer attitudes toward and awareness of the IDSA's Entertainment Software Rating Board program and that any such research survey only those who actually buy or play video games. Consistent with the requirements of the PRA, the survey instruments used to study consumer attitudes toward and awareness of the various rating or labeling systems will be made available to interested parties upon request to Commission staff. Moreover, only children whose parents say their children play electronic games will be asked to answer surveys regarding video or personal computer games. The same approach will be taken for surveying children about their experiences regarding motion pictures and music recordings.

Description of the collection of information and proposed use

The FTC proposes to conduct a telephone survey of 750 parents having a child aged 11 to 16 and to survey 400 children aged 11 to 16 in order to gather specific information on their perceptions of the entertainment rating or labeling systems. This information will be collected on a voluntary basis, and the identities of the consumers will remain confidential. The FTC will contract with a consumer research firm to select consumers and conduct the surveys. Survey results will help the FTC assess whether and how consumers use the rating or labeling systems of the motion picture, recording, and electronic games industries.

Estimated Hours Burden

The FTC will contract with a survey firm to: (1) Identify and survey 750 parents with children aged 11 to 16; and (2) survey 400 children aged 11 to 16.

The contractor first will ask screener questions of approximately 5,000 parents in order to provide a large enough random sample for the parent telephone survey. After a parent completes the telephone survey, the contractor will ask the parent whether a child in the household aged 11 to 16 may also participate in it.

The FTC staff estimates that the screening for the survey will consume no more than one minute of each respondent's time. In addition, the FTC will pretest the parent survey on approximately 50 respondents to ensure that all questions are easily understood. This pretest will take approximately 15 minutes per person. Answering the parent survey will take approximately 15 minutes per respondent. Answering the children survey also will impose an individual burden of approximately 15 minutes.

Thus, total hours burden attributable to the consumer research will approximate 383 hours, determined as follows:

Activity	Number of respondents	Number of minutes/activity	Total hours
Screening	5,000	1	83
Parent survey: pretest	50	15	12
Parent survey	750	15	188
Children survey	400	15	100

Activity	Number of respondents	Number of minutes/activity	Total hours
Total			383

Estimated Cost Burden

The cost per respondent should be negligible. Participation is voluntary, and will not require any labor expenditures by respondents. There are no capital, start-up, operation, maintenance, or other similar costs to the respondents.

Debra A. Valentine,

General Counsel.

[FR Doc. 00–8246 Filed 4–3–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[Docket No. 9292]

Dura Lube Corporation, et al.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that the Commission issued in April 1999 and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 28, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elaine Kolish or Heather Hippsley, FTC/S–4302, 600 Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–3042 or 326–3285.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 3.25(f) of the Commission's Rules of Practice, 16 CFR 3.25(f), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 29, 2000), on the World Wide Web, at ''http://www.ftc.gov/ftc/formal.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement for entry of a consent order from Dura Lube Corporation, Inc., American Direct Marketing, Inc., Howe Laboratories, Inc., Crescent Marketing, Inc. (d/b/a Crescent Manufacturing, Inc.), National Communications Corporation, The Media Group, Inc., and Herman S. Howard and Scott Howard, the principals who control these corporations (referred to collectively as ''Respondents''). The agreement would settle a complaint by the Federal Trade Commission that Respondents engaged in unfair or deceptive acts or practices in violation of section 5(a) of the Federal Trade Commission Act.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns advertising representations made about Super Dura Lube Engine Treatment and Advanced Dura Lube Engine Treatment (referred to collectively as ''Dura Lube''), engine oil additives. The administrative complaint alleged that Respondents violated the FTC Act by disseminating ads that made unsubstantiated performance claims about Dura Lube. The Complaint alleged that Respondents represented that, compared to motor oil alone or oil treated with any other product, Dura Lube: (1) Reduces engine wear; (2) reduces engine wear by more than 50%; (3) prolongs engine life; (4) reduces emissions; (5) reduces the risk of serious engine damage when oil pressure is lost; (6) improves gas mileage; and (7) improves gas mileage by up to 35%. The Complaint alleged that one treatment continues to protect engines for up to 50,000 miles. The Complaint alleged that Respondents represented that they had a reasonable basis for making these claims, but in fact did not possess competent evidence supporting them.

The Complaint also challenged, as false, claims that tests prove that, compared to motor oil alone, Dura Lube: (1) Reduces engine wear; (2) prolongs engine life; (3) reduces emissions; (4) reduces the risk of serious engine damage when oil pressure is lost; (5) improves gas mileage; and (6) improves gas mileage by up to 35%. The Complaint also challenged as false claims that tests prove that one treatment continues to protect engines for up to 50,000 miles. Additionally, the Complaint challenged, as false, claims that Dura Lube: (a) Has been tested by the U.S. Environmental Protection Agency; and (b) contains no chlorinated compound.

The Complaint alleged that Respondents represented that product demonstrations in their advertising proved, demonstrated, or confirmed that, (1) compared to motor oil alone, Dura Lube reduces the risk of serious engine damage when oil pressures is lost, and (b) without Dura Lube, motor oil fails to protect automobile engines under hot running conditions, when in fact the demonstrations do not prove, demonstrate, or confirm these product attributes. Finally, the Complaint alleged that Respondents represented that former astronaut Charles ''Pete'' Conrad had endorsed the product based on a valid exercise of his expertise in

the evaluation of automobile engine lubricants, when in fact Mr. Conrad did not have expertise in the evaluation and testing of automobile engine lubration.

The Complaint gave notice that the Commission had reason to believe that a proceeding under section 19 of the FTC Act for consumer redress ultimately might be appropriate, depending upon the adjudicative record and other relevant factors.

The proposed consent order contains provisions designed to prevent Respondents from engaging in acts and practices similar to those alleged in the complaint in the future. Part I of the proposed consent order prohibits Respondents from falsely claiming that Dura Lube contains no chlorinated compound or that it has been tested by the Environmental Protection Agency. It also prohibits them from claiming that Dura Lube meets the requirements or standards of any governmental or standard setting organization unless they possess competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, substantiating the claim.

Part II of the proposed consent order prohibits Respondents from making unsubstantiated representations regarding the performance, benefits, efficacy, attributes or use of any product for use in an automobile, or from misrepresenting the results of any study. It specifically prohibits unsubstantiated claims that, compared to motor oil alone or oil treated with any other product, the product reduces engine wear or reduces it by any percentage, dollar or other figure; prolongs engine life; reduces emissions; reduces the risk of serious engine damage when oil pressure is lost; or improves gas mileage or improves it by any percentage, miles per gallon, dollar or other figure. It also prohibits unsubstantiated claims that one treatment reduces engine wear for 50,000 or any other number of miles. The evidence required to substantiate such claims includes competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Part III of the proposed consent order prohibits Respondents from using misleading demonstrations in the sale of any product.

Part IV of the proposed consent order prohibits Respondents from representing that any endorser of any product for use in a motor vehicle is an expert unless the endorser possesses the expertise he or she is represented to have and the endorsement is adequately supported by evidence that would be accepted by experts in the area.

Part X of the proposed consent order requires Respondents to pay $2 million in consumer redress. The Federal Trade Commission would administer and distribute the redress as the Commission, in its sole discretion, deemed appropriate. Respondents would be required to provide the Commission with the identities of consumers known to have purchased Dura Lube between January 1, 1994, and December 31, 1999. Consumers electing to accept the redress would release any claims against Respondents.

The remainder of the proposed consent order also contains provisions regarding distribution of the order, replacement of product packaging and labeling with compliant packaging and labeling, record-keeping, notification of changes in corporate status, termination of the order, and the filing of a compliance report.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify their terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–8244 Filed 4–3–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[Docket No. 9291]

Motor Up Corporation, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that the Commission issued in April 1999 and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 28, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elaine Kolish or Heather Hippsley, FTC/S–4302, 600 Pennsylvania Ave., NW, Washington, DC 20580. (202) 326–3042 or 326–3285.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 3.25(f) of the Commission's Rules of Practice, 16 CFR 3.25(f), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 29, 2000), on the World Wide Web, at ''http://www.ftc.gov/ftc/formal.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from Motor Up Corporation, Inc., Motor Up America, Inc., and Kyle Burns, the principal who controls these corporations (referred to collectively as ''Motor Up''). The agreement would settle a complaint by the Federal Trade Commission that Motor Up engaged in unfair or deceptive acts or practices in violation of Section 5(a) of the Federal Trade Commission Act.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter concerns representations made about Motor Up No Oil Change Engine Treatment Concentrate, an engine oil additive, in advertising. The administrative complaint alleged that Motor Up violated the FTC Act by disseminating ads that made unsubstantiated performance claims about the oil additive. The Complaint alleged that the respondents represented that, compared to motor oil alone, Motor Up: (1) Reduces engine wear; (2) reduces engine wear by up to 50 percent; (3) reduces adhesive engine wear by up to 90.17 percent; (4) reduces engine wear during cold starts; (5) provides more protection against engine wear in cold temperatures; (6) extends the duration of engine life; and (7) helps prevent engine breakdowns. The Complaint also alleged that respondents represented that Motor Up: (1) Prevents corrosion in engines; (2) will not drain out from the engine even when the oil is changed; (3) protects engines for up to 50,000 miles; and (4) protects against engine wear even without motor oil. The Complaint alleged that respondents represented that they had a reasonable basis for making these claims, but in fact did not possess competent evidence supporting the claims. The Complaint alleged that respondents claimed that tests prove that, compared to motor oil alone, Motor Up reduces engine wear by up to 50 percent without possessing tests that prove the claim. The Complaint also alleged that respondents represented that product demonstrations in their advertising proved, demonstrated, or confirmed that Motor UP prevents corrosion in engines and that, compared to motor oil alone, Motor Up helps prevent breakdowns and reduces engine wear, when in fact the demonstrations do not prove, demonstrate, or confirm these product attributes.

The proposed consent order contains provisions designed to prevent Motor UP from engaging in similar acts and practices in the future. Part I of the proposed consent order prohibits Motor Up from making any claims about any engine treatment, fuel treatment, motor oil, grease, transmission fluid, or brake fluid, and any additive intended for use with or as a substitute for these products, unless Motor Up can support the claims with competent and reliable evidence. Part I specifies certain specific claims and states that these and all other claims must be supported by evidence. It also states that the evidence required to support claims may be competent and reliable scientific evidence.

Parts II prohibits Motor Up from misrepresenting in advertising the existence, contents, validity, results, conclusions, or interpretations of any test or study dealing with the Motor Up engine oil additive or any other motor vehicle product.

Part III prohibits Motor Up from using false demonstrations. It prohibits Motor Up from representing that any demonstration, picture, experiment, illustration or test of the Motor Up engine oil additive or any other motor vehicle product proves, demonstrates or confirms the product's attributes unless the demonstration, picture, experiment, illustration or tests does in fact prove, demonstrate, or confirm the attributes. This provision applies to all demonstrations of product attributes, including comparisons with other products.

The proposed order also contains provisions regarding distribution of the order, recordkeeping, notification of changes in corporate status, termination of the order, and the filing of a compliance report.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify their terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–8245 Filed 4–3–00; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Office of Communications

Standard and Optional Forms Management Office Cancellation of an Optional Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Because of no usage the following Optional Form is cancelled: OF 101, Summary worksheet for Estimating Report Costs.

DATES: Effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, (202) 501–0581.

Dated: March 17, 2000.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 00–8226 Filed 4–3–00; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of National AIDS Policy Notice of Meeting of the Presidential Advisory Council on HIV/AIDS and its Subcommittees

March 23, 2000.

Pursuant to P.L. 92–463, notice is hereby given of the meeting of the Presidential Advisory Council on HIV/AIDS scheduled for June 5–6, 2000 at the Radisson-Barcelo, Washington, D.C. The meeting of the Presidential Advisory Council on HIV/AIDS will take place on Monday, June 5, and Tuesday, June 6 (8:30 a.m. to 6:00 p.m. on Monday and Tuesday) at the Radisson-Barcelo, 2121 P Street, NW, Washington, D.C. 20037. The meetings will be open to the public.

The purpose of the subcommittee meetings will be to finalize any recommendations and assess the status of previous recommendations made to the Administration. The agenda of the Presidential Advisory Council on HIV/AIDS may include presentations from the Council's subcommittees, Appropriations, International, Prevention, Prison, Racial/Ethnic Populations, Research, and Services Issues.

Daniel C. Montoya, Executive Director, Presidential Advisory Council on HIV and AIDS, Office of National AIDS Policy, 736 Jackson Place, NW, Washington, D.C. 20503, Phone (202) 456–2437, Fax (202) 456–2438, will furnish the meeting agenda and roster of committee members upon request. Any individual who requires special assistance, such as sign language interpretation or other reasonable accommodations, should contact Andrea Hall at (301) 986–4870 no later than May 2, 2000.

Daniel C. Montoya,

Executive Director, Presidential Advisory Council on HIV and AIDS.

[FR Doc. 00–8187 Filed 4–3–00; 8:45 am]

BILLING CODE 3195–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4579–FA–02]

Announcement of Funding Awards for Fiscal Year 1999 for the Rental Voucher and Rental Certificate Programs

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 document notifies the public of funding awards for Fiscal Year (FY) 1999 to housing agencies (HAs) under the Section 8 rental voucher and rental certificate programs. The purpose of this notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to provide rental assistance to very low-income families. Announcements for funding awards for the family unification, mainstream, non-elderly designated housing, and family self-sufficiency coordinators programs will be published under a separate notice.

FOR FURTHER INFORMATION CONTACT: Regina McGill, Director, Funding and Financial Management Division, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, Room 4216, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–8000, telephone (202) 708–1872. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The regulations governing the rental certificate and rental voucher programs are published at 24 CFR 982. The regulations for allocating housing assistance budget authority under Section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR Part 791, Subpart D.

The purpose of the rental voucher and rental certificate programs is to assist eligible families to pay the rent for decent, safe, and sanitary housing. The FY 99 awardees announced in this notice were provided Section 8 funds on an as needed basis, *i.e.,* not consistent with the provisions of a Notice of Funding Availability (NOFAs). Announcements of awards provided consistent with NOFA published on March 8, 1999 (64 FR 11277, 11294, 11310, and 11302) will be published in a separate **Federal Register** notice.

Awards published under this notice were provided to assist families living in HUD-owned properties that are being sold; to assist families affected by the expiration or termination of assistance; to provide relocation and replacement housing in connection with the demolition of public housing; to assist families in properties where the owner has prepaid the HUD mortgage; to partially fulfill the Department's obligations in settlement decrees for various lawsuits; and to provide mobility counseling and assistance to families so that they may move to areas that have low racial and ethnic concentrations.

A total of $185,666,931 in budget authority for rental vouchers and rental certificates (30,098 units) was awarded to recipients under all of the above mentioned categories.

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 names, addresses, and amounts of those awards as shown in Appendix A.

Dated: March 28, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
Litigation (Vouchers)			
ALLEGHENY CO HSG AUTH	341 FOURTH AVE FIDELITY BL, PITTSBURGH, PA 15222–0000.	100	1,404,460
ARK-TEX COUNCIL OF GOVTS	P O BOX 5307, 210 WEST SIXTH ST, TEXARKANA, TX 75505–5307.	100	785,264
DEEP EAST TX COUNCIL OF GOVTS	274 E LAMAR, JASPER, TX 75951	75	497,448
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	640	8,867,544
HSG AUTH OF NACOGDOCHES	715 SUMMIT ST, NACOGDOCHES, TX 75961	25	204,846
Total for Litigation (Vouchers)		940	11,759,562
Preservations/Prepayments (Certificates)			
CITY OF LOS ANGELES HSG AUTH	2600 WILSHIRE BLVD, LOS ANGELES, CA 90057–0000.	2	3,448
HSG AUTH OF COOK CO	310 SOUTH MICHIGAN AVE, 15TH FL, CHICAGO, IL 60604–4204.	0	31,860
BOSTON HSG AUTH	52 CHAUNCY ST, BOSTON, MA 02111–0000	0	43,752
CAMBRIDGE HSG AUTH	675 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139–0000.	0	22,752
COMM DEV PROG COMM OF MA., E.O.C.D.	ONE CONGRESS ST, 10TH FL, BOSTON, MA 02114.	0	18,456
FALL RIVER HSG AUTH	85 MORGAN ST, P O BOX 989, FALL RIVER, MA 02722–0989.	0	97,116
MILFORD HSG AUTH	45 BIRMINGHAM CT, MILFORD, MA 01757	0	852
NORTHAMPTON HSG AUTH	49 OLD SOUTH ST, NORTHAMPTON, MA 01060	0	69,120
BERKS CO HSG AUTH	1803 BUTTER LANE, READING, PA 19606–0000	0	17,712
HSG AUTH GREENVILLE	P O BOX 10047, GREENVILLE, SC 29603–0047	1	9,792
Total for Preservations/Prepayments (Certificates).		3	314,860
Preservations/Prepayments (Vouchers)			
CITY OF TEMPE	132 E 6TH ST, STE 201, P O BOX 5002, TEMPE, AZ 85280–5002.	50	113,957

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
CITY OF LONG BEACH HSG AUTH	333 WEST OCEAN BLVD, LONG BEACH, CA 90802–0000.	26	76,836
CITY OF LOS ANGELES HSG AUTH	2600 WILSHIRE BLVD, LOS ANGELES, CA 90057–0000.	104	440,414
CITY OF PICO RIVERA	6615 S PASSONS BLVD, P O BOX 1016, PICO RIVERA, CA 90660–0000.	23	90,255
CITY OF VACAVILLE	40 ELDRIDGE AVE, STES 1–5, VACAVILLE, CA 95687–0000.	10	22,777
CO OF BUTTE HSG AUTH	580 VALLOMBROSA AVE, CHICO, CA 95926	111	239,828
CO OF SAN BERNARDINO HSG AUTH	1053 NORTH D ST, SAN BERNARDINO, CA 92410–0000.	56	185,983
CO OF SAN JOAQUIN HSG AUTH	448 SOUTH CENTER ST, P O BOX 447, STOCKTON, CA 95203/01.	48	147,897
LASSEN CO	707 NEVADA ST, STE 5, SUSANVILLE, CA 96130	45	67,649
SAN DIEGO HSG COMMISSION	1625 NEWTON AVE, SAN DIEGO, CA 92113–1012	28	82,128
YUBA CO HSG AUTH	938 14TH ST, MARYSVILLE, CA 95901	67	177,051
WATERBURY HSG AUTH	2 LAKEWOOD RD, WATERBURY, CT 06704–0000	8	26,731
HIALEAH HSG AUTH	70 EAST 7TH ST, HIALEAH, FL 33010–0000	102	422,524
HSG AUTH FORT LAUDERDALE CITY	437 S W 4TH AVE, FORT LAUDERDALE, FL 33315–0000.	15	28,457
HSG AUTH OF JACKSONVILLE	1300 BROAD ST, JACKSONVILLE, FL 32202–0000	32	65,604
SEMINOLE CO HSG AUTH	300 SUNFLOWER CIR, DELAND, FL 32724	220	851,717
HSG AUTH JONESBORO	P O BOX 458, JONESBORO, GA 30237–0000	112	370,200
CITY AND CO OF HONOLULU	DEPT OF COMM & SOCIAL SERVIC, 715 SOUTH KING ST, STE, HONOLULU, HI 96813–0000.	199	876,114
CO OF HAWAII	OFFICE OF HSG & COMM DEV, 50 WAILUKU DR, HILO, HI 96720–0000.	11	55,722
CITY OF CEDAR RAPIDS	CITY HALL, CEDAR RAPIDS, IA 52401–0000	18	37,407
BOISE CITY HSG AUTH	680 CUNNINGHAM PL, BOISE, ID 83702–0000	35	81,202
CHICAGO HSG AUTH	626 WEST JACKSON BLVD, CHICAGO, IL 60661	2	6,016
DUPAGE CO ILLINOIS	128A S CO FARM RD, WHEATON, IL 60187–0000	53	128,536

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
	Litigation (Vouchers)		
HSG AUTH OF COOK CO	310 SOUTH MICHIGAN AVE, 15TH FL, CHICAGO, IL 60604–4204.	315	1,100,869
MAYWOOD HSG AUTH	1701 SOUTH 1ST AVE STE 500, MAYWOOD, IL 60153–0000.	4	14,921
GARY HSG AUTH	578 BROADWAY, GARY, IN 46402–0000	40	121,061
HSG AUTH CITY OF EVANSVILLE	P O BOX 3605, 500 COURT ST, EVANSVILLE, IN 47735–0000.	64	131,958
LEXINGTON-FAYETTE CO HSG AUTH	300 NEW CIR RD, LEXINGTON, KY 40505	48	102,382
BOSTON HSG AUTH	52 CHAUNCY ST, BOSTON, MA 02111–0000	129	3,798,981
CAMBRIDGE HSG AUTH	675 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139–0000.	55	714,092
COMM DEV PROG COMM OF MA., E.O.C.D	ONE CONGRESS ST, 10TH FL, BOSTON, MA 02114.	159	1,121,899
FALL RIVER HSG AUTH	85 MORGAN ST, P O BOX 989, FALL RIVER, MA 02722–0989.	250	1,094,622
LOWELL HSG AUTH	350 MOODY ST, LOWELL, MA 01853–0060	0	120,000
MEDFORD HSG AUTH	121 RIVERSIDE AVE, MEDFORD, MA 02155	284	3,152,792
MILFORD HSG AUTH	45 BIRMINGHAM CT, MILFORD, MA 01757	93	577,873
NORTH ADAMS HSG AUTH	150 ASHLAND ST BOX 511, NORTH ADAMS, MA 01247–0511.	9	19,546
NORTHAMPTON HSG AUTH	49 OLD SOUTH ST, NORTHAMPTON, MA 01060	8	47,141
ANNE ARUNDEL CO HSG AUTH	7885 GORDON CT, P O BOX 817, GLEN BURNIE, MD 21060–2817.	136	441,045
HAGERSTOWN HSG AUTH	35 WEST BALTIMORE ST, HAGERSTOWN, MD 21740.	59	78,320
HSG AUTH PRINCE GEORGES CO	9400 PEPPERCORN PL, LANDOVER, MD 20785–0000.	83	363,920
MONTGOMERY CO HSG AUTH	10400 DETRICK AVE, KENSINGTON, MD 20895–0000.	125	532,884
JACKSON HSG COMMISSION	301 STEWARD AVE, JACKSON, MI 49201–1132	34	108,127
LANSING HSG COMMISSION	310 NORTH SEYMOUR ST, LANSING, MI 48933–0000.	85	270,052

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
MICHIGAN STATE HSG DEV'T AUTH	401 S WASHINGTON SQ, LANSING, MI 48909–0000	43	118,731
MICHIGAN STATE HSG DEV'T AUTH	P O BOX 30044, LANSING, MI 48909–0000	47	132,673
PLYMOUTH HSG COMMISSION	1160 SHERIDAN, PLYMOUTH, MI 48170–0000	59	186,032
CLOQUET HRA	950 14TH ST, CLOQUET, MN 55720–0000	20	27,264
ITASCA CO HRA	19 NE THIRD ST, GRAND RAPIDS, MN 55744	16	17,715
OWATONNA HRA	540 WEST HILLS CIR, OWATONNA, MN 55060–0000.	8	8,350
ST. CLOUD HRA	619 MALL GERMAIN, STE 212, ST CLOUD, MN 56301–3689.	14	33,383
LIBERTY HSG AUTH	P O BOX 159, 101 E KANSAS, LIBERTY, MO 64068–0000.	38	61,403
SPRINGFIELD HSG AUTH	421 WEST MADISON, SPRINGFIELD, MO 65806–0000.	43	96,235
MISSOULA HSG AUTH	1319 E BROADWAY, MISSOULA, MT 59802–0000	60	109,987
HSG AUTH OF THE CITY OF CHARLOTTE	P O BOX 36795, 1301 SOUTH BLVD, CHARLOTTE, NC 28236.	304	840,822
HSG AUTH STATESVILLE	110 W ALLISON ST, STATESVILLE, NC 28677	17	47,842
RALEIGH HSG AUTH	600 TUCKER ST, P O BOX 28007, RALEIGH, NC 27611.	102	373,373
MANCHESTER HSG AUTH	198 HANOVER ST, MANCHESTER, NH 03104	198	764,222
NEW JERSEY DEPT OF COMMUNITY AFFAIRS	101 SOUTH BROAD ST, PO BOX 051, TRENTON, NJ 08625–0051.	606	7,005,873
BERNALILLO CO HSG DEPT	620 LOMAS BLVD NW, ALBUQUERQUE, NM 87102–0000.	91	241,191
BOWLING GREEN HSG AUTH	1044 CHELSEA AVE, NAPOLEON, OH 43545	61	101,342
CLERMONT METRO HSG AUTH	65 SOUTH MARKET ST, BATAVIA, OH 45103–2943	47	127,494
COLUMBUS METRO HSG AUTH	960 EAST FIFTH AVE, COLUMBUS, OH 43201–0000.	70	129,999
PARMA PHA	6901 WEST RIDGEWOOD DR, PARMA, OH 44129	192	443,658
HSG AUTH OF PORTLAND	135 SW ASH ST, PORTLAND, OR 97204–0000	48	133,630
HSG AUTH OF THE CO OF CLACKAMAS	P O BOX 1510, OREGON CITY, OR 97045–0510	1	2,597
LINN-BENTON HSG AUTH	1250 SE QUEEN AVE, ALBANY, OR 97321–6661	18	66,252
BERKS CO HSG AUTH	1803 BUTTER LANE, READING, PA 19606–0000	91	245,696
HSG AUTH COLUMBIA	1917 HARDEN ST, COLUMBIA, SC 29204–0000	98	262,041
HSG AUTH GREENVILLE	P O BOX 10047, GREENVILLE, SC 29603–0047	60	160,353
HSG AUTH SOUTH CAROLINA REG NO 1	P O BOX 326, LAURENS, SC 29360–0000	21	54,726
DALLAS CO HSG ASSIST PGM	2377 N STEMMONS FRWY, STE 700, DALLAS, TX 75207–2710.	283	1,179,454
DENTON HSG AUTH	308 S RUDDELL, DENTON, TX 76205–6352	105	447,293
GARLAND HSG AUTH	P O BOX 469002, 701 CLARK ST, GARLAND, TX 75046–9002.	70	299,419

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
Litigation (Vouchers)			
GRAND PRAIRIE HSNG & COMM DEV'T	P O BOX 534045, 201 NW 2ND ST, STE 150, GRAND PRAIRIE, TX 75053–4045.	206	453,292
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	60	265,188
HSG AUTH OF LUBBOCK	P O BOX 2568, 1301 BROADWAY, LUBBOCK, TX 79408–2568.	8	6,553
HSG AUTH OF PLANO	1111 AVE H, BLDG A, PLANO, TX 75074	69	279,598
LANCASTER HSG AUTH	P O BOX 310, 525 WEST PLEASANT RUN, LANCASTER, TX 75146–0310.	9	42,960
MESQUITE HSG AUTH	P O BOX 850137, 720 N EBRITE, MESQUITE, TX 75185–0137.	186	684,352
TARRANT CO HSG ASSIST PGM	1200 CIR DR, #100, FORT WORTH, TX 76119	91	215,721
WEATHERFORD HSG AUTH	P O BOX 700, 1128 FORT WORTH HIGHWAY, WEATHERFORD, TX 76086–0700.	29	80,553
VIRGINIA HSG DEV'T AUTH	601 S BELVIDERE ST, RICHMOND, VA 23220–0000	92	497,810
VIRGINIA HSG DEV'T AUTH	601 S BELVIDERE ST, RICHMOND, VA 23225–0000	107	418,421
HSG AUTH OF CHELAN CO/CITY OF WENATCHEE	1555 SOUTH METHOW ST, WENATCHEE, WA 98801–9417.	0	2,857
HSG AUTH OF JEFFERSON CO	802 SHERIDAN, FIRST FL, P O BOX 1540, PORT TOWNSEND, WA 98368–2459.	6	5,846
HSG AUTH OF THE CITY OF TACOMA	902 SOUTH "L" ST, TACOMA, WA 98405–0000	108	328,020
HSG AUTH OF THE CITY OF WALLA WALLA	501 CAYUSE ST, WALLA WALLA, WA 99362–0000	13	38,403

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
SPOKANE HSG AUTH	WEST 55 MISSION ST, STE 104, SPOKANE, WA 99201–2344.	42	122,249
MILWAUKEE CO HSG AUTH	COURTHOUSE ANNEX RM 310, 907 NORTH 10TH ST, MILWAUKEE, WI 53233–0000.	89	251,920
WYOMING COMMUNITY DEV'T AUTH	P O BOX 634, CASPER, WY 82602–0000	0	14,760
Total for Preservations/Prepayments (Vouchers)		7,301	35,935,043
Property Disposition Relocation (Certificates)			
CITY OF HARTFORD	10 PROSPECT ST, HARTFORD, CT 06103–0000	21	107,932
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002–7599.	36	383,572
MISS REGIONAL HSG AUTH VI	P O DRAWER 8746, JACKSON, MS 39284–8746	0	96,768
Total for Property Disposition Relocation (Certificates).		57	588,272
Property Disposition Relocation (Vouchers)			
CITY OF RICHMOND HSG AUTH	330 24TH ST, RICHMOND, CA 94808–0000	240	1,956,255
CITY OF SACRAMENTO	SACRAMENTO HSG & REDEV'T, P O BOX 1834, SACRAMENTO, CA 95814.	26	118,577
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002–7599.	170	1,412,659
CHAMPAIGN CO HSG AUTH	205 WEST PARK AVE, CHAMPAIGN, IL 61820	80	371,007
CHICAGO HSG AUTH	626 WEST JACKSON BLVD, CHICAGO, IL 60661	34	232,640
ELGIN HSG AUTH	120 SOUTH STATE ST, ELGIN, IL 60123–0000	132	895,772
HSG AUTH OF THE CITY OF EAST SAINT LOUIS	700 NORTH 20TH ST, EAST ST LOUIS, IL 62205–1814.	55	315,583
HSG AUTH NEW ALBANY	P O BOX 11, NEW ALBANY, IN 47150–0000	59	302,546
SHREVEPORT HSG AUTH	623 JORDAN, SHREVEPORT, LA 71101–0000	125	360,960
TERREBONNE PARISH CONSOLIDATED GOVT	P O BOX 2768, HOUMA, LA 70361–0000	109	470,100
HSG AUTH PRINCE GEORGES CO	9400 PEPPERCORN PL, LANDOVER, MD 20785–0000.	30	156,052
MISSOURI HSG DEV'T COMMISSION	3435 BROADWAY, KANSAS CITY, MO 64111	92	523,830
MO HSG DEV'T COMM	3435 BROADWAY, KANSAS CITY, MO 64111–0000	50	274,914
MISS REGIONAL HSG AUTH VI	P O DRAWER 8746, JACKSON, MS 39284–8746	100	579,745
CINCINNATI METRO HSG AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210–1991.	2	10,044
OKLAHOMA HSG FINANCE AGCY	P O BOX 26720, OKLAHOMA CITY, OK 73126–0720	26	94,442
HSG AUTH MEMPHIS	700 ADAMS AVE, P O BOX 3664, MEMPHIS, TN 38103–3664.	143	645,469
AMARILLO HSG AUTH	P O BOX 1971, 509 E 7TH, AMARILLO, TX 79105–1971.	96	362,827
BRAZOS VALLEY DEV'T COUNCIL	P O DRAWER 4128, BRYAN, TX 77805–4128	35	170,445
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	296	2,124,595
VIRGINIA HSG DEV'T AUTH	601 S BELVIDERE ST, RICHMOND, VA 23225–0000	20	127,065

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
Litigation (Vouchers)			
Total for Property Disposition Relocation (Vouchers).		1,920	11,505,527
Public Housing Relocation/Replacement (Vouchers)			
HSG AUTH BESSEMER	1100 5TH AVE NORTH, BESSEMER, AL 35020–0000.	8	46,360
HSG AUTH OF BIRMINGHAM DISTRICT	1826 3RD AVE SOUTH, BIRMINGHAM, AL 35233	156	803,114
MOBILE HSG BOARD	P O BOX 1345, MOBILE, AL 36633–0000	144	719,074
MARICOPA CO HSG AUTH	2024 N 7TH ST, STE 101, PHOENIX, AZ 85006–2155.	79	651,071
CITY OF LOS ANGELES HSG AUTH	2600 WILSHIRE BLVD, LOS ANGELES, CA 90057–0000.	297	2,267,666
OAKLAND HSG AUTH	1619 HARRISON ST, OAKLAND, CA 94612–0000	81	819,082

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002–7599.	269	2,364,877
WILMINGTON HSG AUTH	400 WALNUT ST, WILMINGTON, DE 19801–0000	234	1,206,906
HSG AUTH FORT PIERCE	707 NORTH 7TH ST, FORT PIERCE, FL 33450	20	149,268
ST. PETERSBURG HSG AUTH	3250 5TH AVE NORTH, ST PETERSBURG, FL 33713.	246	1,249,912
HSG AUTH ATLANTA GA	739 WEST PEACHTREE ST NE, ATLANTA, GA 30308.	241	1,740,720
HSG AUTH FULTON CO	10 PARK PL SE STE 550, ATLANTA, GA 30303–0000.	115	928,054
HSG AUTH OF THE CITY OF COLLEGE PARK	1908 WEST PRINCETON AVE, COLLEGE PARK, GA 30337–0000.	154	1,249,346
PEORIA HSG AUTH	100 S SHERIDAN RD, PEORIA, IL 61605–0000	200	967,537
CITY OF INDIANAPOLIS	FIVE INDIANA SQ, SECOND FL, INDIANAPOLIS, IN 46204.	248	741,007
LEXINGTON-FAYETTE CO HSG AUTH	300 NEW CIR RD, LEXINGTON, KY 40505	219	1,127,323
CAMBRIDGE HSG AUTH	675 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139–0000.	14	226,244
PONTIAC HSG COMMISSION	132 FRANKLIN BLVD, PONTIAC, MI 48341	200	1,296,552
HSG AUTH BILOXI	P O BOX 447, BILOXI, MS 39533–0000	4	13,794
HSG AUTH OF THE CITY OF CHARLOTTE	P O BOX 36795, 1301 SOUTH BLVD, CHARLOTTE, NC 28236.	134	805,710
RALEIGH HSG AUTH	600 TUCKER ST, P O BOX 28007, RALEIGH, NC 27611.	100	683,628
CAMDEN HSG AUTH	1300 ADMIRAL WILSON BLVD, P O BOX 1426, CAMDEN, NJ 08101.	642	5,323,129
ELIZABETH HSG AUTH	688 MAPLE AVE, ELIZABETH, NJ 07202–0000	250	2,167,050
JERSEY CITY HSG AUTH	400 US HIGHWAY #1, JERSEY CITY, NJ 07306–6731.	50	396,060
NEWARK HSG AUTH	57 SUSSEX AVE, NEWARK, NJ 07103–3992	312	2,946,614
SAN MIGUEL CO HSG AUTH	CO COURTHOUSE ANNEX, BUILDING, LAS VEGAS, NM 87701–0000.	34	128,416
CITY OF LAS VEGAS HSG AUTH	420 N 10TH ST, P O BOX 1897, LAS VEGAS, NV 89125–1897.	6	44,922
NEW YORK CITY HSG AUTH	250 BROADWAY, NEW YORK, NY 10007–0000	102	934,700
AKRON MHA	100 W CEDAR ST, AKRON, OH 44307–0000	134	693,058
CINCINNATI METRO HSG AUTH	16 WEST CENTRAL PARKWAY, CINCINNATI, OH 45210–1991.	636	2,658,593
COLUMBUS METRO HSG AUTH	960 EAST FIFTH AVE, COLUMBUS, OH 43201–0000.	330	1,268,485
HSG AUTH OF THE CO OF CHESTER	30 W BARNARD ST, WEST CHESTER, PA 19382 ...	85	508,942
PHILADELPHIA HSG AUTH	2012–18 CHESTNUT ST, PHILADELPHIA, PA 19103–0000.	2,136	15,772,966
POTTSVILLE HSG AUTH	410 LAUREL BLVD, POTTSVILLE, PA 17901–0000 ..	4	16,128
HSG AUTH COLUMBIA	1917 HARDEN ST, COLUMBIA, SC 29204–0000	300	1,534,740
HSG AUTH OF BEAUMONT	P O BOX 1312, 4925 CONCORD RD, BEAUMONT, TX 77704–1312.	50	213,204
HSG AUTH OF LUBBOCK	P O BOX 2568, 1301 BROADWAY, LUBBOCK, TX 79408–2568.	37	239,748
VIRGIN ISLANDS HSG AUTH	P O BOX 7668, ST THOMAS, VI 00801–7668	296	2,054,763
Total for Public Housing Relocation/Replacement (Vouchers).	.....	8,567	56,958,763
Section 8 Counseling (Certificates)			
MIAMI DADE HSG AUTH	1401 NW 7TH ST, MIAMI, FL 33125	.....	500,000
Total for Section 8 Counseling (Certificates)	.....	.....	500,000
Section 8 Counseling (Vouchers)			

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
Litigation (Vouchers)			
BOSTON HSG AUTH	52 CHAUNCY ST, BOSTON, MA 02111–0000	0	800,000

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	0	640,000
Total for Section 8 Counseling (Vouchers)		0	1,440,000
Terminations/Opt-outs (Certificates)			
HSG AUTH JEFFERSON CO	3700 INDUSTRIAL PARKWAY, BIRMINGHAM, AL 35217.	21	74,259
CITY OF LOS ANGELES HSG AUTH	2600 WILSHIRE BLVD, LOS ANGELES, CA 90057–0000.	34	196,324
NEW YORK STATE HSG FINANCE AGCY	HSG & COMM RENEWAL—LA CAPRA, 25 BEAVER ST, RM 674, NEW YORK, NY 10004.	22	142,156
TEXAS CITY HSG AUTH	817 SECOND AVE NORTH, TEXAS CITY, TX 77590–0000.	17	114,904
FAIRFAX CO RED AND HSG AUTH	3700 PENDER DR, FAIRFAX, VA 22030–0000	29	172,863
VIRGINIA HSG DEV'T AUTH	601 S BELVIDERE ST, RICHMOND, VA 23220–0000	4	34,248
Total for Terminations/Opt-outs (Certificates)		127	734,754
Terminations/Opt-outs (Vouchers)			
HSG AUTH DECATUR	P O BOX 878, DECATUR, AL 35602–0000	4	12,536
HSG AUTH OF BIRMINGHAM DISTRICT	1826 3RD AVE SOUTH, BIRMINGHAM, AL 35233	10	33,489
MOBILE HSG BOARD	P O BOX 1345, MOBILE, AL 36633–0000	34	144,136
HOT SPRING CO SECTION 8 PGM	P O BOX 550, MALVERN, AR 72104–0000	58	167,447
HOT SPRINGS HSG AUTH	P O BOX 1257, HOT SPRINGS, AR 71902	18	60,575
JONESBORO URBAN RENEWAL & HSG AUTH	330 UNION ST, JONESBORO, AR 72401–0000	20	87,794
CITY OF PHOENIX	NEIGH'D IMPROVEMENT HSG D, 251 W WASHINGTON ST, 4TH FL, PHOENIX, AZ 85034–0000.	139	861,001
CITY OF TEMPE	132 E 6TH ST, STE 201, P O BOX 5002, TEMPE, AZ 85280–5002.	12	50,316
WINSLOW HSG AUTH	900 W HENDERSON SQ, WINSLOW, AZ 86047–0000.	85	483,710
CITY OF FAIRFIELD	823–B JEFFERSON ST, FAIRFIELD, CA 94533–0000.	74	468,401
CITY OF LONG BEACH HSG AUTH	333 WEST OCEAN BLVD, LONG BEACH, CA 90802–0000.	15	92,741
CITY OF PICO RIVERA	6615 S PASSONS BLVD, P O BOX 1016, PICO RIVERA, CA 90660–0000.	17	80,353
CITY OF SACRAMENTO	SACRAMENTO HSG & REDEV'T, P O BOX 1834, SACRAMENTO, CA 95814.	167	855,277
CITY OF SANTA ROSA	90 SANTA ROSA AVE, P O BOX 1806, SANTA ROSA, CA 95402–0000.	16	92,741
CITY OF VACAVILLE	40 ELDRIDGE AVE, STES 1–5, VACAVILLE, CA 95687–0000.	73	430,291
CITY OF VALLEJO	251 GEORGIA ST, P O BOX 1432, VALLEJO, CA 94590–0000.	26	184,383
CO OF RIVERSIDE HSG AUTH	5555 ARLINGTON AVE, RIVERSIDE, CA 92504–0000.	40	213,302
CO OF SACRAMENTO	SACRAMENTO HSG & REDEV'T, P O BOX 1834, SACRAMENTO, CA 95814.	290	1,626,218
CO OF SAN DIEGO	3989 RUFFIN RD, SAN DIEGO, CA 92123	124	678,467
CO OF SAN MATEO HSG AUTH	264 HARBOR BLVD, BLDG A, BELMONT, CA 94002	122	1,021,619
CO OF SANTA CLARA HSG AUTH	505 WEST JULIAN ST, SAN JOSE, CA 95110–2300	201	2,384,356
HSG AUTH CO OF KERN	525 ROBERTS LANE, BAKERSFIELD, CA 93308–0000.	3	9,851
IMPERIAL VALLEY HSG AUTH	1401 D ST, BRAWLEY, CA 92227–0000	12	66,510
OAKLAND HSG AUTH	1619 HARRISON ST, OAKLAND, CA 94612–0000	36	258,740
SAN DIEGO HSG COMMISSION	1625 NEWTON AVE, SAN DIEGO, CA 92113–1012	308	1,817,996
SAN FRANCISCO HSG AUTH	440 TURK ST, SAN FRANCISCO, CA 94102–0000	33	269,675
SAN JOSE HSG AUTH	505 WEST JULIAN ST, SAN JOSE, CA 95110–2300	176	1,824,344
SANTA CRUZ CO HSG AUTH	2160—41ST AVE, CAPITOLA, CA 95010–2060	77	488,242
TULARE CO HSG AUTH	5140 W CYPRESS AVE, P O BOX 791, VISALIA, CA 93279–0000.	54	250,222
HSG AUTH OF THE CITY AND CO OF DENVER	P O BOX 40305—MILE HI STN, DENVER, CO 80204–0305.	15	77,212
DC HSG AUTH	1133 NORTH CAPITOL ST NE, WASHINGTON, DC 20002–7599.	10	85,834
HIALEAH HSG AUTH	70 EAST 7TH ST, HIALEAH, FL 33010–0000	166	985,088
HILLSBOROUGH CO—BOCC	9260 BAY PLAZA BLVD, STE 510, TAMPA, FL 33619.	11	58,468

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
HSG AUTH LAKE WALES	P O BOX 426, 10 W SESSOMS AVE, LAKE WALES, FL 33859.	2	15,287

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
	Litigation (Vouchers)		
HSG AUTH OF JACKSONVILLE	1300 BROAD ST, JACKSONVILLE, FL 32202–0000	139	606,992
LAKE CO HSG AGCY	PO BOX 7800, TAVARES, FL 32778–0000	55	374,059
MIAMI DADE HSG AUTH	1401 NW 7TH ST, MIAMI, FL 33125	34	277,661
SEMINOLE CO HSG AUTH	300 SUNFLOWER CIR, DELAND, FL 32724	114	588,199
HSG AUTH ATLANTA GA	739 WEST PEACHTREE ST NE, ATLANTA, GA 30308.	8	55,392
HSG AUTH CARROLLTON	PO BOX 627, CARROLLTON, GA 30117–0000	74	524,074
HSG AUTH JONESBORO	PO BOX 458, JONESBORO, GA 30237–0000	0	370,332
CITY AND CO OF HONOLULU	DEPT OF COMM & SOCIAL SERVIC, 715 SOUTH KING ST, STE, HONOLULU, HI 96813–0000.	32	252,095
CENTRAL IOWA REGIONAL HSG AUTH	1111 NINTH ST, STE 390, DES MOINES, IA 50314–0000.	109	203,740
CITY OF CLINTON, IOWA HSG AUTH	215 6TH AVE S STE 33, CLINTON, IA 52732–0000	8	22,259
KNOXVILLE LOW RENT HSG AGCY	305 S THIRD ST, KNOXVILLE, IA 50118–0000	101	226,738
MARSHALLTOWN LRHA	24 NORTH CENTER ST, MARSHALLTOWN, IA 50158–0000.	54	124,351
MUNICIPAL HSG AGCY	505 SOUTH SIXTH ST, COUNCIL BLUFFS, IA 51503–0000.	10	44,736
NORTH IOWA REGIONAL HSG AUTH	217 2ND ST SW, MASON CITY, IA 50401–0000	8	26,163
OSKALOOSA MUNICIPAL PHA	220 SOUTH MARKET, OSKALOOSA, IA 52577–3133	22	75,178
BOISE CITY HSG AUTH	680 CUNNINGHAM PL, BOISE, ID 83702–0000	39	217,233
CHICAGO HSG AUTH	626 WEST JACKSON BLVD, CHICAGO, IL 60661	15	130,417
GREATER METRO HSG AUTH ROCK IS	325 SECOND ST, SILVIS, IL 61282–0000	36	154,410
HSG AUTH ROCKFORD	223 SOUTH WINNEBAGO ST, ROCKFORD, IL 61102.	60	274,917
LAKE CO HSG AUTH	33928 N ROUTE 45, GRAYSLAKE, IL 60030–0000	24	157,101
PEORIA HSG AUTH	100 S SHERIDAN RD, PEORIA, IL 61605–0000	18	58,226
WICHITA HSG AUTH	455 N MAIN CITY HALL 11TH FLO, WICHITA, KS 67202–0004.	33	128,753
JEFFERSON CO HSG AUTH	801 VINE ST, LOUISVILLE, KY 40204–1044	14	40,076
JEFFERSON PARISH HSG AUTH SEC.8 PGM	1718 BETTY ST, MARRERO, LA 70072–0000	43	171,199
LAKE CHARLES HSG AUTH	PO BOX 1206, LAKE CHARLES, LA 70602–0000	143	881,225
NEW IBERIA (CITY OF)	457 E MAIN ST, COURTHOUSE, RM 300, NEW IBERIA, LA 70560.	21	58,203
SHREVEPORT HSG AUTH	623 JORDAN, SHREVEPORT, LA 71101–0000	40	167,851
BOSTON HSG AUTH	52 CHAUNCY ST, BOSTON, MA 02111–0000	444	3,433,453
LOWELL HSG AUTH	350 MOODY ST, LOWELL, MA 01853–0060	137	764,603
MILFORD HSG AUTH	45 BIRMINGHAM CT, MILFORD, MA 01757	52	498,199
SALEM HSG AUTH	27 CHARTER ST, SALEM, MA 01970	57	368,437
DEPT OF HSG & COMMUNITY DEV'T	100 COMMUNITY PL, CROWNSVILLE, MD 21032–2023.	30	115,765
HOWARD CO HSG COMMISSION	6751 COLUMBIA GATEWAY DR, COLUMBIA, MD 21044.	10	38,976
HSG AUTH PRINCE GEORGES CO	9400 PEPPERCORN PL, LANDOVER, MD 20785–0000.	4	26,328
MONTGOMERY CO HSG AUTH	10400 DETRICK AVE, KENSINGTON, MD 20895–0000.	64	506,589
BANGOR HSG AUTH	161 DAVIS RD, BANGOR, ME 04401–0000	32	77,056
DETROIT HSG COMMISSION	JOHN NELSON, EX DIR, 2211 ORLEANS, DETROIT, MI 48207.	74	342,136
JACKSON HSG COMMISSION	301 STEWARD AVE, JACKSON, MI 49201–1132	45	102,260
MICHIGAN STATE HSG DEV'T AUTH	401 S WASHINGTON SQ, LANSING, MI 48909–0000	46	248,550
MICHIGAN STATE HSG DEV'T AUTH	PO BOX 30044, LANSING, MI 48909–0000	87	364,277
WESTLAND HSG COMMISSION	32715 DORSEY RD, WESTLAND, MI 48185–0000	230	1,015,242
FRANKLIN CO PUBLIC HSG AGCY	PO BOX 920, HILLSBORO, MO 63050–0000	40	215,486
INDEPENDENCE HSG AUTH	2600 HUB DR NORTH, INDEPENDENCE, MO 64055–0000.	32	140,695
KIRKSVILLE HSG AUTH	PO BOX 730, KIRKSVILLE, MO 63501–0000	25	70,614
LAFAYETTE CO HSG AUTH	PO BOX 550, 1415 SOUTH ODELL, MARSHALL, MO 65340–0550.	5	21,698
MO HSG DEV'T COMM	3435 BROADWAY, KANSAS CITY, MO 64111–0000	13	60,290

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
MARIANA ISLANDS HSG AUTH	PO BOX 514, SAIPAN, MP 96950–0000	25	311,445
MISS REGIONAL HSG AUTH VI	PO DRAWER 8746, JACKSON, MS 39284–8746	33	128,415
MISS REGIONAL HSG AUTH VIII	PO BOX 2347, GULFPORT, MS 39505–0234	110	512,918
MISSISSIPPI REGIONAL HSG AUTH IV	PO BOX 1051, COLUMBUS, MS 39703–1051	20	39,749

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
	Litigation (Vouchers)		
MISSOULA HSG AUTH	1319 E BROADWAY, MISSOULA, MT 59802–0000	21	61,040
HSG AUTH ASHEVILLE	165 S FRENCH BROAD AVE, P O BOX 1898, ASHEVILLE, NC 28802.	100	499,896
HSG AUTH GREENSBORO	450 N CHURCH ST, P O BOX 21287, GREENSBORO, NC 27420.	30	178,394
HSG AUTH OF THE CITY OF CHARLOTTE	P O BOX 36795, 1301 SOUTH BLVD, CHARLOTTE, NC 28236.	50	222,846
HSG AUTH OF THE CITY OF WILMINGTON	508 S FRONT ST, P O BOX 899, WILMINGTON, NC 28402.	10	50,505
ISOTHERMAL PLANNING & DEV COMM	111 W COURT ST, P O BOX 841, RUTHERFORDTON, NC 28139–0841.	20	49,402
RALEIGH HSG AUTH	600 TUCKER ST, P O BOX 28007, RALEIGH, NC 27611.	14	87,356
MORTON CO HSG AUTH	P O BOX 517, MANDAN, ND 58554–0000	15	57,274
DOUGLAS CO HSG AUTH	5404 NORTH 107TH PLAZA, OMAHA, NE 68134–0000.	95	504,321
CONCORD HSG AUTH	15 PITMAN ST, CONCORD, NH 03301	19	61,134
KEENE HSG AUTH	105 CASTLE ST, KEENE, NH 03431	75	308,817
NEW HAMPSHIRE HSG FINANCE AUTH	24 CONSTITUTION DR, MANCHESTER, NH 03108–5087.	140	572,136
NEW JERSEY DEPT OF COMMUNITY AFFAIRS	101 SOUTH BROAD ST, P O BOX 051, TRENTON, NJ 08625–0051.	690	4,572,183
BERNALILLO CO HSG DEPT	620 LOMAS BLVD NW, ALBUQUERQUE, NM 87102–0000.	28	123,332
CITY OF LAS VEGAS HSG AUTH	420 N 10TH ST, P O BOX 1897, LAS VEGAS, NV 89125–1897.	18	105,365
CITY OF RENO HSG AUTH	1525 EAST NINTH ST, RENO, NV 89512–3012	186	1,056,380
CO OF CLARK HSG AUTH	5390 EAST FLAMINGO RD, LAS VEGAS, NV 89122–5338.	53	350,369
NORTH LAS VEGAS HSG AUTH	1632 YALE ST, NORTH LAS VEGAS, NV 89030–6892.	20	145,671
CITY OF BUFFALO	470 FRANKLIN ST, BUFFALO, NY 14202–0000	103	332,318
NEW YORK CITY HSG AUTH	250 BROADWAY, NEW YORK, NY 10007–0000	766	6,128,139
NEW YORK STATE HSG FINANCE AGCY	HSG & COMM RENEWAL—LA CAPRA, 25 BEAVER ST, RM 674, NEW YORK, NY 10004.	103	983,664
BELMONT METRO HSG AUTH	100 SOUTH THIRD ST, P O BOX 398, MARTINS FERRY, OH 43935–0000.	8	22,222
COLUMBUS METRO HSG AUTH	960 EAST FIFTH AVE, COLUMBUS, OH 43201–0000.	12	73,469
DAYTON METRO HSG AUTH	400 WAYNE AVE, DAYTON, OH 45410–1106	8	44,407
HAMILTON CO PUBLIC HSG	138 EAST COURT ST, RM 507, CINCINNATI, OH 45202–1230.	28	108,811
LORAIN MHA	1600 KANSAS AVE, LORAIN, OH 44052–3317	40	243,540
MARION METRO HSG AUTH	150 PARK AVE WEST, MANSFIELD, OH 44901–1029.	2	6,236
SANDUSKY MHA	1358 MOSSER DR, FREMONT, OH 43420–0000	22	85,850
HSG AUTH OF PORTLAND	135 SW ASH ST, PORTLAND, OR 97204–0000	30	125,248
MARION CO HSG AUTH	3150 LANCASTER DR NE, SALEM, OR 97305–0000	8	30,540
MID COLUMBIA HSG AGCY	506 E 2ND ST, THE DALLES, OR 97058–0000	3	14,886
NORTHWEST OREGON HSG ASSOCIATION	1508 EXCHANGE, ASTORIA, OR 97103–0000	27	80,519
BERKS CO HSG AUTH	1803 BUTTER LANE, READING, PA 19606–0000	40	127,498
BUCKS CO HSG AUTH	P O BOX 1329, 350 SOUTH MAIN ST, DOYLESTOWN, PA 18901–0967.	86	452,133
CUMBERLAND CO HSG AUTH	114 NORTH HANOVER ST, CARLISLE, PA 17013–0000.	117	352,851
HSG AUTH CO OF LAWRENCE	481 NESHANNOCK AVE, P O BOX 988, NEW CASTLE, PA 16103–0000.	9	26,775
HSG AUTH COLUMBIA	1917 HARDEN ST, COLUMBIA, SC 29204–0000	36	177,772
HSG AUTH GREENVILLE	P O BOX 10047, GREENVILLE, SC 29603–0047	32	110,133

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
HSG AUTH SOUTH CAROLINA REG NO 1	P O BOX 326, LAURENS, SC 29360–0000	10	45,849
S C STATE HSG FINANCE & DEV	919 BLUFF RD, COLUMBIA, SC 29201–0000	108	391,091
ABERDEEN HSG & REDEV'T COMMISSION	104 S LINCOLN ST, #102, ABERDEEN, SD 57401–0000.	26	64,919
SIOUX FALLS HSG & REDEV'T COMMISSION	804 S MINNESOTA, SIOUX FALLS, SD 57104	70	324,779
METRO DEV'T & HSG AGNCY	701 SOUTH SIXTH ST, P O BOX 846, NASHVILLE, TN 37202–0846.	185	1,181,178
BEEVILLE HSG AUTH	P O BOX 427, BEEVILLE, TX 78104–0000	62	254,488
BRAZOS VALLEY DEV'T COUNCIL	P O DRAWER 4128, BRYAN, TX 77805–4128	16	73,511
CUERO HSG AUTH	P O BOX 804, CUERO, TX 77954–0000	17	72,644
DALLAS CO HSG ASSIST PGM	2377 N STEMMONS FRWY, STE 700, DALLAS, TX 75207–2710.	358	2,632,450
GARLAND HSG AUTH	P O BOX 469002, 701 CLARK ST, GARLAND, TX 75046–9002.	85	548,926
GEORGETOWN HSG AUTH	P O BOX 60, GEORGETOWN, TX 78627–0060	51	388,204
HOUSTON HSG AUTH	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	156	707,030

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999

Housing agency	Address	Units	Award
Litigation (Vouchers)			
HSG AUTH OF DALLAS	3939 N HAMPTON RD, DALLAS, TX 75212	208	1,447,654
HSG AUTH OF EL PASO	P O BOX 9895, 5300 E PAISANO, EL PASO, TX 79995.	39	241,822
HSG AUTH OF LUBBOCK	P O BOX 2568, 1301 BROADWAY, LUBBOCK, TX 79408–2568.	45	165,856
HSG AUTH OF NACOGDOCHES	715 SUMMIT ST, NACOGDOCHES, TX 75961	13	56,207
HSG AUTH OF PLANO	1111 AVE H, BLDG A, PLANO, TX 75074	220	1,284,687
HSG AUTH OF PORT ARTHUR	P O BOX 2295, 920 DEQUEEN BLVD, PORT ARTHUR, TX 77643–2295.	28	64,613
LANCASTER HSG AUTH	P O BOX 310, 525 WEST PLEASANT RUN, LANCASTER, TX 75146–0310.	57	390,974
MC ALLEN HSG AUTH	2301 JASMINE AVE, MC ALLEN, TX 78501–0000	5	13,422
MESQUITE HSG AUTH	P O BOX 850137, 720 N EBRITE, MESQUITE, TX 75185–0137.	55	348,744
PASADENA (CITY OF)	P O BOX 672, PASADENA, TX 77501–0000	16	87,895
SCHERTZ HSG AUTH	204 SCHERTZ PARKWAY, SCHERTZ, TX 78154–0000.	53	231,336
SOUTH PLAINS REGIONAL HSG AUTH	P O BOX 690, 411 AUSTIN, LEVELLAND, TX 79336–0690.	9	41,714
TARRANT CO HSG ASSIST PGM	1200 CIR DR, #100, FORT WORTH, TX 76119	93	437,977
WICHITA FALLS HSG ASSIST PGM	P O BOX 1431, 1300 SEVENTH ST, WICHITA FALLS, TX 76307–1431.	15	52,339
HSG AUTH OF THE CO OF SALT LAKE	3595 S MAIN ST, SALT LAKE CITY, UT 84115–0000	18	69,455
FAIRFAX CO RED AND HSG AUTH	3700 PENDER DR, FAIRFAX, VA 22030–000	51	381,813
NEWPORT NEWS REDEV'T & HSG AUTH	P O BOX 77, NEWPORT NEWS, VA 23607–0077	20	100,557
HSG AUTH CITY OF EVERETT	3107 COLBY AVE, P O BOX 1547, EVERETT, WA 98206–1547.	30	214,708
HSG AUTH OF CHELAN CO/CITY OF WENATCHEE	1555 SOUTH METHOW ST, WENATCHEE, WA 98801–9417.	6	19,627
HSG AUTH OF THE CITY OF TACOMA	902 SOUTH ''L'' ST, TACOMA, WA 98405–0000	75	368,181
HSG AUTH OF THE CITY OF VANCOUVER	500 OMAHSG AUTH WAY, VANCOUVER, WA 98661–0000.	29	176,738
SEATTLE HSG AUTH	120 SIXTH AVE NORTH, SEATTLE, WA 98109–5002.	43	222,092
SPOKANE HSG AUTH	WEST 55 MISSION ST, STE 104, SPOKANE, WA 99201–2344.	9	27,903
DUNN CO HSG AUTH	1421 STOUT RD, STE 100, MENOMONIE, WI 54751	2	7,521
GREEN BAY HSG AUTH	100 N JEFFERSON, RM 608, CITY HALL, GREEN BAY, WI 54301–0000.	48	186,181
HSG AUTH OF THE CITY OF MILWAUKEE	P O BOX 324, MILWAUKEE, WI 53201–0000	84	550,701
KENOSHSG AUTH HSG AUTH	625 52ND ST, KENOSHA, WI 53140–0000	60	293,170
MADISON CDA	P O BOX 1785, MADISON, WI 53701–1785	78	400,278
RACINE CO HSG AUTH	837 MAIN ST, RACINE, WI 53403–1522	113	621,957
HSG AUTH OF THE CITY OF CASPER	1607 CY AVE, #301, CASPER, WY 82604–0000	102	284,556
WYOMING COMMUNITY DEV'T AUTH	P O BOX 634, CASPER, WY 82602–0000	34	69,588

APPENDIX A.—SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 1999—Continued

Housing agency	Address	Units	Award
Total for Terminations/Opt-outs (Vouchers)	.....	11,183	65,930,150
Grand Total	.....	30,098	185,666,931

[FR Doc. 00–8203 Filed 4–3–00; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Coastal Barrier Improvement Act of 1990; Amendments to the Coastal Barrier Resources System and Otherwise Protected Areas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the Fish and Wildlife Service, have replaced a map of an otherwise protected area (OPA) in Delaware, as directed by Congress. We are using this notice to inform the public about the distribution and availability of the revised map.

DATES: The boundary revisions for this OPA became effective on December 6, 1999, in accordance with Public Law 106–128.

FOR FURTHER INFORMATION CONTACT: Dr. Benjamin N. Tuggle, Department of the Interior, U.S. Fish and Wildlife Service, Division of Habitat Conservation, (703) 358–2161.

SUPPLEMENTARY INFORMATION:

Background

In 1982, Congress passed the Coastal Barrier Resources Act (P.L. 97–348) to restrict Federal spending that could foster development of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. In the Coastal Barrier Improvement Act of 1990 (P.L. 101–591), Congress amended the Act to broaden the definition of a coastal barrier, and approved a series of maps entitled ''Coastal Barrier Resources System'' dated October 24, 1990. These maps identify and depict those coastal barriers located on the coasts of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes and in Puerto Rico and the Virgin Islands that are subject to the Federal funding limitations outlined in the Act. The 1990 Act also approved a related series of maps depicting otherwise protected areas (OPA) along the same coastlines. In full System units most forms of Federal subsidies are prohibited. In OPAs only Federal flood insurance is prohibited.

The Act also defines our responsibilities regarding the System and OPA maps. We have official custody of these maps and prepare and distribute copies of them. We published a notice of the filing, distribution, and availability of the maps dated October 24, 1990, in the **Federal Register** on June 6, 1991 (56 FR 26304–26312). We have announced all subsequent map revisions in the **Federal Register**.

Revisions to an OPA in Delaware

Section 1(a) of Public Law 106–128, enacted on December 6, 1999, requires us to revise the map depicting a specific OPA (designated as DE–03P) in Sussex County, Delaware. The changes to Cape Henlopen Unit DE–03P will add State park land to the OPA and remove privately owned land outside of the park.

How To Get Copies of the Map

The Service is sending copies of the revised map to the House of Representatives Committee on Resources and the Committee on Banking and Financial Services, the Senate Committee on Environment and Public Works, and to each appropriate Federal, State, and local agency having jurisdiction over the areas in which the modified unit is located.

You can purchase copies of System and OPA maps from the U.S. Geological Survey, Earth Science Information Center, P.O. Box 25286, Denver, Colorado 80225. The cost is $4.00 per map, plus a $3.50 shipping and handling fee for the entire order. Maps can also be viewed at the following Fish and Wildlife Service offices:

Washington Office—all System and OPA maps.
U.S. Fish and Wildlife Service, Division of Habitat Conservation, 4401 N. Fairfax Drive, Room 400, Arlington, Virginia 22203, (703) 358–2201

Northeast Regional Office—all System and OPA maps for Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Virginia.
Region 5, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589, (413) 253–8657

Field Office—System and OPA maps for Delaware.
Field Supervisor, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, MD 21401, (410) 573–4500

Dated: March 23, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–8190 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Coastal Barrier Improvement Act of 1990; Amendments to the Coastal Barrier Resources System and Otherwise Protected Areas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the Fish and Wildlife Service, have replaced 7 maps relating to the Coastal Barrier Resources System in North Carolina with 14 maps, as directed by Congress. We are using this notice to inform the public about the distribution and availability of the revised maps.

DATES: The boundary revisions for these units became effective on November 29, 1999, in accordance with P.L. 97–348. The date listed on the official maps is October 18, 1999, as directed by Congress.

FOR FURTHER INFORMATION CONTACT: Dr. Benjamin N. Tuggle, Department of the Interior, U.S. Fish and Wildlife Service, Division of Habitat Conservation, (703) 358–2161.

SUPPLEMENTARY INFORMATION

Background

In 1982, Congress passed the Coastal Barrier Resources Act (P.L. 97–348) to restrict Federal spending that could foster development of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. In the Coastal Barrier Improvement Act of 1990 (P.L. 101–591), Congress amended the Act to

broaden the definition of a coastal barrier, and approved a series of maps entitled ''Coastal Barrier Resources System'' dated October 24, 1990. These maps identify and depict those coastal barriers located on the coasts of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes and in Puerto Rico and the Virgin Islands that are subject to the Federal funding limitations outlined in the Act. The 1990 Act also approved a related series of maps depicting otherwise protected areas (OPA) along the same coastlines. In full System units most forms of Federal subsidies are prohibited. In OPAs only Federal flood insurance is prohibited.

The Act also defines our responsibilities regarding the System and OPA maps. We have official custody of these maps and prepare and distribute copies of them. We published a notice of the filing, distribution, and availability of the maps dated October 24, 1990, in the **Federal Register** on June 6, 1991 (56 FR 26304–26312). We have announced all subsequent map revisions in the **Federal Register**.

Revisions to a System Unit and OPA in North Carolina

Section 1(a) of Public Law 106–16, enacted on November 29, 1999, requires us to replace 7 maps relating to the System with 14 new maps. These changes affect a Coastal Barrier Resources System Unit (designated as L03) and an OPA (designated as NC–03P) in Dare County, North Carolina. The changes to the Cape Hatteras NC–03P are designed to coincide with the boundary of the Cape Hatteras National Seashore. The changes to Hatteras Island Unit L03 are designed to meet the original intent of Congress.

How To Get Copies of the Maps

The Service has given copies of the revised System and OPA maps to the House of Representatives Committee on Resources and the Senate Committee on Environment and Public Works, and will be sending copies to the House of Representatives Committee on Banking and Financial Services and each appropriate Federal, State, and local agency having jurisdiction over the areas in which the modified units are located.

You can purchase copies of System and OPA maps from the U.S. Geological Survey, Earth Science Information Center, P.O. Box 25286, Denver, Colorado 80225. The cost is $4.00 per map, plus a $3.50 shipping and handling fee for the entire order. Maps can also be viewed at the following Fish and Wildlife Service offices:

Washington Office—all System and OPA maps.

U.S. Fish and Wildlife Service, Division of Habitat Conservation, 4401 N. Fairfax Drive, Room 400, Arlington, Virginia 22203, (703) 358–2201

Southeast Regional Office—all System and OPA maps for Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina.

Region 4, U.S. Fish and Wildlife Service, 1875 Century Blvd., Atlanta, Georgia 30345, (404) 679–7125

Field Office—System and OPA maps for North Carolina.

Field Supervisor, U.S. Fish and Wildlife Service, Raleigh Field Office 551–F Pylon Drive, P.O. Box 33726, Raleigh, NC 27636–3726, (919) 856–4520

Dated: March 23, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–8189 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE 024653

Applicant: Mark Hove, Macalester College, St. Paul, Minnesota.

The applicant requests a permit to take (collect) the following endangered species from the St. Croix River, from river miles 0–150 in Minnesota and Wisconsin: Winged mapleleaf (*Quadrula fragosa*) and Higgins' eye pearlymussel (*Lampsilis higginsi*). Activities are proposed for the enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/713–5343); FAX: (612/713–5292).

Dated: March 29, 2000.

T.J. Miller,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 00–8255 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[CO–170000]

Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Public Scoping; San Juan Basin, Colorado

AGENCY: Bureau of Land Management, USDI, and U.S. Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) and conduct public scoping; San Juan Basin, Colorado. Also, the action proposes to amend both the BLM's San Juan and San Miguel Resource Management Plan (RMP) of 1985, and the Colorado Oil and Gas Leasing and Development Final EIS of 1991.

SUMMARY: In accordance with the National Environmental Policy Act, notice is hereby given that the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS), as joint lead agencies, are initiating the preparation of an Environmental Impact Statement (EIS) with associated public scoping, on the proposed continued development of Fruitland Coalbed Methane (CBM) gas. The EIS analysis area (106,000 acres) generally encompasses land north of the Southern Ute Line and within the San Juan Basin, and is bordered on the north, west, and east by the Fruitland Outcrop. The east side of the analysis area dips south at the San Juan National Forest boundary and includes all San Juan National Forest lands within the Basin, south of the Southern Ute line. This EIS will be undertaken in cooperation with La Plata County, Colorado. The proposed action, within the analysis area, is for the development

of additional Fruitland CBM wells and associated facilities on multi-jurisdictional lands (BLM, USFS, and non-federal) within the San Juan Basin of southwestern Colorado. The EIS will address environmental impacts and mitigation measures associated with drilling, production and eventual abandonment of these additional Fruitland CBM wells. The EIS will also disclose direct, indirect, and cumulative impacts of projected CBM development on non-federal land within the described area.

DATES: Written comments will be accepted until June 1, 2000. Two public scoping meetings will be held, one beginning at 4:00 p.m. on May 16, 2000 at the BLM/USFS Public Lands Center, Durango, Colorado and the other beginning at 5:00 p.m. on May 17, 2000 at the Bayfield High School, in Bayfield, Colorado.

ADDRESSES: Comments should be sent to the Bureau of Land Management, San Juan Field Office Manager, 15 Burnett Court, Durango, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Ilyse Auringer, Jim Powers, or Paul Peck (970) 247–4874.

SUPPLEMENTARY INFORMATION: The objectives of the EIS will be to study and assess the impacts of additional Fruitland CBM drilling and development within the described area of southwestern Colorado. Potential impacts of the proposed action involve various natural and human resources including, geology, water resources, biological (*e.g.,* threatened and endangered species) wildlife, cultural, visual, land use, suburban interface and subdivisions, socioeconomic and others that are identified through the scoping process.

The proposed action will involve federal jurisdictions of the BLM and Forest Service. Two Record of Decisions, one by the BLM and one by the Forest Service will be issued. Much of the BLM jurisdiction is split estate land (where the mineral owner is not the same as the surface owner). Because of the large proportion of private mineral and surface estate contained in the proposed action, La Plata County will participate on this EIS as a Cooperating Agency. The Colorado Oil and Gas Conservation Commission will be an active, though informal, contributor. A memorandum of agreement is anticipated between the BLM, USFS, and La Plata County.

The BLM and Forest Service will issue interim criteria for those proposed Applications for Permit to Drill (APDs) received prior to the completion of the EIS and the two Record of Decisions (ROD's). The interim criteria will define those actions that would not limit the choice of reasonable alternatives and thus may be approved; as well as define those actions that may preclude future options and therefore may not be approved during preparation of the EIS and ROD's. The interim criteria will be subject to their own 30-day public comment period.

It is anticipated that the EIS process will take 24 months to complete and will include public information and meetings. Publication of the two ROD's is anticipated in March 2002. Public information, scoping meetings, and request for input on the EIS will begin with publication of this notice. Written comments must be submitted on or before June 1, 2000.

Dated: March 27, 2000.

Calvin N. Joyner,

San Juan Field Office Manager, BLM, Colorado, and Forest Supervisor, San Juan National Forest, USFS, Colorado.

[FR Doc. 00–8266 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–700–00–0777–XQ–1784]

Southwest Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Southwest Resource Advisory Council Meeting.

SUMMARY: Notice is hereby given that the Southwest Resource Advisory Council (Southwest RAC) will meet in May, 2000 in Gunnison, Colorado.

DATES: The meeting will be held on Thursday, May 11, 2000.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management, Southwest Center, 2465 South Townsend Avenue, Montrose, Colorado 81401; phone 970–240–5335; TDD 970–240–5366; e-mail Roger__Alexander@co.blm.gov.

SUPPLEMENTARY INFORMATION: The May 11, 2000 meeting will be held at the Gunnison County Fairgrounds Multipurpose Building, 275 South Spruce Street in Gunnison, Colorado. The meeting will begin at 9:00 a.m. and at approximately 4:30 p.m. The morning agenda will focus on the implementation of BLM Colorado Standards for public land health and Guidelines for livestock grazing and the Gunnison Sage Grouse Conservation Plan. General public comment is scheduled for 9:15 a.m. A field trip to nearby grazing allotments is scheduled during the afternoon session. The public is invited to accompany the RAC on the field trip but will need to provide their own transportation; a four wheel drive vehicle is recommended.

Summary minutes for Council meetings are maintained in the Southwest Center Office and on the World Wide Web athttp://www.co.blm.gov/mdo/mdo__sw__rac.htm and are available for public inspection and reproduction within thirty (30) days following each meeting.

Dated: March 23, 2000.

Roger Alexander,

Public Affairs Specialist.

[FR Doc. 00–8192 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Meeting

AGENCY: Lower Snake River District, Bureau of Land Management, Interior.

ACTION: Meeting Notice.

SUMMARY: The Lower Snake River District Resource Advisory Council will meet in Boise. Potential agenda topics are the Interior Columbia Basin Ecosystem Management Plan, the Integrated Natural Resources Management Plan for the U.S. Air Force Enhanced Training in Idaho project, sage grouse habitat management, implementation of rangeland standards and guidelines, proposed land exchanges and other land management issues.

DATES: May 3, 2000. The meeting will begin at 9 a.m. Public comment periods will be held at 9:30 a.m. and 4:00 p.m.

ADDRESSES: The meeting will be held at the Lower Snake River District Office, located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Dated: March 29, 2000.

Katherine Kitchell,

District Manager.

[FR Doc. 00–8209 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–84–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–910–00–0777–XQ]

Utah Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Utah Resource Advisory Council Meeting.

SUMMARY: The Bureau of Land Management's Utah Statewide Resource Advisory Council (RAC) will be meeting on May 4, 2000, Provo, Utah.

The purpose of this meeting is to continue developing guidelines for recreation management on BLM lands in Utah.

The meeting will be held at the Hampton Inn (Sundance Room), 1511 South 40 East, Provo, Utah. It is scheduled to begin at 8 a.m. and conclude at 4 p.m. A public comment period, where members of the public may address the Council, is scheduled from 3:30 p.m.–4 p.m. on May 4. All meetings of the BLM's Resource Advisory Council are open to the public.

FOR FURTHER INFORMATION: Sherry Foot, Special Programs Coordinator, Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, 84111; phone (801) 539–4195.

Dated: March 29, 2000.

Robert A. Bennett,

Utah BLM Associate State Director.

[FR Doc. 00–8210 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–060–5101–ER–F311; N–63162]

Notice of Intent To Prepare an Environmental Impact Statement To Analyze the Proposed Falcon to Gonder 345 kV Transmission Line Project and Associated Bureau of Land Management Resource Management Plan Amendments for the Shoshone-Eureka, Elko, and Egan Resource Areas in Elko, Eureka, Lander, and White Pine Counties, NV

AGENCY: Bureau of Land Management.

COOPERATING AGENCIES: Nevada Division of Wildlife and Nevada State Historic Preservation Office.

ACTION: Notice of intent to prepare an environmental impact statement to analyze Sierra Pacific Power Company's (Sierra) Proposed Falcon to Gonder 345 kV Transmission Line Project and consider amendments to existing Bureau of Land Management (BLM) Resource Management Plans (RMP) for the purpose of establishing right-of-way utility corridors in Elko, Eureka, Lander, and White Pine Counties, Nevada.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), 40 Code of Federal Regulations 1500–1508 Council on Environmental Quality Regulations, 43 Code of Federal Regulations 2800, and 43 Code of Federal Regulations 1600 the Bureau of Land Management's Battle Mountain, Elko, and Ely Field Offices (BLM) will be directing the preparation of an Environmental Impact Statement (EIS) to analyze a proposed Falcon to Gonder 345 kV transmission line project and associated BLM RMP amendments. The EIS will be prepared by a third party contractor directed by the BLM. The project will involve public and private lands in Elko, Eureka, Lander, and White Pine Counties, Nevada.

DATES: There will be three public scoping meetings hosted by the BLM to solicit input from the public about the scope of the Falcon to Gonder EIS. The meetings will be held from 7–9 pm at the following locations:

Crescent Valley Town Hall, 5045 Tenabo Avenue, Crescent Valley, Nevada on April 18, 2000, Eureka County Opera House, 31 South Main Street, Eureka, Nevada on April 19, 2000, and BLM Ely Field Office, 702 North Industrial Way, Ely, Nevada on April 20, 2000.

The purpose of these meetings is to identify significant issues to be addressed in the EIS, to determine the scope of issues to be addressed, to identify viable alternatives, and to encourage public participation in the NEPA process. Additional briefings will be considered as appropriate.

Written comments must be post-marked or otherwise delivered by 4:30 p.m. on May 8, 2000. Comments may also be presented at the public scoping meetings.

ADDRESSES: Written comments should be addressed to the Bureau of Land Management, Battle Mountain Field Office, Attention: Katherine Moses, 50 Bastian Road, Battle Mountain, Nevada 89820.

FOR FURTHER INFORMATION CONTACT: Mary Craggett, Battle Mountain BLM, at (775) 635–4168 or Katherine Moses, Battle Mountain BLM, at (775) 635–4092.

SUPPLEMENTARY INFORMATION: On December 17, 1998, Sierra filed a right-of-way application with the BLM for the construction, operation, and maintenance of an approximately 165–185 mile long 345 kV electric transmission line that would connect the Falcon substation (north of Dunphy, Nevada) with the Gonder substation (north of Ely, Nevada). The project would improve electricity import and export capabilities to meet anticipated growth in Sierra's system.

The project, as currently proposed, identifies several route alternatives. The northern portion of any route would head south from the Falcon substation to Highway 50 near Eureka along one of several possible alignments. The southern portion of any route alternatives would then head east along Highway 50 to follow an existing Sierra 230 kV line to the Gonder substation. The current alternatives are identified as the: Crescent Valley A, Crescent Valley B, Pine Valley A, Pine Valley B, and Buck Mountain alternatives. The no action alternative will also be analyzed.

As part of the proposed action, the BLM is also considering amending the RMPs for the Shoshone-Eureka Resource Area, Elko Resource Area, and Egan Resource Area to establish possible right-of-way utility corridors in the area of the preferred alignment. Amendments to the Shoshone-Eureka RMP may also include deletion of a utility planning corridor.

Initially, it was not determined what level of NEPA analysis would be required for the Falcon to Gonder project. In July 1999, the BLM determined that an EIS would be necessary to comply with NEPA. In March 2000, the BLM determined that it would be appropriate to analyze possible RMP amendments concurrently with this project. With these changes in the scope of the project, BLM felt it was important to conduct another round of scoping meetings to address public concerns related to the proposed action.

Previous public involvement opportunities included a 30 day scoping period and three public meetings. These meetings were held on the following dates and locations:

Carlin City Hall Court Room, 101 South 8th Street, Carlin, Nevada on June 15, 1999, Eureka Opera House, 31 South Main Street, Eureka, Nevada on June 16, 1999, and BLM Ely Field Office, 702 North Industrial Way, Ely, Nevada on June 17, 1999.

Public comments from the previous scoping meetings will be compiled and incorporated in the EIS, along with comments from the upcoming scoping meetings.

Dated: March 28, 2000.

Gerald M. Smith,

Field Manager, Battle Mountain Field Office.

[FR Doc. 00–8428 Filed 4–3–00; 10:00 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before MARCH 25, 2000. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by April 19, 2000.

Carol D. Shull,

Keeper of the National Register.

ALASKA

Kenai Peninsula Borough-Census Area

Berg, Andrew, Cabin, 30 mi. SE of Soldotna, Soldotna, 00000385

CALIFORNIA

Los Angeles County

Municipal Warehouse No. 1, 2500 Signal St., San Pedro, 00000386

Madera County

Spring Street Financial District (Boundary Increase), 401 S. Main St. and 405–11 S. Main St., Los Angeles, 00000387

FLORIDA

Sarasota County

Crisp Building, 1970 Main St., Sarasota, 00000388

GEORGIA

Charlton County

Floyds Island Hammock, Okefenokee National Wildlife Refuge, Folkston, 00000389

Peach County

Fort Valley State College Historic District, Pear St. and State University Dr., Fort Valley, 00000390

MICHIGAN

Oakland County

North Milford Village Historic District, Historic area of North Milford Village, Milford, 00000391

NORTH CAROLINA

Alamance County

East Davis Street Historic District, (Burlington MRA), Roughly bounded by E. Davis St., S. Mebane St., E. Webb Ave., and Tucker St., Burlington, 00000393

Cabarrus County

Isenhour, Daniel, House and Farm, 11970 Mt. Olive Rd., Gold Hill, 00000392

Durham County

City Garage Yard and Fire Drill Tower (Durham MRA), 501 Washington St., Durham, 00000394

Jackson County

Hooper, Dr. D. D., House, 773 W. Main St., Sylva, 00000395

PENNSYLVANIA

Allegheny County

Allegheny River Lock and Dam No. 2 (Allegheny River Navigation System MPS), 7451 Lockway W, Pittsburgh, 00000396

Allegheny River Lock and Dam No. 3 (Allegheny River Navigation System MPS), Approx. 1 mi. N of Barrington, New Kensington, 00000397

Allegheny River Lock and Dam No. 4 (Allegheny River Navigation System MPS), 1 River Ave., Natrona, 00000398

Armstrong County

Allegheny River Lock and Dam No. 6 (Allegheny River Navigation System MPS), 1258 River Rd., Freeport, 00000400

Allegheny River Lock and Dam No. 7 (Allegheny River Navigation System MPS), Along PA 4023, 0.6 mi. N of Kittanning Br., Kittanning, 00000401

Allegheny River Lock and Dam No. 9 (Allegheny River Navigation System MPS), Terminus of PA 1004, 0.2 mi. N of T488, Widnoon, 00000403

Allegheny River Lock and Dam No.8 (Allegheny River Navigation System MPS), Along PA 1033, 1.5 mi. S of Templeton, Templeton, 00000402

Allegheny River Locka and Dam No. 5 (Allegheny River Navigation System MPS), 830 River Rd., Freeport, 00000399

UTAH

Salt Lake County

Hepworth, Thomas and Mary, House, 725 W 200 N, Salt Lake City, 00000404

WASHINGTON

King County

Auburn Post Office (Historic US Post Offices in Washington MPS), 20 Auburn Ave. NE, Auburn, 00000407

Black Diamond Cemetery, Cemetery Hill Rd., Black Diamond, 00000406

Pierce County

Tacoma Mausoleum, 5302 S. Junett St., Tacoma, 00000405

WISCONSIN

Door County

Baileys Harbor Town Hall—McArdle Library (Public Library Facilities of Wisconsin MPS), 2392 Cty Trunk Highway F, Baileys Harbor, 00000408

[FR Doc. 00–8252 Filed 4–3–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 14, 2000, Pressure Chemical Company, 3419 Smallman Street, Pittsburgh, Pennsylvania 15201, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of 2,5-dimethoxyamphetamine (7396), a basic class of controlled substance listed in Schedule I.

The firm plans to manufacture 2,5-dimethoxyamphetamine for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 5, 2000.

Dated: March 28, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–8267 Filed 4–3–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities, Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Application for nonresident alien's Canadian border crossing card.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is

published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until June 5, 2000.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

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

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application for Nonresident Alien's Canadian Border Crossing Card.

(3) *Agency form number, if any, and the applicable component sponsoring the collection:* Form I–175. Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information collected is used to determine eligibility of an applicant for issuance of a Canadian Border Crossing Card to facilitate entry into the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 9,200 responses at 20 minutes (.333 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,063 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestion regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact Mr. Robert B. Briggs, Clearance Officer, U.S. Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center Building, 1001 G Street, NW., Washington, DC 20530.

Dated: March 28, 2000.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 00–8164 Filed 4–3–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Reinstatement of a Currently Approved Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Extension of a Currently Approved Collection; Local Law Enforcement Block Grants Program.

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on September 8, 1999, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until May 4, 2000. This process in conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submtted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 1220, National Place Building, 1331 Pennsylvania Avenue, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

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

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

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

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

Overview of This Information

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Local Law Enforcement Block Grants Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local or Tribal Government.

Other: None.

The Local Law Enforcement Block Grants Act of 1996 authorizes the Director of the Bureau of Justice Assistance to make funds available to local units of government in order to reduce crime and improve public safety.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 3,500 respondents will apply for funding and complete an one hour on-line application.

(6) *An estimate of the total public burden (in hours) associated with the*

collection: The total hour burden to complete the application is 3,500.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place Building, 1331 Pennsylvania Avenue, NW, Washington, D.C. 20530.

Dated: March 29, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00–8197 Filed 4–3–00; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,123, et al.]

ARCO Permian, An Operating Unit of Atlantic Richfield Company, A Delaware Corporation Headquartered in Midland, Texas and Operating at Various Locations in Texas, New Mexico and Colorado; 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 January 5, 2000 applicable to workers of ARCO Permian headquartered in Midland, Texas and operating at various locations in Texas as well as Jal, New Mexico, Eunice, New Mexico, Artesia, New Mexico and Near Gardner, Colorado. The notice was published in the **Federal Register** on January 14, 2000 (FR 65 2432).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers are engaged in employment related to the exploration and production of crude oil and natural gas. Company information shows that ARCO Permian is an operating unit of Atlantic Richfield Company, a Delaware Corporation. Company information also shows that workers separated from employment at ARCO Permian had their wages reported under a separate unemployment insurance (UI) tax account for Atlantic Richfield Company, a Delaware Corporation.

Based on these findings, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of ARCO Permian who were adversely affected by increased imports.

The amended notice applicable to TA–W–37,124, TA–W–37,124A, TA–W–37,124B, TA–W–37,124C, and TA–W–37,124D, is hereby issued as follows:

All workers of ARCO Permian, an operating unit of Atlantic Richfield Company, a Delaware Corporation, headquartered in Midland, Texas and operating at various locations in the state of Texas (TA–W–37,124) Jal, New Mexico (TA–W–37,124A), Eunice, New Mexico (TA–W–37,124B), Artesia, New Mexico (TA–W–37,124C) and Near Gardner, Colorado (TA–W–37,124D) who became totally or partially separated from employment on or after November 19, 1998 through January 5, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 24th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8242 Filed 4–2–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,167 and 167A]

GL&V/Dorr-Oliver, Inc., Hazleton, Pennsylvania and Milford, Connecticut; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on January 13, 2000, applicable to workers of GL&V/Dorr-Oliver, Inc., Hazleton, Pennsylvania. The notice was published in the **Federal Register** on February 4, 2000 (65 FR 5690).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Milford, Connecticut location of GL&V/Dorr-Oliver, Inc. The Milford, Connecticut workers provide administrative functions, designing and customer services to support the production of filtration equipment at the Hazleton, Pennsylvania facility.

Based on these findings, the Department is amending the certification to include workers of GL&V/Dorr-Oliver, Inc., Milford, Connecticut.

The intent of the Department's certification is to include all workers of GL&V/Dorr-Oliver, Inc. who were adversely affected by increased imports of filtration equipment.

The amended notice applicable to TA–W–37,167 is hereby issued as follows:

All workers of GL&V/Dorr-Oliver, Inc., Hazleton, Pennsylvania (TA–W–37,167) and Milford, Connecticut (TA–W–37,167A) who became totally or partially separated from employment on or after November 23, 1998 through January 13, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 24th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8240 Filed 4–3–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,949 and 949A]

Spring Ford Industries, Inc.; Plant No. 1 and Plant No. 2, Chilhowie, Virginia and Sparta Plant, Sparta, North Carolina; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 19, 2000, applicable to workers of Spring Ford Industries, Inc., Plant No. 1 and Plant No. 2, Chilhowie, Virginia. The notice was published in the **Federal Register** on February 4, 2000 (65 FR 5690).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred in January, 2000 at the Sparta Plant of Spring Ford Industries, Inc., Sparta, North Carolina. The workers are engaged in employment related to the production of tee shirts.

Accordingly, the Department is amending the certification to cover workers of Spring Ford Industries, Inc., Sparta Plant, Sparta, North Carolina.

The intent of the Department's certification is to include all workers of Spring Ford Industries, Inc., adversely affected by increased imports.

The amended notice applicable to TA–W–36,949 is hereby issued as follows:

All workers of Plant No. 1 and Plant No. 2 of Spring Ford Industries, Inc., Chilhowie, Virginia (TA–W–36,949) and Sparta Plant, Sparta, North Carolina (TA–W–36,949A) who became totally or partially separated from employment on or after September 28, 1998 through January 19, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 24th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8239 Filed 4–3–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. NAFTA–03610 and 03610A]

GL&V/Dorr-Oliver, Inc., Hazleton, Pennsylvania and Milford, Connecticut; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on January 13, 2000, applicable to workers of GL&V/Dorr-Oliver, Inc., Hazleton, Pennsylvania. The notice was published in the **Federal Register** on February 4, 2000 (65 FR 5691).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Milford, Connecticut location of GL&V/Dorr-Oliver, Inc. The Milford, Connecticut workers provide administrative functions, designing and customer services to support the production of filtration equipment at the Hazleton, Pennsylvania facility.

The intent of the Department's certification is to include all workers of GL&V/Dorr-Oliver, Inc. who were adversely affected by increased imports from Canada.

Accordingly, the Department is amending the certification to include worker, of GL&V/Dorr-Oliver, Inc., Milford, Connecticut.

The amended notice applicable to NAFTA—03610 is hereby issued as follows:

All workers of GL&V/Dorr-Oliver, Inc., Hazleton, Pennsylvania (NAFTA–03610) and Milford, Connecticut (NAFTA–3610A) who became totally or partially separated from employment on or after November 23, 1998 through January 13, 2002 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 24th day of March, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–8241 Filed 4–3–00; 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; Notification of Methane Detected in Mine Atmosphere

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 June 5, 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

Sections 103(c), (i), and (j) of the Federal Mine Safety and Health Act of 1977 authorize the recordkeeping and reporting requirements implemented in 30 CFR 57, Subpart T-Safety Standards for Methane in Metal and Nonmetal mines. Methane is a flammable gas found in underground mining. Methane is a colorless, odorless, tasteless gas, and it tends to rise to the roof of a mine because it is lighter than air. Although methane itself is nontoxic, its presence reduces the oxygen content by dilution when mixed with air, and consequently can act as an asphyxiant when present in large quantities. Methane mixed with air is explosive in the range of 5 to 15 percent, provided that 12 percent or more oxygen is present. The presence of dust containing volatile matter in the mine atmosphere may further enhance the explosion potential of methane in a mine.

Metal and Nonmetal mine operators are required to notify MSHA as soon as possible if any of the following events occur: (a) there is an outburst that results in 0.25 percent or more methane in the mine atmosphere; (b) there is a blowout that results in 0.25 percent or more methane in the mine atmosphere; (c) there is an ignition of methane; (d) air sample results indicate 0.25 percent or more methane in the mine atmosphere of a Subcategory I–B, I–C, II–B, V–B, or Category VI mine; If methane reaches 2.0 percent in a Category IV mine; or methane reaches 0.25 percent in the mine atmosphere of a Subcategory I–B, II–B, V–B, and VI mines, MSHA shall be notified immediately. MSHA investigates the occurrence to determine that the mine is placed in the proper category to follow appropriate precautionary standards.

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 Notification of Methane Detected in Mine Atmospheres. 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) Compliance Assistance Information'', 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 is seeking an extension of the information collection related to certification and notification of methane detected in mine atmosphere.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Notification of Methane Detected in Mine Atmosphere.

OMB Number: 1219–0103.

Affected Public: Business or other for-profit.

Recordkeeping: Certification of examinations shall be kept for at least one year.

Cite reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden hours[1]
57.22004(c)	1	Annually	1	15 minutes	15 minutes.
57.22229(d) & 57.22230(b) and (c).	7	Weekly	364	5 minutes	30 hours.
Inform miners	7	Annually	7	10 minutes	1 hour, 10 minutes.
Total	8		372	0.0860 minutes	32 hours.

[1] Discrepancies due to rounding.

Total Annualized Capital/Startup Costs: $0.

Total Operating and Maintenance: $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 29, 2000.

George M. Fesak,

Director, Program Evaluation and Information Resources.

[FR Doc. 00–8243 Filed 4–3–00; 8:45 am]

BILLING CODE 4510–43–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

United States Section

Notice of Availability of Draft Environmental Impact Statement and Notice of Public Meetings for the El Paso-Las Cruces Regional Sustainable Water Project, Sierra and Dona Ana Counties, NM and El Paso County, TX

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Availability of Draft Environmental Impact Statement and Notice of Public Meeting.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the United States Section, International Boundary and Water Commission (USIBWC) in conjunction with the El Paso Water Utilities/Public Service Board has prepared a draft environmental impact statement (DEIS) on the El Paso-Las Cruces Regional Sustainable Water Project in Sierra and Dona Ana counties, New Mexico and El Paso County, Texas as proposed by the New Mexico-Texas Water Commission. The DEIS analyzes the no action alternative and the impacts of five action alternatives from construction and operation of the project. Public meetings will also be held to discuss and receive comments on the DEIS from interested organizations and individuals.

DATES: Written comments are requested by June 13, 2000. Public meetings will be held on May 2, 3, and 4, 2000 in Anthony and Las Cruces, New Mexico and in El Paso, Texas, respectively. See addresses below for location and time.

ADDRESSES: Comments should be addressed to: Mr. Douglas Echlin, Environmental Protection Specialist, Environmental Management Division, USIBWC, 4171 North Mesa Street, C–310, El Paso, Texas 79902.

Three public scoping meetings will be conducted from 4:00 to 7:00 p.m. MDT each day on Tuesday, May 2, 2000 at the Gadsden Middle School Cafeteria, 1325 West Washington, Anthony, New Mexico; on Wednesday, May 3, 2000 at the Farm and Ranch Heritage Museum, 4100 Dripping Springs Road, Las Cruces, New Mexico; and on Thursday, May 4, 2000 at Chamizal National Memorial, 800 South San Marcial, El Paso, Texas.

Copies of the DEIS are available for inspection and review at the following locations: Branigan Memorial Library, 200 East Picacho Avenue, Las Cruces, New Mexico; El Paso Public Library, 501 North Oregon Street, El Paso, Texas; New Mexico State University Library, Las Cruces, New Mexico; University Library, The University of Texas at El Paso, El Paso, Texas; El Paso Water Utilities, 1154 Hawkins Boulevard, El Paso, Texas; and United States Section, International Boundary and Water Commission, 4171 North Mesa Street, El Paso, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Echlin, Environmental Protection Specialist, Environmental Management Division, USIBWC, 4171 North Mesa Street, C–310, El Paso, Texas 79902 or call 915/832–4741. E-mail: dougechlin@ibwc.state.gov.

SUPPLEMENTARY INFORMATION: The New Mexico-Texas Water Commission, established in 1991 to help meet the water resource challenges of the region, proposed the El Paso-Las Cruces Regional Sustainable Water Project to secure future drinking water supplies from surface sources for the El Paso-Las Cruces region. The project includes the acquisition, conveyance, treatment, and distribution of a drinking water supply, and upgrading or constructing facilities for water conveyance, treatment, distribution, and aquifer storage and

recovery. These activities comprise the following three project purposes:

• Provide a year-round drinking water supply from the Rio Grande Project that is of sufficient quantity and quality to meet the anticipated municipal needs of Hatch; Las Cruces; northern and southern Dona Ana County; and El Paso.

• Protect and maintain the sustainability of the Mesilla Bolson (ground water basin or aquifer).

• Extend the longevity of the Hueco Bolson.

• Project alternatives presented in this DEIS were designed to achieve these three project purposes. In addition, the project will strive to meet the following criteria:

• The project should attempt to provide high quality water needed to achieve successful treatment and to meet federal drinking water standards.

• The project should seek to deliver water efficiently, and to promote water conservation.

• The project should provide overall benefits to the riverine ecosystem, particularly aquatic and riparian habitats.

The project recognizes and accepts existing institutional and social constraints. The project would continue to meet treaty, compact, and contract requirements for delivery of Rio Grande Project waters. The project would not adversely affect the quantity and quality of water deliveries to agricultural users; impose new responsibilities on state or federal governments; or preclude other opportunities to enhance the Rio Grande ecosystem.

The need for this project is based on the region's future drinking water supply requirements. The project is necessary to avoid both potentially permanent impacts on the Mesilla and Hueco Bolsons and critical drinking water shortages in the El Paso-Las Cruces region. Population growth rates have increased sharply, increasing the demand for drinking water. It is projected that the Texas portion of the Hueco Bolson will be exhausted of all fresh water by the year 2025 because water is being pumped from the aquifer faster than it can be naturally replenished. If additional surface waters are not made available to supplement the drinking water supply, water shortages in the region will likely lead to severe health and sanitation problems.

A copy of the Draft EIS has been filed with the Environmental Protection Agency EPA in accordance with 40 CFR Parts 1500–1508 and USIBWC procedures. Written comments concerning the Draft EIS will be accepted at the address provided above until June 13, 2000.

Dated: March 29, 2000.

William A. Wilcox, Jr.,

Legal Advisor.

[FR Doc. 00–8207 Filed 4–3–00; 8:45 am]

BILLING CODE 4710–03–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules for Electronic Copies Previously Covered by General Records Schedule 20; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal.

This request for comments pertains solely to schedules for electronic copies of records created using word processing and electronic mail where the recordkeeping copies are already scheduled. (Electronic copies are records created using word processing or electronic mail software that remain in storage on the computer system after the recordkeeping copies are produced.)

These records were previously approved for disposal under General Records Schedule 20, Items 13 and 14. The agencies identified in this notice have submitted schedules pursuant to NARA Bulletin 99–04 to obtain separate disposition authority for the electronic copies associated with program records and administrative records not covered by the General Records Schedules. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a). To facilitate review of these schedules, their availability for comment is announced in **Federal Register** notices separate from those used for other records disposition schedules.

DATES: Requests for copies must be received in writing on or before May 19, 2000. On request, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums concerning a proposed schedule. These, too, may be requested. Requesters will be given 30 days to submit comments.

Some schedules submitted in accordance with NARA Bulletin 99–04 group records by program, function, or organizational element. These schedules do not include descriptions at the file series level, but, instead, provide citations to previously approved schedules or agency records disposition manuals (see **SUPPLEMENTARY INFORMATION** section of this notice). To facilitate review of such disposition requests, previously approved schedules or manuals that are cited may be requested in addition to schedules for the electronic copies. NARA will provide the first 100 pages at no cost. NARA may charge $.20 per page for additional copies. These materials also may be examined at no cost at the National Archives at College Park (8601 Adelphi Road, College Park, MD).

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports and/or copies of previously approved schedules or manuals should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers

prepare schedules proposing retention periods for records and submit these schedules for NARA approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs the records to conduct its business. Routine administrative records common to most agencies are approved for disposal in the General Records Schedules (GRS), which are disposition schedules issued by NARA that apply Government-wide.

On March 25, 1999, the Archivist issued NARA Bulletin 99–04, which told agencies what they must do to schedule electronic copies associated with previously scheduled program records and certain administrative records that were previously scheduled under GRS 20, Items 13 and 14. On December 27, 1999, the Archivist issued NARA Bulletin 2000–02, which suspended Bulletin 99–04 pending NARA's completion in FY 2001 of an overall review of scheduling and appraisal. On completion of this review, which will address all records, including electronic copies, NARA will determine whether Bulletin 99–04 should be revised or replaced with an alternative scheduling procedure. However, NARA will accept and process schedules for electronic copies prepared in accordance with Bulletin 99–04 that are submitted after December 27, 1999, as well as schedules that were submitted prior to this date.

Schedules submitted in accordance with NARA Bulletin 99–04 only cover the electronic copies associated with previously scheduled series. Agencies that wish to schedule hitherto unscheduled series must submit separate SF 115s that cover both recordkeeping copies and electronic copies used to create them.

In developing SF 115s for the electronic copies of scheduled records, agencies may use either of two scheduling models. They may add an appropriate disposition for the electronic copies formerly covered by GRS 20, Items 13 and 14, to every item in their manuals or records schedules where the recordkeeping copy has been created with a word processing or electronic mail application. This approach is described as Model 1 in Bulletin 99–04. Alternatively, agencies may group records by program, function, or organizational component and propose disposition instructions for the electronic copies associated with each grouping. This approach is described as Model 2 in the Bulletin. Schedules that follow Model 2 do not describe records at the series level.

For each schedule covered by this notice the following information is provided: name of the Federal agency and any subdivisions requesting disposition authority; the organizational unit(s) accumulating the records or a statement that the schedule has agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency; the control number assigned to each schedule; the total number of schedule items; the number of temporary items (the record series proposed for destruction); a brief description of the temporary electronic copies; and citations to previously approved SF 115s or printed disposition manuals that scheduled the recordkeeping copies associated with the electronic copies covered by the pending schedule. If a cited manual or schedule is available from the Government Printing Office or has been posted to a publicly available Web site, this too is noted.

Further information about the disposition process is available on request.

Schedules Pending

1. Department of Defense, Defense Contract Audit Agency (N9–372–00–1, 158 items, 158 temporary items). Electronic copies of documents created using word processing and electronic mail that pertain to agency programs and operations. Electronic copies relate to such subjects as planning, inspections and investigations, legal matters, relations with the White House and Congress, committee management, historical activities, training, audit policies, and audit administration. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. It also authorizes the agency to apply to any recordkeeping medium the disposition instructions for series that were previously approved for disposal in paper form. Paper copies of the records covered by this schedule are included in Disposition Job Nos. NC–372–75–1, N1–372–89–1, N1–372–90–1, N1–372–90–2, N1–372–93–1, N1–372–94–1, N1–372–94–2, N1–372–94–3, N1–372–95–1, N1–372–95–3, N1–372–96–1, and N1–372–99–1.

2. Department of Defense, Defense Logistics Agency (N9–361–00–2, 180 items, 180 temporary items). Electronic copies of documents created using electronic mail and word processing that relate to agency programs and activities. Included are electronic copies of records relating to command functions, staff support, planning and resource management, telecommunications and information systems, personnel, finance, installation services, defense reutilization and marketing, technical operations, logistics services, quality assurance, contracting, program and technical support, supply and distribution, industrial plant equipment, the defense national stockpile, manufacturing, and alternative fuels. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Defense Logistics Agency Instruction 5015.1.

Dated: March 23, 2000.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 00–8254 Filed 4–3–00; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: National Science Foundation—Applicant Survey

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

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 on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by June 5, 2000 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to splimpto@nsf.gov.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 306–1125 x 2017 or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''National Science Foundation Applicant Survey.''

OMB Approval Number: 3145–0096.

Expiration Date of Approval: August 31, 2000.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The current National Science Foundation Applicant survey has been in use for several years. Data are collected from applicant pools to examine the racial/sexual/disability composition and to determine the source of information about NSF vacancies.

Use of the Information: Analysis of the applicant pools is necessary to determine if NSF's targeted recruitment efforts are reaching groups that are underrepresented in the Agency's workforce and/or to defend the Foundation's practices in discrimination cases.

Burden on the Public: The Foundation estimates about 5,000 responses annually at 3 minutes per response; this computes to approximately 250 hours annually.

Dated: March 30, 2000.

Suzanne H. Plimpton,

NSF Reports Clearance Officer.

[FR Doc. 00–8228 Filed 4–3–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Science Board; Nominations for Membership

The National Science Board (NSB) is the policymaking body of the National Science Foundation (NSF). The Board consists of 24 members appointed by the President, with the advice and consent of the Senate, for six-year terms, in addition to the NSF Director *ex officio*.

Section 4(c) of the National Science Foundation Act of 1950, as amended, states that: ''The persons nominated for appointment as members of the Board: (1) Shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific and engineering leaders in all areas of the Nation.''

The Board and the NSF Director solicit and evaluate nominations for submission to the President. Nominations accompanied by biographical information may be forwarded to the Chairman, National Science Board, 4201 Wilson Boulevard, Arlington, VA 22230, no later than April 28, 2000.

Any questions should be directed to Mrs. Susan E. Fannoney, Staff Assistant, National Science Board Office (703/306–2000).

Dated: March 30, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–8257 Filed 4–3–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemistry (#1191).

Date/Time: May 1–3, 2000; 8:00 a.m. to 5:00 p.m.

Place: Rooms 320, 330 and 390—NSF, 4201 Wilson Blvd, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Joan Frye, Program Director, Chemical Instrumentation Program, Chemistry Division, Room 1055, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230, Telephone: (703) 306–1849.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals for the Chemical Instrumentation Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 30, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–8258 Filed 4–3–00; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Social and Political Science; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, and amended), the National Science Foundation announces the following meetings:

Name: Advisory Panel for Social and Political Science (#1761).

Date and Time: May 4–5, 2000; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970; Arlington, VA 22230.

Contact Person: Dr. Frank Scioli and Dr. Marianne Stewart, Program Directors for Political Science, National Science Foundation. Telephone: (703) 306–1761.

Agenda: To review and evaluate the political science proposals as part of the selection process for awards.

Date and Time: April 22–23, 2000; 9 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington VA 22230.

Contact Person: Dr. D. Marie Provine, Program Director, Law and Social Science, National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington VA 22230. Telephone (703) 306–1762.

Agenda: To review and evaluate the Law and Social Science Proposals as a part of the selection process for awards.

Date and Time: April 27–28, 2000; 9 a.m. to 5 p.m.

Place: 4201 Wilson Boulevard, Room 330 & Room 370, Arlington VA 22230.

Contact Person: Dr. Patricia White and Dr. Murray Webster, National Science Foundation, Telephone (703) 306–1756.

Agenda: To review and evaluate the Sociology proposals as a part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These maters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 30, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00–8259 Filed 4–3–00; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

ABB C–E Nuclear Power, Inc.

[Docket No. 70–36]

Hematite Fuel Operations, Notice of Consideration of Approval of Transfer of Facility License and Conforming Amendment and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment pursuant to Part 70 to Title 10 of the Code of Federal Regulations approving the transfer of Material License SNM–33 held by ABB C–E Nuclear Power, Inc. (''ABBCENP'') as the owner and responsible licensee. The facility is authorized to use Special Nuclear Material (SNM) for research, development, and the fabrication of nuclear fuel pellets and fuel assemblies. The transfer would be to WAC LLC, an indirect, wholly owned subsidiary of British Nuclear Fuels (''BNFL''). The transfer is necessitated by the sale of the nuclear businesses of ABB Ltd. (''ABB'') to BNFL. Included in the sale is the transfer to BNFL of all outstanding shares of ABBCENP stock, the United States based nuclear business of ABB. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. The facility is located in Festus, Missouri.

According to an application dated March 10, 2000, for approval filed by ABBCENP, a new company ''NewCo'' (with the formal name of NewCo to be provided later) would assume ownership of the facility. In a subsequent submittal dated March 16, 2000, the new company name was changed from NewCo to WAC LLC. In the March 10 application it stated that there will be no changes affecting the existing health and safety programs; qualifications of safety personnel; equipment and facilities; or any other existing license requirements.

The proposed amendment would replace references to ABBCENP in the license with references to WAC LLC and make other changes for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 70.36, no license granted under the regulations in Part 70 and no right to possess or utilize special nuclear material granted by any license issued pursuant to the regulations in Part 70 shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Commission shall give its prior consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By April 24, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Mr. Robert S. Bell, Jr., Esq., Vice President and General Counsel, ABB C–E Nuclear Power, Inc.; 2000 Day Hill Road, Mail Stop 9515–426; Windsor, CT 06095; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov*); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A Notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 4, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of the **Federal Register** notice.

For further details with respect to this action, see the application dated March 10, 2000, 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 29th day of March 2000.

For the Nuclear Regulatory Commission.

Charles Emeigh,

Section Chief, Licensing Section, Licensing and International Safeguards Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–8212 Filed 4–3–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50–369 and 50–370]

Duke Energy Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Duke Energy Corporation (the licensee) to withdraw its April 5, 1999, application for proposed amendment to Facility

Operating License Nos. 9 and 17 for the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendment would have revised TS Section 3.7.15 and associated Bases, and Section 4.0, to allow the use of credit for soluble boron in spent fuel pool criticality analyses. The request was based on the NRC-approved Westinghouse Owners Group Topical Report WCAP–14416–NP–A, that provides generic methodology for crediting soluble boron.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on May 19, 1999 (64 FR 27318). However, by letter dated March 23, 2000, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated April 5, 1999, and the licensee's letter dated March 23, 2000, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 29th day of March 2000.

For the Nuclear Regulatory Commission.

Frank Rinaldi,

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–8214 Filed 4–3–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–62]

Notice and Solicitation of Comments Pursuant to 10 CFR 20.1405 and 10 CFR 50.82(b)(5) Concerning Proposed Action to Decommission the University of Virginia University of Virginia Reactor (UVAR)

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received an application from the University of Virginia dated February 9, 2000, for a license amendment approving its proposed decommissioning plan for the UVAR (Facility License No. R–66) located in Charlottesville, Virginia.

In accordance with 10 CFR 20.1405, the Commission is providing notice and soliciting comments from local and State governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning. This notice and solicitation of comments is published pursuant to 10 CFR 20.1405, which provides for publication in the **Federal Register** and in a forum such as local newspapers, letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site. Comments should be provided within 60 days of the date of this notice to Ledyard B. Marsh, Chief, Events Assessment, Generic Communications, and Non-Power Reactors Branch, Mail Stop O12–D1, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Further, in accordance with 10 CFR 50.82(b)(5), notice is also provided of the Commission's intent to approve the plan by amendment, subject to such conditions and limitations as it deems appropriate and necessary, if the plan demonstrates that decommissioning will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the application is available for public inspection at the Commission's Public Document Room, the Gelman Building, at 2120 L Street NW, Washington, D.C. 20037. It is also available through *http://www.nrc.gov/OPA/reports* under ''What's New on This Page,'' ''Decommissioning,'' or ''Other Documents.''

Dated at Rockville, Maryland, this 27th day of March 2000.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Chief, Events Assessment, Generic Communications, and Non-Power Reactors Branch, Division of Regulatory Improvement Programs Office of Nuclear Reactor Regulation.

[FR Doc. 00–8213 Filed 4–3–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Audits of States, Local Governments, and Non-Profit Organizations; Circular A–133 Compliance Supplement

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of availability of the 2000 Circular A–133 Compliance Supplement.

SUMMARY: On May 17, 1999 (64 FR 26793), the Office of Management and Budget (OMB) issued a notice of availability of the 1999 Circular A–133 Compliance Supplement. The notice also offered interested parties an opportunity to comment on the 1999 Circular A–133 Compliance Supplement. OMB did not receive any comments. The 2000 Supplement has been updated to add 23 additional programs, updated for program changes, and makes technical corrections. A list of changes to the 2000 Supplement can be found at Appendix 5 of the supplement. Due to its length, the 2000 Supplement is not included in this Notice. See Addresses for information about how to obtain a copy. OMB intends to annually review, revise and/or update this supplement.

This notice also offers interested parties an opportunity to comment on the 2000 Supplement.

DATES: The 2000 Supplement will apply to audits of fiscal years beginning after June 30, 1999 and supersedes the 1999 Supplement. All comments on the 2000 Supplement should be in writing and must be received by October 31, 2000. Late comments will be considered to the extent practicable.

ADDRESSES: Copies of the 2000 Supplement may be purchased at any Government Printing Office (GPO) bookstore (stock No. 041–001–00544–7). The main GPO bookstore is located at 710 North Capitol Street, NW, Washington, DC 20401, (202) 512–0132. A copy may also be obtained under the Grants Management heading from the OMB home page on the Internet which is located at http://www.whitehouse.gov/OMB.

Comments on the 2000 Supplement should be mailed to the Office of Management and Budget, Office of Federal Financial Management, Financial Standards, Reporting and Management Integrity Branch, Room 6025, New Executive Office Building, Washington, DC 20503. Where possible, comments should reference the applicable page numbers. When comments of five pages or less are sent in by facsimile (fax), they should be faxed to (202) 395–4915. Electronic mail comments may be submitted to tramsey@omb.eop.gov. Please include the full body of the electronic mail comments in the text of the message and not as an attachment. Please include the name, title, organization, postal address, phone number, and E-mail address in the text of the message.

FOR FURTHER INFORMATION CONTACT: Recipients should contact their cognizant or oversight agency for audit,

or Federal awarding agency, as may be appropriate in the circumstances. Subrecipients should contact their pass through entity. Federal agencies should contact Terrill W. Ramsey, Office of Management and Budget, Office of Federal Financial Management, Financial Standards, Reporting and Management Integrity Branch, telephone (202) 395–3993.

Joshua Gotbaum,

Executive Associate Director and Controller.

[FR Doc. 00–8221 Filed 4–3–00; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

Request for Public Comment

Upon Written Request, Copies Available From Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 19b–4 and Form 19b–4, SEC File No. 270–38, OMB Control No. 3235–0045

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 19(b) of the Securities Exchange Act of 1934 (''Act'') (15 U.S.C. 78s(b)) requires each self-regulatory organization (''SRO'') to file with the Commission copies of any proposed rule, or any proposed change in, addition to, or deletion from the rules of such SRO. Rule 19b–4 (17 CFR 240.19b–4) implements the requirements of Section 19(b) by requiring the SROs to file their proposed rule changes on Form 19b–4 and by clarifying which actions taken by SROs are deemed proposed rule changes and so must be filed pursuant to Section 19(b).

The collection of information is designed to provide the Commission with the information necessary to determine, as required by the Act, whether the proposed rule change is consistent with the Act and the rules thereunder. The information is used to determine if the proposed rule change should be approved or if proceedings should be instituted to determine whether the proposed rule change should be disapproved.

The respondents to the collection of information are self-regulatory organizations (as defined by the Act), including national securities exchanges, national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board.

Twenty-four respondents file an average total of 500 responses per year, which corresponds to an estimated annual response burden of 17,500 hours. At an average cost per response of $2,175, the resultant total related cost of compliance for these respondents is $1,087,500 per year (500 responses × $2,175/response = $1,087,500).

Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

Dated: March 29, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8224 Filed 4–3–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42582; File No. SR–Amex 99–42]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange LLC Revising Section 107B of the Amex Company Guide

March 27, 2000

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 13, 1999, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, and II below, which Items have been prepared by the Amex. On December 1, 1999, the Amex submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice and order to solicit comments on the proposed rule change, as amended, from interested persons and to grant accelerated approval on the proposed rule change, as amended.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to revise Section 107B of the Amex Company Guide concerning the listing standards for the listing of equity linked notes (''ELNs''). The Exchange proposes to allow more than one equity security to be linked to an ELN, thereby creating a basket of equity securities to be linked to an ELN, provided that each of the underlying equity securities meets the listing standards for ELNs set forth in Section 107B. The Exchange proposes to cap the maximum number of underlying equity securities that may be linked to an ELN at 20.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 20, 1993, the Exchange received Commission approval to adopt Section 107B of the Amex Company Guide to provide for the listing and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Scott Van Hatten, Legal Counsel, Amex, to Nancy Sanow, Senior Special Counsel, Division of Market Regulation, Commission, dated December 1, 1999 (''Amendment No. 1''). Amendment No. 1 proposed to cap the maximum number of underlying equity securities that may be linked to an ELN at 20.

[4] *Id.*

trading of ELNs, hybrid instruments whose values are linked to the performance of highly capitalized, actively traded equity securities.[5] ELNs are non-convertible debt securities. Their value is derived from the value of another issuer's common stock or non-convertible preferred stock.

Section 107B of the Amex Company Guide sets forth the Exchange's listing standards for ELNs. Specifically, Section 107B requires that the equity securities linked to ELNs each must have (i) a minimum market capitalization of $3 billion and during the 12 months preceding listing shown to have traded at least 2.5 million shares; (ii) a minimum market capitalization of $1.5 billion and during the 12 months preceding listing shown to have traded at least 10 million shares; or (iii) a minimum market capitalization of $500 million and during the 12 months preceding listing shown to have traded at least 15 million shares.

The Exchange occasionally receives proposals to list ELNs that are linked to more than one equity security. The Exchange believes that linking more than one equity security to an ELN is appropriate only if each of the underlying securities meets the listing standards for ELNs set forth in Section 107B. Furthermore, the Exchange proposes to cap the maximum number of underlying securities that may be linked to an ELN at 20.[6] Accordingly, the Exchange proposes to amend the text of Section 107B to clarify that ELNs may be linked to more than one equity security only if all of the underlying equity securities individually satisfy the applicable listing standards set forth in Section 107B of the Amex Company Guide.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Additionally, the Commission seeks comment on whether the rule should contain a maximum number of underlying securities linked on an ELN. If so, is 20 an appropriate maximum number of underlying equity securities? Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the File No. SR–Amex–99–42 and should be submitted by April 25, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds, for the reasons set forth below, that the Amex's proposal is consistent with the requirements of the Act and the rules and regulations thereunder. Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act.[9] Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposal is consistent with Section 6(b)(5) of the Act because by requiring each of the equity securities linked to ELNs to meet the listing standards set forth in Amex Company Guide Section 107B, the integrity of the security is strengthened and the likelihood and susceptibility of ELN baskets to manipulation is reduced.[10]

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice thereof in the **Federal Register**. The Commission finds that because each of the equity securities linked to ELNs must meet the Exchange's listing standards for ELNs, increased financial stability in the marketplace and enhanced market integrity are provided for. Moreover, the Commission finds that these listing standards are designed to reduce the likelihood and susceptibility of ELN baskets to manipulation. Therefore, the Commission finds good cause for approving the proposed rule change on an accelerated basis.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] proposed rule change (SR–Amex–99–42), as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8194 Filed 4–3–00; 8:45 am]

BILLING CODE 8010–01–M

[5] Securities Exchange Act Release No. 32343 (May 20, 1993), 58 FR 30833 (May 27, 1993).

[6] *See supra,* note 3.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(5).

[10] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42585; File No. SR–BSE–00–01]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to its Specialist Performance Evaluation Program

March 28, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 14, 2000, the Boston Stock Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend its Specialist Performance Evaluation Program (''SPEP'') until March 31, 2001.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to extend its SPEP pilot program,[3] until March 31, 2001. The current pilot program will expire on March 31, 2000.[4] Under the SPEP pilot program, the Exchange regularly evaluates the performance of its specialists by using objective measures, such as turnaround time, price improvements, depth and added depth. Generally, any specialist who received a deficient score in one or more objective measures may be required to attend a meeting with the Performance Improvement Action Committee or the Market Performance Committee.

At this time, all aspects of the pilot program will remain the same. The Exchange believes that the SPEP pilot program is an effective tool for measuring specialist performance. However, the Exchange represents that it is not seeking permanent approval of the SPEP pilot program at this time, because the Exchange would like to review the impact of decimal pricing on the SPEP and amend the program, if needed, prior to seeking permanent approval.[5] Thus, the Exchange requests a 12-month extension of the pilot program at this time.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act,[6] in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to SR–BSE–00–01 and should be submitted by April 25, 2000.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the Exchange's proposal to extend the SPEP pilot program until March 31, 2001, is consistent with the requirements of the Act and the rules and regulation thereunder. Specifically, the Commission finds that the amendment is consistent with Section 6(b)(5) of the Act,[7] which requires that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Commission believes that the proposed twelve-month extension of the pilot program should allow the Exchange to continue to assess specialist performance while allowing the Exchange adequate time to consider amending the SPEP program in response to decimal pricing.

The Commission expects that during the pilot the Exchange will continue to monitor threshold levels and propose adjustments as necessary and continue to assess whether each SPEP measure is assigned an appropriate weight.[8] In

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The SPEP pilot program is codified at Section 17 of the Rules of Board of Governors of the Exchange.

[4] *See* Securities Exchange Act Release No. 41563 (June 25, 1999), 64 FR 36058 (July 2, 1999) (extending SPEP pilot program until March 31, 2000).

[5] Telephone conversation between William P. Cummings, Manager of Legal and Regulatory Affairs, Exchange, and Terri L. Evans, Attorney, Division of Market Regulation, Commission on March 21, 2000.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* Securities Exchange Act Release No. 39730 (March 6, 1998), 63 FR 12847 (March 16, 1998) (order approving amendment to SPEP pilot

Continued

addition, the Exchange should continue to closely monitor the conditions for review and should take steps to ensure that all specialists whose performance is deficient and/or diverges widely from the best units will be subject to meaningful review. Finally, the Commission repeats its request that the Exchange incorporate additional objective criteria into the SPEP, most importantly, a measure of quote performance.[9] As previously noted, the Commission would have difficulty granting permanent approval to a SPEP that did not include a satisfactory response to the concerns described above.[10]

The Commission finds good cause for granting the Exchange's request for a twelve-month extension of the SPEP pilot prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** Among the obligations imposed upon specialists by the Exchange, and by the Act and the rules promulgated thereunder, is the maintenance of fair and orderly markets in their securities. To ensure that specialists fulfill these obligations, it is important that the Exchange be able to evaluate specialist performance. The Exchange's SPEP pilot assists the Exchange in conducting its evaluation and accelerated approval of the proposed rule change permits the SPEP pilot program to continue on an uninterrupted basis. Therefore, the Commission believes good cause exists to approve the extension of the pilot program until March 31, 2001, on an accelerated basis. Accordingly, the Commission finds that granting accelerated approval of the requested extension is appropriate and consistent with Sections 6(b)(5) and 19(b)(2) of the Act.[11]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–BSE–00–01) is hereby approved on an accelerated basis through March 31, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8223 Filed 4–3–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42578; File No. SR–DTC–00–02]

Self-Regulatory Organizations; the Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to Amendments to the Depository Trust Company's Organization Certificate and Rules in Order To Issue Preferred Stock

March 27, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 2, 2000, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') and on February 3, 2000, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow DTC to issue $75 million of preferred stock to participants and to decrease the amount of required deposits in the participants fund by $75 million.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In March 1999, DTC's organization certificate was amended to provide for up to $150 million of preferred stock as thereafter authorized by the Board of Directors.[3] The board has now determined to increase the capital of DTC by using $75 million of series A preferred stock and to reduce the mandatory deposits to the participants fund by a like amount.[4]

The issuance of the $75 million of series A preferred stock, the corresponding reduction of mandatory participants fund deposits, and the transition to the new arrangements will be governed by the following documents:[5]

(1) *Certificate of Amendment of the Certificate of Incorporation.* The certificate of amendment sets forth the relative rights (including a dividend which will provide an after-tax return comparable to the after-tax return on participant fund deposits), preferences, and limitations of the series A preferred stock.

(2) *Revised DTC Rules.* The revised rules set forth:

(a) The requirement that participants purchase and own shares of series A preferred stock;[6]

(b) The amount of series A preferred stock that participants are required to purchase and own, the manner in which that amount is to be periodically adjusted, the price at which shares of series A preferred stock are to be transferred among participants, the method and timing of payment for shares of series A preferred stock, and certain limitations on the transfer of shares of series A preferred stock;[7]

(c) The right of DTC, acting as agent and attorney-in-fact for its participants,

program). In Securities Exchange Act Release No. 39730, the Commission stated certain terms and conditions for approving the SPEP pilot program on a permanent basis, including the need to provide a study to the Commission regarding the SPEP pilot program. Those terms and conditions are hereby incorporated by reference.

[9] *Id.*

[10] *Id.*

[11] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by the DTC.

[3] This Amended Certificate of Organization was the subject of a DTC rule filing approved by the Commission (Securities Exchange Act Release No. 41529 (June 15, 1999), 64 FR 33333 (June 22, 1999) [File No. SR–DTC–99–08].

[4] In connection with this proposed rule change, DTC has requested that the Commission advise that it will take no action with respect to DTC broker-dealer participants treating investments in DTC series A preferred stock as allowable assets for purposes of Section 15c(3)(1) of the Act. Letter from Leopold S. Rassnick, Managing Director and Senior Special Counsel, DTC, to Michael Macchiaroli, Associate Director, Division of Market Regulation, Commission (February 2, 2000).

[5] A copy of DTC's proposed rule change and the attached exhibits, including the Certificate of Amendment of the Organization Certificate, the revised DTC Rules, and the Transition Procedures, are available at the Commission's Public Reference Section or through DTC.

[6] Rule 4, Section 2.

[7] *Id.*

to pledge their shares of series A preferred stock to its end-of-day lenders; [8]

(d) The right of DTC, acting as agent and attorney-in-fact for its participants, to sell their shares of series A preferred stock to other participants (which have a corresponding obligation to purchase such shares) and to apply the proceeds to the participant's obligations to DTC; [9]

(e) Various changes in defined terms to: (i) Describe the series A preferred stock and the required investment of participants in series A preferred stock, (ii) distinguish, when necessary, between the series A preferred stock and the required investment of participants in series A preferred stock (on the one hand) and the participants fund and the required deposit of participants to the participants fund (on the other hand) and (iii) refer collectively, when appropriate, to the series A preferred stock and the required investment of participants in series A preferred stock and the participants fund and the required deposit of participants to the participants fund; [10]

(f) The structure under which DTC, acting as agent and attorney-in-fact for a party that has ceased to be a participant, shall sell all of the shares of series A preferred stock of the former participant to current participants (who shall be required to purchase such shares pro rata to their required preferred stock investments at the time of such purchase) and shall add the proceeds thereof to the actual participants fund deposit of the former participant for disposition in accordance with Rule 4, Section 1(h) (which provides for the return of such actual participants fund deposit to a party ceasing to be a participant).[11]

(g) Certain other conforming and minor stylistic changes.

(3) *Transition Procedure.* The transition procedure sets forth the time and manner in which, without any action required on the part of participants (other than the consent deemed to be given to DTC by virtue of their receipt of all necessary information and their continued use of the services and facilities of DTC), the required deposits of existing participants to the participants fund will be reduced in the aggregate amount of $75 million and such participants will purchase from DTC a corresponding amount of the series A preferred stock.

The proposed rule change is consistent with the requirements of Section 17A(b)(3)(A) of the Act and the rules and regulations thereunder applicable to DTC because the proposed rule change will not affect the safeguarding of securities and funds in DTC's custody or control for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments from DTC participants have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–00–02 and should be submitted by April 25, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8196 Filed 4–3–00; 8:45 am]

BILLING CODE 8010–01–M

[8] Rule 4, Section 2(f).

[9] Rule 4, Section 2, and Rule (B).

[10] Rule 1.

[11] Rule 4, Section 2(h).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34–42583; File No. SR–PCX–99–35)

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Pacific Exchange, Inc. To Increase Lead Market Maker Concentration Levels From 10% of 15% of the Issues Traded on the Exchange's Options Floor

March 28, 2000.

I. Introduction

On September 15, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder [2] to amend PCX Rule 6.82(e)(3) to increase the percentage of issues that the PCX's Options Allocation Committee (''Committee'') may allocate to a Lead Market Maker (''LMM'') from 10% of the number of issues traded on the PCX's options floor to 15% of the number of issues traded on the PCX's options floor.

Notice of the proposed rule change was published for comment in the **Federal Register** on November 1, 1999.[3] No comments were received regarding the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Currently, PCX Rule 6.82(e)(3) states that in the absence of extraordinary circumstances, as determined by the Committee, no LMM may be allocated more than 10% of the number of issues traded on the PCX's options floor. The Exchange proposes to amend PCX Rule 6.82(e)(3) to increase the percentage of issues that the Committee may allocate

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42051 (October 22, 1999), 64 FR 58876.

to an LMM from 10% of the number of issues traded on the PCX's options floor to 15% of the number of issues traded on the PCX's options floor.

The Exchange proposes to amend PCX Rule 6.82(e)(3) for several reasons. First, the Exchange anticipates that the Continued Listing Fee, which the PCX implemented in September 1999, will reduce the total number of issues traded on the PCX's options floor.[4] The Exchange believes that the Continued Listing Fee will result in the delisting of a significant number of options issues, thus lowering the total number of issues that an LMM may hold.[5]

Second, the Exchange believes that it is necessary for competitive reasons to permit the allocation of additional issues to LLMs. The Exchange believes that the proposal will place the PCX's LMMs on a more equal footing with specialists on the American Stock Exchange (''Amex'') and Designated Primary Market Makers (''DPMs'') on the Chicago Board Options Exchange (''CBOE'') with respect to the number of issues that may be allocated to them.[6] The Exchange believes that the current 10% cap is unnecessarily low and that an increase in concentration levels is consistent with rules and guidelines of other options exchanges.

III. Discussion

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 particular, with Section 6(b)(5) of the Act, in that the proposal is designed to promote just and equitable principals of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.[7] Specifically, the Commission believes that the proposal will allow the PCX to revise PCX Rule 6.82(e)(3) to provide a limit on options allocations that is comparable to the policies of other options exchanges, thereby helping the PCX to compete more effectively with other options exchanges.[8]

For example, the Commission notes that under the CBOE's policy, the CBOE's Modified Trading System Appointments Committee will review a DPM's concentration level if an event or proposal would cause a DPM to meet any two of the following three criteria: (1) The number of classes allocated to a DPM (and any affiliated DPMs) is 25% or more of the total number of classes traded on the CBOE (excluding DJX, NDX, OEX, and SPX); (2) the volume in the classes allocated to a DPM (and any affiliated DPMs) is 25% or more of the total volume of the CBOE (excluding DJX, NDX, OEX, and SPX); or (3) the number of DPM appointments held by a DPM (and any affiliated DPMs) is 25% or more of the total number of DPMs effective on the CBOE.[9] Similarly, the Amex has no rule limiting the number of options products that may be allocated to a specialist unit, although the Amex considers several factors, including capitalization and the number of persons in a specialist unit, in making allocation decisions. In addition, the Amex will review a proposal merger of specialist units if the proposed merger would result in the concentration in the unit of 25% or more of the trading volume on the Amex or 25% or more of the number of products traded on the Amex.[10]

By increasing the number of issues that may be allocated to an LLM from 10% of the issues traded on the PCX's options floor to 15% of the issues traded on the PCX's options floor, the proposal will help to make PCX Rule 6.82(e)(3) more comparable to the policies of the CBOE and the Amex. Although the proposal increases the percentage of issues that may be allocated to an LMM, the Commission does not believe that the proposal will result in an undue concentration of issues in an LMM. In this regard, the Commission believes that the proposal to limit the number of issues that may be allocated to an LMM to 15% of the number of issues traded on the PCX should address concerns regarding potential adverse effects on the maintenance of a fair and orderly market that could arise from an LMM's insolvency or similar event. In addition, the Commission notes that the PCX's proposal rule is more restrictive than the allocation policies of the CBOE and Amex, which do not impose a specified mandatory limit on the number of options that may be allocated to specialists or DPMs.

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Act (specifically, Section 6(b)(5) of the Act) and the rules and regulations thereunder applicable to a national securities exchange.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–PCX–99–35) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8195 Filed 4–3–00; 8:45 am]

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[4] *See* Securities Exchange Act Release No. 42050 (October 21, 1999), 64 FR 58117 (notice of filing and immediate effectiveness of File No. SR–PCX–99–32.) The Continued Listing Fee applies to options market makers and LMM's who wish to continue trading options issues that fail to produce revenue of more than $500 per month through transaction, comparison, and data entry fees. If no LMM or trading crowd is willing to pay the Continued Listing Fee for an option that is subject to the fee, the PCX will delist the option.

[5] Since the implementation of the Continued Listing Fee, 158 isues have been delisted. Telephone conversation between Robert Pacileo, Staff Attorney, Regulatory Policy, PCX, and Yvonne Fraticelli, Special Counsel, Division of Market Regulation ''Division''), Commission, on March 23, 2000.

[6] *See e.g.,* CBOE Regulatory Circular RG99–135, discussed in Section III, *infra.*

[7] 15 U.S.C. 78f(b)(5).

[8] In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] *See* CBOE Regulatory Circular RG99–135.

[10] Conversation between Claire P. McGrath, Vice President and Special Counsel, Derivative Securities, Amex, and Yvonne Fraticelli, Special Counsel, Division, Commission, on March 20, 2000.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42590; File No. SR–PCX–99–36]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc. Relating to Options Trading Rules

March 29, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1]and Rule 19b–4 thereunder,[2] notice is hereby given that on October 1, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On March 28, 2000, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange withdrew the proposed changes to PCX Rule 6.6 because the changes were previously made and approved in Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999). *See* letter from Michael D. Pierson, Director—Regulatory Policy, PCX, to Heather Traeger, attorney, Division of Market Regulation, SEC, on March 27, 2000 (''Amendment No. 1'').

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to modify certain rules on options floor trading by clarifying existing provisions, eliminating superfluous provisions, and codifying current policies and procedures. The text of the proposed rule change is available at the Office of the Secretary, the PCX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make the following changes to the text of the PCX rules on options trading.

A. Definition of Term ''Options Issue''

The PCX proposes to adopt new Rule 6.1(b)(12) to define the term ''option issue'' as ''the option contract overlying a particular underlying security.'' The Exchange notes that the commonly-used term ''issue'' appears in several locations in the PCX rules.[4] The Exchange believes that the term ''issue'' means the same as ''option'' or ''option contract'' when used, for example, as in PCX Rule 6.65(a), which states: ''Trading on the Exchange in any *option contract* shall be halted or suspended whenever * * *.'' However, the Exchange believes that the use of the terms ''option'' and ''option contract'' would often result in ambiguities that the use of ''issue'' would not create. While the term ''class of options'' is used in many PCX Rules to refer generally to options overlying a particular underlying security,[5] the Exchange believes that the use of the term ''class'' can be ambiguous because it may refer either to a ''put class'' or a ''call class.''[6] Accordingly, the Exchange is proposing to formally adopt the definition of the term ''option issue.''

B. General Rules Applicable to Options Trading

PCX Rule 6.1 sets forth a list of general PCX trading rules that are applicable, by cross-reference, to Exchange transactions in option contracts. Most of these rules relate primarily to the trading of equity securities on the Exchange. The Exchange is proposing to remove PCX Rules 5.2(a), 5.6(a)–(c), 5.8(d), 5.8(h), 5.12(a) and 5.13(a)–(b) from that list. Each of the cross-references to be removed is discussed below:

• PCX Rule 5.2(a)—''Types of Orders.''[7] The Exchange believes that the first part of this rule—the part stating that all orders on the Exchange must be ''day,'' ''immediate or cancel'' or ''good 'till canceled''—applies to options trading, and accordingly, the Exchange is adopting PCX Rule 6.62, Commentary .01, to incorporate this part of the rule into the rules on options trading. However, the remainder of PCX Rule 5.2(a) either does not apply to options trading[8] or is superfluous.[9]

• PCX Rule 5.6(a)—''Bids—Offers—Quotations.''[10] The Exchange believes that PCX Rule 6.74[11] adequately covers the meaning of bids and offers as applied to options trading. The Exchange notes that the part of PCX Rule 5.6 covering the display of bids and offers on other market centers is superfluous in light of PCX Rule 6.73, which provides the requirements for bids and offers to have standing on the Options Floor.[12] Moreover, bids and offers are not displayed on the Options Floor for Intermarket Trading System (''ITS'') purposes.

• PCX Rule 5.6(b)—''Regular Way.''[13] The Exchange believes that the current cross-reference to this equity trading rule is also superfluous because, unlike settlement of equity securities, settlement of option contracts is not based on a distinction between ''regular way'' and ''non-regular way.''

• PCX Rule 5.6(c)—''All or None.''[14] The Exchange believes that the cross-reference to this equity trading rule is erroneous and inconsistent with current practices. For example, assume that a floor broker who is holding an order to sell twenty option contracts enters a trading crowd and calls for a market. Next, assume that there are two responses: (1) a floor broker holding an ''all or none'' order for twenty contracts for a customer bids $3, and (2) a market maker bids $3. Under current practices and consistent with PCX Rule 6.75(a), if the broker were first to vocalize a bid, the broker would have first priority to

[4] *See, e.g.,* PCX Rule 6.8. Com. .08(a) (''If a firm desires to facilitate customer orders in the XYZ option *issue*. * * *''); PCX Rule 6.28(a)(9) (''the permissible size of orders that may be automatically executed'' may be increased ''in a particular *issue,* or for all option *issues*''); PCX Rule 6.82(e) (''[t]he allocation of option *issues* PCX Rule 6.82(e) (''[t]he allocation of option *issues*] to LMMs shall be effected by the Options Allocation Committee'').

[5] *See, e.g.,* PCX Rule 6.4(a) (''After a particular *class* of option * * * has been opened for trading. * * *''); PCX Rule 6.37(c) (''Whenever a Market Maker enters the trading crowd for a *class* of options in which he does not hold a Primary Appointment. * * *''; PCX Rule 6.64, Com .02 (''For those option *classes* and within such time periods as the Options Floor Trading Committee may designate. * * *'').

[6] PCX Rule 6.1(a)(10) states that ''[t]he term 'class of options' means all option contracts of the same *type* of option covering the same underlying stock'' (emphasis added), while the term ''type of option'' is defined in PCX Rule 6.1(a)(7) to mean ''the classification of an option contract *as either a put or call* (emphasis added).'' Therefore, the term ''class'' may refer to either a put call or a call class option contracts.

[7] PCX Rule 5.2(a) states: ''All orders on the Exchange must either be 'day,' 'immediate or cancel,' 'good 'til canceled ('GTC'), or 'good 'til canceled' that are eligible for execution in the post—1:00 p.m. auction market trading and closing price protection sessions' ('GTX'). Each class of orders must be recorded on the proper ticket provided therefor.''

[8] ''GTX'' orders are not recognized on the Options Floor. *See* PCX Rule 5.25(f) (''GTX Orders Under P/COAST'').

[9] The order ticket requirement of PCX Rule 5.2(a) is superfluous because current PCX Rules 6.67–6.69 expressly cover the use of order tickets for option orders.

[10] PCX Rule 5.6(a) states: ''Bids and offers shall be for one trading unit or multiples thereof to constitute an Exchange quotation. Bids and offers in other market centers which may be displayed on the Floor for the purpose of ITS or other purposes shall have no standing in the trading crowd on the Floor.''

[11] PCX Rule 6.74 states; ''Unless otherwise specified, all bids or offers made on the floor shall be deemed to be for one option contract unless a specific number is expressed in the bid or offer. A bid or offer for more than one option contract shall be deemed to be for that amount or any lesser number of option contracts, unless specified otherwise.''

[12] PCX Rule 6.73 states: ''Bids and offers to be effective must be made at the post by public outcry, except that bids and offers made by the Order Book Official shall be effective if displayed in a visible manner in accordance with PCX Rule 6.55. All bids and offers shall be general ones and shall not be specified for acceptance by particular members.''

[13] PCX Rule 5.6(b) states: ''Bids and offers made without stated conditions shall be considered to be 'regular way.' 'Regular way' bids or offers have priority over conditional bids or offers.''

[14] PCX Rule 5.6(c) states: ''A bid or offer may be made 'all or none'; however, regular bids or offers at equal or better prices shall have priority. No 'all or none'transaction in round lots may be effected unless all regular bids or offers at equal or better prices are executed thereby or simultaneously or unless the holders of such regular bids or offers consent thereto. All bids and offers, unless specifically made 'all or none,' shall be subject to split-up without objection except that in no case may a division of stock be made of less than round lots except by mutual consent.''

execute the order.[15] However, if PCX Rule 5.6(c) were applied, the market maker's bid would have priority, even if it were made second in sequence. The Exchange believes that PCX Rule 6.75 should prevail over PCX Rule 5.6(c), in accordance with current practices.

• PCX Rule 5.8(d)—''Simultaneous Bids and Offers.'' [16] The Exchange notes that simultaneous bids and offers are not recognized in the general rules on priority of bids and offers for options contracts. The Exchange believes that PCX Rule 6.75 and 6.76 are exhaustive and that the cross-reference to Rule 5.8(d) is erroneous.

• PCX Rule 5.8(h)—''Marking Stop loss Orders.'' [17] This rule covers the manual handling of stop loss orders. The Exchange believes that the procedure covered by this rule is unnecessary and that the responsibility of floor brokers to use due diligence in their handling of orders, as codified in the rules on option trading, is sufficient.[18]

• PCX Rule 5.12(a)—''Seller Responsible for Recording.'' [19] The Exchange believes that the specific procedures currently set forth for reporting options transactions—Codified in PCX Rule 6.69 and OFPA G–12—adequately address this procedure and that the cross-reference to PCX Rule 5.12 is unhealthy and unnecessary.

• PCX Rule 5.13(a)–(b)—''Comparisons.[20] The Exchange believes that PCX Options Rule 6.16 adequately covers the Exchange procedures for comparison of trade information and that the cross-reference to PCX Rules 5.13(a)–(b) is superfluous.

C. Trading Floor Badges

The Exchange proposes to eliminate superfluous and unnecessary provisions currently set forth in OFPA F–1 and F–6 for trading floor badges on the Options floor.[21] The Exchange is also proposing to merge the remaining parts of those OFPAs into PCX Rule 6.2(d).

D. Visitors to the Options Floor

The Exchange is proposing to re-number OFPA F–2 as PCX Rule 6.2(e)(''Visitors on the Options Floor''). The Exchange is also proposing to eliminate subsection 6 of OFPA F–2, which limits the number of visitors and lengths of time during which visitors are permitted on the Options floor.[22] The Exchange is also proposing to make technical changes to OFPA F–2 and to eliminate superfluous provisions, including a summary of the provisions of current PCX Rule 6.2(a).[23] Finally, the Exchange proposes to add a new provision to PCX Rule 6.2(e), stating that a group of visitors comprising more than fifteen persons may not enter the Trading Floor without prior approval of the Chair or Vice Chair of the Options Floor Trading Committee.

E. Complaints from Floor Members

The PCX proposes to adopt PCX Rule 6.2(f) (replacing OFPA E–5 [24] and OFPA E–6 [25]), which advises options floor members as to where they may direct complaints concerning situations arising on or relating to the Options Trading Floor. Specifically, the proposed rule states that Floor Members may direct complaints concerning situations arising on or relating to the Options Trading Floor to the Options Surveillance Department or to the Enforcement Department so that appropriate follow-up action may be taken.

F. Series of Options Open for Trading

The Exchange is proposing to update PCX Rule 6.4(a) so that it will conform with current practices by changing from three to four the number of different expiration months that will normally be opened at the commencement of trading a particular option issue.[26] The Exchange also proposes to remove erroneous provisions on the specific expiration month that may be added at the commencement of trading of a particular issue and at the time a previous month's series expires. The rule currently states that three months will normally be opened, with the first expiration month being within approximately three months thereafter, the second month being approximately three months after the first and the third being approximately three months after the second. In addition, the rule states that additional series of the same class may be opened for trading on the Exchange at or about the time a prior series expires, and the expiration month

[15] PCX Rule 6.75(a) provides in part that ''If two or more bids represent the highest price * * * priority shall be afforded to such bids in the sequence in which they are made.''

[16] PCX Rule 5.8(d) states: ''When bids or offers are made simultaneously, or when it is impossible to determine clearly the order of time in which they were made, all such bids or offers shall be on parity, except as noted in Rule 5.8(e).''

[17] PCX Rule 5.8(h) states: ''All stop loss orders must clearly indicate in writing that they are such and, in addition, the amount and the price of the stock appearing at the top of the buy and sell ticket must be circled.''

[18] *See* PCX Rule 6.46 (''Responsibilities of Floor Brokers'').

[19] PCX Rule 5.12(a) states: ''The seller shall be responsible for transactions being properly recorded by the floor reporters.''

[20] PCX Rule 5.13(a) states: ''Every transaction on the Exchange must be compared as provided herein unless the same shall have been officially removed from the record in accordance with Exchange rules.'' PCX Rule 5.13(b), Comparison Ticket, states ''The comparison ticket shall contain and constitute a record of the name, quantity and price of the securities traded and the names of the buying and selling members from which daily transaction sheets will be prepared for member firms.''

[21] The provisions being eliminated include the following: ''Rule 6.45 requires that each Floor Broker shall have in effect a Letter of Authorization that has been issued for such Floor Broker by a clearing member, and Section 77 of Rule VI requires that each Market Maker shall have in effect a Letter of Guarantee which has been issued for such market maker by a clearing firm.'' (OFPA F–6)

[22] Subsection 6 of OFPA F–2 currently provides: ''The inviting member of member organization floor manager may not sign in more than four guests at any given time. Visitors may remain on the Options Trading Floor a maximum of two hours during the trading session and one-half hour after it. Visitors, except those referred to in paragraph #4 above, may not be allowed on the Options Trading Floor more than five times in a calendar month, regardless of the duration of each visit.''

[23] This part of OFPA F–2 states: ''Rule 6.2(a) limits admission to the Floor to members, employees of the Exchange, clerks or messengers employed by members, and such other persons as may be provided for in the Rules. Pursuant to this Rule, the Exchange encourages the presence of appropriate visitors on the Options Trading Floor, but it is deemed necessary to strictly enforce certain procedures governing the admission to the Floor of such visitors.''

[24] OFPA E–5 states:

''A Member of the Options Floor with a complaint concerning a situation arising on or relating to the Floor, should: (1) Notify the Surveillance Department of the circumstances involved, and (2) subsequent to such notification, submit the complaint in writing to the Surveillance Director. If the concerned Member believes it necessary for the Surveillance Department to personally review or rectify the situation, a member of the Department will immediately come to the Floor. A study will be conducted on all matters referred to the Surveillance Department pursuant to this Floor Procedure Advice. Upon completion of such study, the Member(s) filing the complaint will be informed of the conclusion (i.e., filed closed or referred to the Compliance Department for further review or action). A written report of each study will be submitted to the Options Floor Trading Committee. General Information regarding such study may be given to concerned Members; however, the specific details shall remain confidential.''

[25] OFPA E–6 states: ''Upon receipt of a written complaint from a member of the Options Floor, the Compliance Department shall commence an investigation into the allegations contained in such complaint. The Compliance Department may, among other things, interview the Complainant, and any witnesses and parties to the action which gave rise to the complaint. The Compliance Department may request a written response from the parties involved and any witnesses. Upon the Compliance Department obtaining the facts pertinent to the issue, a written recommendation will be drafted and presented to the Options Floor Trading Committee. After the Options Floor Trading Committee has received the written recommendation of the Compliance Department, the item should be placed on the Committee's agenda for discussion, and final action, insofar as the Options Floor Trading Committee is concerned. The Compliance Department may, in addition, commence Disciplinary Proceedings based upon any violation of the Pacific Exchange Constitution, Rules, Commentaries or procedures uncovered during the investigation of the complaint.''

[26] *Cf.* CBOE Rule 5.5, Interp. & Policy .03.

of each such series shall normally be approximately nine months following the expiration of such series. However, the current industry practice is normally to add four expiration months, the first two being the two nearest months, and the third and fourth being the next two months of the quarterly cycle previously designated by the Exchange for that specific issue [27] When a previous expiration month's series expire, a new expiration month is added to assure that there are always four expiration months.

G. Verification of Compared Trades

The PCX proposes to reduce the amount of time during which members or their representatives are required to remain available on the trading floor after the Trade Processing Department closes. The reduction will be based on the number of transactions processed per trading day. Specifically, the Exchange proposes to require that members of their representatives be available after Trade Processing closes for 30 to 60 minutes, depending on the number of transactions involved. Currently, members or their representatives are required by PCX Rule 6.17, Commentary .01 to remain available after the close as follows: when fewer than 8,000 transactions on the Exchange have occurred, 45 minutes; but when more than 8,000 trades have occurred, one hour and 15 minutes. Under the proposal, these times will be modified as follows: 0–8,000 transactions, 30 minutes; 8,000–12,000 transactions, 45 minutes; and over 12,000 transactions, 60 minutes. The Exchange believes that the new requirements are more reasonable and better reflect the Exchange's needs.

H. Resolution of Uncompared Trades

The PCX proposes to modify PCX Rule 6.21 by changing the basis for establishing a loss as the result of an uncompared trade so that it will be the opening price on the business day following the trade date. Currently, the basis is the lesser of either the opening price on the business day following the trade date or the price at which the uncompared trade was closed. After careful consideration and review of this proposal by Exchange members and member firms, the Exchange proposes this change in an effort to simplify and make uniform the administration of pricing uncompared trades. [28] The Exchange is also proposing to require that notice of uncompared trades must be provided no later than the scheduled commencement of trading (unless a floor official directs otherwise). The Exchange believes that the current time requirement—15 minutes from the scheduled commencement of trading—is overly flexible.

I. Reports of Open Exercise Positions

The Exchange is proposing to clarify and simplify PCX Rule 62.7, which currently requires member organizations to file certain reports on open positions with the Exchange. The Exchange is proposing to restate the text of Commentary .01 in the text of PCX Rule 6.27 and to eliminate Commentaries .02 and .03.[29] As amended, PCX Rule 6.27 will provide that the Exchange may require each member organization to file with the Exchange a report, as of the 15th of each month, of all open positions resulting from the exercise of options contracts in accounts carried by a member organization. It will then incorporate current Commentary .01 into the rule by adding that such reports, when required, must be filed no later than the second business day following the day as of which the report is made.

J. Fast Markets

The PCX proposes changes to PCX Rule 6.28 by merging the Text of OFPA G–9 into PCX Rule 6.28. Currently, OFPA G–9 lists procedures that will become effective in a fast market situation. The Exchange proposes this change to simplify and consolidate rules relating to fast market and unusual market conditions. In addition, the rule will add a cross-reference to the current requirement of market makers to trade a minimum of one contract based on quoted markets, pursuant to PCX Rule 6.37(f), during fast markets. The rule change will specify that regular trading procedures will be resumed when two floor officials determine that the conditions supporting the fast market no longer exist. Finally, it will remove, as unnecessary, the current provision allowing floor officials to assign brokerage responsibilities for particular series to specific floor brokers in the trading crowd during fast markets.

2. Statutory Basis

The Exchange believes that the proposal, as amended, is consistent with Section 6(b)(5) of the Act [30] because it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were not solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve the proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[27] *Id.*

[28] *Cf.* CBOE Rule 6.61. Interp. & Policy. 01.

[29] Commentary .02 provides: ''An open exercise position with respect to which the Options Clearing Corporation has assigned an exercise notice to the member organization and the member organization has not delivered the shares of the underlying stock in accordance with the Rules of the Options Clearing Corporation and these Rules.'' Commentary .03 currently provides: ''All such reports shall be delivered to the Department of Member Organizations of the Exchange.'' The Exchange does not believe that a specified department needs to be identified in this rule and, in any event, member firms are currently on notice that such reports must be filed with the Department of Options Surveillance.

[30] 15 U.S.C. 78f(b)(5).

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PCX–99–36 and should be submitted by April 25, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[31]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–8222 Filed 4–3–00; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Region II Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region II Advisory Council located in the geographical area of Buffalo, New York, will hold a public meeting at 10 a.m. on April 19, 2000, at the Erie County Industrial Development Agency (ECIDA), 275 Oak Street, Board Room at entrance, Buffalo, New York to discuss matters that may be presented by members of the Advisory Council, staff of the U.S. Small Business Administration or others present.

For further information, write or call: Franklin J. Sciortino, District Director, Small Business Administration, 1311 Federal Building, 111 West Huron Street, Buffalo, New York 14202, (716) 551–4301.

Franklin J. Sciortino,

District Director.

[FR Doc. 00–8118 Filed 4–3–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

(Public Notice 3273)

Bureau for International Narcotics and Law Enforcement Affairs; Anti-Crime Training and Technical Assistance Program (ACTTA)

AGENCY: Office of Europe, NIS, and Training; Bureau for International Narcotics and Law Enforcement Affairs, State.

ACTION: Notice.

SUMMARY: State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) developed the Anti-crime Training and Technical Assistance Program (ACTTA) in 1994 to bring U.S. Federal law enforcement agencies together to provide training and technical assistance in consultation with their counterparts in Russia, other the Newly Independent States NIS), Hungary and Slovakia. Training continues to focus on combating international organized crime, financial crimes, and narcotics trafficking. The goal of the program is to increase professionalism and develop the technical capabilities of law enforcement institutions to combat organized crime and to assure that through international law enforcement cooperation, U.S. agencies and their foreign counterparts succeed in intercepting the movement of transnational organized criminal elements into the U.S.

The ACTTA program continues to include the participation of non-Federal agencies (*e.g.,* universities, state/local government agencies, private non-profit organizations) in the delivery of law enforcement training and technical assistance to Russia, the NIS and Hungry and Slovakia. This non-Federal component of the ACTTA program has a timeframe of 2000–2002.

DATES: Strict deadlines for submission to the FY 2000 process are: Full proposals must be received at INL no later than Tuesday, May 16, 2000. Letters of intent will not be required. We anticipate that review of full proposals will occur during June 2000 and funding should begin during September of 2000 for most approved projects.

September 1, 2000 should be used as the proposed start date on proposals, unless otherwise directed by a program manager. Applicants should be notified of their status within 6 months, of submission deadline. All proposals must be submitted in accordance with the guidelines below. Failure to heed these guidelines may result in proposals being returned without review.

ADDRESSES: Proposals may be submitted to: U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Navy Hill South, 2430 E Street NW, Washington, D.C. 20520, Attn: Linda Gower, Grants Officer.

FOR FURTHER INFORMATION CONTACT:

Jo Ann Moore at above address, TEL: 202–736–4380, FAX: 202–736–4515, for Russia and the NIS

Maren Brooks at above address, TEL: 202–736–4379, FAX: 202–736–4515, for Hungary or Slovakia, or

Linda Gower at above address, TEL: 202–776–8774, FAX: 202–776–8775

Once the RFA deadline has passed, DOS staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

SUPPLEMENTARY INFORMATION:

Funding Availability

This Program Announcement is for projects to be conducted by agencies/programs outside the Federal Government, over a period of up to two years. Actual funding levels will depend upon availability of funds. Current plans are for up to $3 million for Russia and the NIS, and $100,000 for Hungary and $400,000 for Slovakia, to be available for new (or renewing) ACTTA awards, in Crime. The funding instrument for extramural awards will be a grant or a cooperative agreement. Funding for non-U.S. institutions and contractual arrangements for services and products for delivery to INL are not available under this announcement. Matching share, though encouraged, in not required by this program. No proposal should exceed a total cost of $750,000.

Program Authority

Authority: Section 635(b) of the Foreign Assistance Act, of 1961 as amended.

Program Objectives

The goal of the ACTTA program is to increase the technical capabilities of foreign country law enforcement institutions to control organized crime, combat corruption, institute democratic practices, and to assure that through international law enforcement cooperation, U.S. agencies succeed in intercepting the movement of transnational organized criminal elements into the U.S.

The ACTTA program has been designed to provide assistance to foreign governments which will complement the training and assistance provided by US Federal agencies. All training and assistance of the ACTTA program should be focused on city or local police forces, with a concentration out of the capital cities.

The program objectives of the ACTTA program are: (1) combat the growing threat to U.S. national security posed by the broad range of organized crime activities, (2) help emerging democracies strengthen their national and law enforcement institutions to counter illegal criminal activities, (3) help emerging democracies develop laws and prosecutorial frameworks to counter organized crime activities, and (4) provide foreign law enforcement institutions with the skills to detect,

[31] 17 CFR 200.30–3(a)(12).

arrest, and prosecute major transnational criminal offenders.

Program Priorities

The primary focus of this program is concentrated in Armenia, Georgia, Hungary, Moldova, Russia, Slovakia and the Ukraine. The focus should be on regional areas outside of country's capital city.

All training conducted under this program must utilize a ''training-of-trainers'' format.

The FY 2000 ACTTA Program Announcement invites training and technical assistance program proposals in the following program priorities:

(1) community policing methods,
(2) combating organized crime,
(3) rule of law.

Note: For Hungary and Slovakia—community policing only.

Eligibility

Eligibility is limited to non-Federal agencies and organizations, and is encouraged with the objective of developing a strong partnership with the state/local law enforcement community. Non-law enforcement proposers are urged to seek collaboration with state/local law enforcement institutions. Letters of support must be included in the proposal. State and local governments, universities, and non-profit organizations are included among entities eligible for funding under this announcement. Funding for non-U.S. institutions is not available under this announcement.

Evaluation Criteria

Consideration for financial assistance will be given to those proposals which address one or more of the Program Priorities identified above and meet the following evaluation criteria:

(1) Relevance (20%): Importance and relevance to the goal and objectives of the ACTTA program identified above.

(2) Methodology (25%): Adequacy of the proposed approach and activities, including development of relevant training curricula, training methods proposed, evaluation methodology, project milestones, and final products.

(3) Readiness (25%): Relevant history and experience in conducting training/technical assistance in the program priority areas identified above, strength of proposed training/technical assistance or evaluation teams, past performance record of proposers.

(4) Linkages (15%): Connections to existing law enforcement agencies in Russia, the NIS and Central European countries named in program priorities, letters of support, from those law enforcement agencies, in addition to previous training or related assistance experience in these countries.

(5) Costs (15%): Adequacy/efficiency of the proposed resources and a percentage of cost sharing.

Selection Procedures

All proposals will be evaluated and ranked in accordance with the assigned weights of the above evaluation criteria by independent peer panel review composed of INL and other Federal USG agency law enforcement experts. The panel's recommendations and evaluations will be considered by the program managers in final selections. Those ranked by the panel and program as not recommended for funding will not be given further consideration and will be notified of non-selection. For the proposals rated for possible funding, the program managers will: (a) Ascertain which proposals meet the objectives, fit the criteria posted, and do not duplicate other projects that are currently funded by INL, other USG agencies or foreign governments, or international (note: proposals or elements that duplicate existing activities of USG agencies will not receive awards. end note); (b) select the proposals to be funded; (c) determine the total duration of funding for each proposal; and (d) determine the amount of funds available for each proposal.

Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding.

Proposal Submission

The guidelines for proposal preparation provided below are mandatory. Failure to heed these guidelines may result in proposals being returned without review.

(a) Full Proposals

(1) Proposals submitted to INL must include the original and three unbound copies of the proposal. (2) Applicants are not required to submit more than 3 copies of the proposal, although the normal review process requires 5 copies.

Applicants are encouraged to submit sufficient proposal 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. (3) Program descriptions must be limited to 20 pages (numbered), not including budget, personnel vitae, letters of support and all appendices, and should be limited to funding requests for one to two year duration. Federally mandated forms are not included within the page count. (4) Proposals should be sent to INL at the above address. (5) Facsimile transmissions of full proposals will not be accepted.

(b) Required Elements

(1) Signed title page: The title page should be signed by the Project Director (PD) and the institutional representative and should clearly indicate which program priority or priorities are being addressed. The PD 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. A budget period is normally two years.

(2) Abstract: An abstract must be included and should contain an introduction of the problem, rationale and a brief summary of work to be completed. The abstract should appear as a separate page, headed with the proposal title, institution(s) name, investigator(s), total proposed cost and budget period.

(3) Prior training experience: A summary of prior law enforcement training experience should be described, including training related to program priorities identified above and/or conducted in Russia and the NIS. Reference to each prior training award should include the title, agency, award number, period of award and total award. The section should be a brief summary and should not exceed two pages total.

(4) Statement of work: The proposed project must be completely described, including identification of the problem, project objectives, proposed training methodology, relevance to the goal and objectives of the ACTTA program, and the program priorities listed above. Benefits of the proposed project to U.S. law enforcement efforts should be discussed. A year-by-year summary of proposed work must be included clearly indicating that each year's proposed work is severable and can easily be separated into annual increments of meaningful work. Statement of work, including and excluding figures and other visual materials, must not exceed 20 pages of length.

(5) Budget: Applicants must submit a Standard form 424 (4–92) ''Application for Federal Assistance,'' including a detailed budget using the Standard Form 424a (4–92), ''Budget Information—Non-Construction Programs.'' The proposal must include total and annual budgets corresponding with the descriptions provided in the statement of work. Budget text must be

included to justify expenses. Additional text should include salaries and benefits by each proposed staff person; direct costs such as travel (airfare, per diem, miscellaneous travel costs); equipment; supplies; contractual, and indirect costs. Indicate if indirect rates are DCAA or other Federal agency approved or proposed rates and provide a copy of the current rate agreement. In addition, furnish the same level of information regarding subgrantee costs, if applicable, and submit a copy of your most recent A–110 audit report. Consultant fees should not exceed $250 per day.

(6) Vitae: Abbreviated curriculum vitae are sought with each proposal. Vitae for each project staff person should not exceed three pages in length.

(c) Other Requirements

Primary Applicant Certification—All primary applicants must submit a completed Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' Applicants are also hereby notified of the following:

1. Non procurement Department 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;

2. Drug Free Workplace—Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR Part 26, Subpart F, ''Government wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

3. 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 of more than $100,000; and

4. Anti-Lobbying Disclosures—Any applicant that has paid or will pay for lobbying using any funds must submit SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

Lower Tier Certifications

(1) Recipients must require applicants/bidders for sub-grants or 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 Department of State (DOS). SF–LLL submitted by any tier recipient or sub-recipient should be submitted to DOS in accordance with the instructions contained in the award document.

(2) Recipients and sub-recipients are subject to all applicable Federal laws and Federal and Department of State policies, regulations, and procedures applicable to Federal financial assistance awards.

(3) 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 assurance that may have been received, there is no obligation to the applicant on the part of Department of State to cover pre-award costs.

(4) This program is subject to the requirements of OMB Circular No. A–110, ''Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations,'' OMB Circular No. A–133, ''Audits of Institutions of Higher Education and Other Non-Profit Institutions,'' and 15 CFR Part 24, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,'' as applicable. Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(5) All non-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associate 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.

(6) 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.

(7) No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(i) The delinquent account is paid in full,

(ii) a negotiated repayment schedule is established and at least one payment is received, or

(iii) other arrangements satisfactory to the Department of State are made.

(8) Buy American-Made Equipment or Products—Applicants are reminded that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

(9) The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct cost dollar amount in the application, whichever is less.

(d) If an application is selected for funding, the Department of State has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of State.

(e) In accordance with Federal statutes and regulations, no person on grounds of race, color, age, sex, national origin or disability shall be excluded from participation in, denied benefits of or be subjected to discrimination under any program or activity receiving assistance from the INL ACTTA program.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The standard forms have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB approval number 0348–0043, 0348–0044, and 0348–0046.

Classification: This notice has been determined to be not significant for purposes of Executive Order 12866.

Dated: March 30, 2000.

Jo Ann Moore,

Coordinator, Office of Europe, New Independent States, and Training, Bureau for International Narcotics and Law Enforcement Affairs, U.S. Department of State.

[FR Doc. 00–8260 Filed 4–3–00; 8:45 am]

BILLING CODE 4710–17–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–7117]

Notice of Public Meeting and Request for Comments on Proposed Changes to the Oil Spill Removal Organization (OSRO) Classification Program

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting and request for comments.

SUMMARY: The Coast Guard is soliciting comments on proposed changes to the Oil Spill Removal Organization (OSRO) Classification program. The Coast Guard has developed proposed changes to the OSRO Classification program in a document entitled: *Coast Guard Program for Classifying Oil Spill Removal Organizations*. This notice also announces a public meeting to discuss the proposed document.

DATES: The meeting in Arlington, VA will be on May 4, 2000, from 9 a.m. to 5 p.m. The meeting will convene at 9 a.m., and will conclude before 5 p.m. if we finish early. Comments and related material must reach the Docket Management Facility on or before May 19, 2000.

ADDRESSES: The meeting in Arlington, VA will be held at the Hilton Crystal City at National Airport Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202, 703–418–6800.

To make sure your comments and related materials are not entered in the docket more than once, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG–2000–7117), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this notice. Comments and documents, as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this meeting notice, or persons interested in presenting information at the workshop, please contact Lieutenant Commander Roger Laferriere, Office of Response, Response Operations Division (G–MOR–3), telephone 202–267–0448, fax 202–267–4085, or email Rlaferrierre@comdt.uscg.mil.

For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Agenda of Meeting

Proposed changes to the *Coast Guard Program for Classifying Oil Spill Removal Organizations*. The agenda includes the following:

(1) Addressing OSROs with different capabilities having the same classification.

(2) Increasing measurement of OSRO systems capability.

(3) Development of realistic response times.

(4) Addressing personnel requirements.

(5) Increasing alignment with the regulations.

(6) Strengthening the verification program.

(7) Making the guidelines more user friendly.

(8) Clarifying planner and OSRO responsibilities.

(9) Improving fixed storage counting.

(10) Validating OSRO exercise participation.

A copy of the document entitled, *Coast Guard Program for Classifying Oil Spill Removal Organizations* can be obtained through the National Strike Force Coordination Center at 252–331–6000, extension 3034, or at the Vessel Response Plan program internet site (http: www.uscg.mil/vrp), or at the internet site for the public docket for this notice, http://dms.dot.gov.

Request for Comments

We encourage you to participate by submitting comments and related material. If you do so, please include your name and address, identify the docket number [USCG–2000–7117], indicate the specific section of the *Coast Guard Program for Classifying Oil Spill Removal Organizations* to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under ADDRESSES; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change the document in view of them.

Public Meeting

The purpose of the meeting is to discuss the proposed changes to the OSRO Classification program guidelines as described in *Coast Guard Program for Classifying Oil Spill Removal Organizations.* Also, the Coast Guard will discuss many issues raised during the last five years of the OSRO Classification program. Federal, state, and local agencies, industry, oil spill removal organizations, environmental groups and the public are encouraged to participate and provide written or oral comments on the document.

Background

The primary purpose of the OSRO program is to provide a systematic way to classify OSROs. Once classified, planholders can list them by name and classification as an alternative to listing extensive resources in their tank vessel and facility plans [Title 33 Code of Federal Regulations, sections 154.1035(e)(3)(iii) and 155.1035(i)(8)]. OSROs and plan holders participate and use the classification program on a strictly voluntary basis. Since their inception, five years ago, the OSRO Classification Guidelines have undergone subtle changes to increase alignment with the regulatory requirements. Thirteen separate newsletters were published announcing these changes, eight of which were incorporated into the last revision of the Guidelines in 1997. Since 1997, the guidelines have remained stable in form, but program managers and stakeholders identified more shortfalls, where the guidelines did not meet the regulatory requirements. OSRO classifications were intended strictly as a response ''planning'' tool that would allow plan writers to identify OSROs that could meet their response needs, as outlined by the regulations. In order to ensure, at a minimum, that an OSRO classification represents as accurately as

possible an OSRO's response capabilities, further changes to the guidelines were needed. The proposed changes are designed to ensure that the Coast Guard classification program provides a more accurate representation of an OSRO's response capability and better addresses the regulatory requirements.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Lieutenant Commander Roger R. Laferriere, Office of Response, Response Operations Division (G–MOR–3), Coast Guard, telephone 202–267–0448, e-mail *RLaferriere@comdt.uscg.mil* as soon as possible.

Dated: March 29, 2000.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 00–8217 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Routes for the Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of routes in grand Canyon National Park; disposition of comments.

SUMMARY: This notice disposes of comments made on a notice of availability of routes in the Grand Canyon National Park (GCNP) Special Flights Rules Area (SFRA) published July 9, 1999, and makes available the final map depicting those routes. The commercial routes are not being published in the **Federal Register** because they are depicted on large, detailed charts that would be difficult to read if published in the **Federal Register**. The modifications of certain commercial routes require airspace changes in the GNCP SFRA that are contained in a final rule being published concurrently in this **Federal Register**. The airspace modification and the modification to the route structure support the National Park Service mandate to provide for the substantial restoration of the natural quiet and experience in GNCP.

EFFECTIVE DATE: The routes depicted on the map made available by this notice are effective on December 1, 2000.

FOR FURTHER INFORMATION CONTACT: Gary Davis, Air Transportation Division, AFS–200, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–8166.

SUPPLEMENTARY INFORMATION:

The final commercial routes are not being published in the **Federal Register** because they are on very large and detailed charts that would not publish well in the **Federal Register**. The Grand Canyon Visual Flight Rules (VFR) Chart can be purchased from National Ocean service (NOS) authorized chart agents throughout the world, or directly from NOS with a credit card on (800) 638–8972. The cost of the chart is $3.35. Please specify 3rd edition.

Discussion

On July 9, 1999, the FAA published a notice of availability of routes in GNCP and request for comments (64 FR 37191). The FAA, in consultation with the National Park Service (NPS), developed the routes based on safety considerations, economic considerations, consultation with Native American tribes, airspace configurations, the need to substantially restore natural quiet and experience in the GNCP, and comments received in response to the notice of availability of routes. The FAA, in consultation with the NPS, also has modified the existing airspace in the SFRA to accommodate these route changes in a companion final rule (Docket No. FAA–99–5926) published elsewhere in this **Federal Register**.

In developing the routes for GNCP, the FAA has consulted with Native American tribes, on a government-to-government basis, in accordance with the Presidential Memorandum on Government-to-Government Consultation with Native American Tribal Governments. This consultation was designed to assess potential effects on tribal trust resources and to assure that tribal government rights and concerns are considered in the decisionmaking process. The FAA also has consulted with Native American Tribes pursuant to the American Indian Religious Freedom Act and the Religious Freedom Restoration Act concerning potential effects of the routes on sacred sites. In accordance with Section 106 of the National Historic Preservation Act, the FAA has consulted with Native American tribes, the Arizona State Historic Preservation Office, the Advisory Council on Historic Preservation, and other interested parties concerning potential effects on historic sites, including traditional cultural properties and Native American sacred sites.

Disposition of Comments on Routes

The FAA received more than 100 comments on the notice of availability published July 9, 1999. Comments were submitted by air tour operators (Air Vegas, Southwest Safaris, Grand Canyon Airlines); industry associations (Aircraft Owners and Pilots Association, National Air Transportation Association, Helicopter Association International); aircraft manufacturers (Twin Otter International, Ltd.); environmental groups (Arizona Raft Adventures, Friends of Grand Canyon, Grand Canyon River Guides, Grand Canyon Trust, Mariposa Audubon Society, Nature Sounds Society, National Parks and Conservation Association, Quiet Skies Alliance, Sierra Club, The Wilderness Society); private individuals, and government and public officials.

General Comments on Routes

Helicopter Association International says that, because of noise considerations, it has consistently objected to implementation of air tour routes that place air tour operations repetitively over or very near areas in which large numbers of persons on the ground congregate. Instead, HAI believes that air tour routes should be designed to avoid the largest number of park ground visitors practicable, consistent with the right of air tour visitors to experience their national park from an aerial perspective. The routes also need to support the safe arrival and departure procedures to facilities on the ground where air tour visitors can safely and conveniently board air tour aircraft.

HAI adds that human activity on the ground has characteristics that may influence acceptable overflight noise thresholds, and that the presence or absence of such activity should be taken into account. For example, automobile traffic and crowd noise in areas frequented by park ground visitors may mask aircraft overflight sound. It may be reasonable, therefore, to permit more such sound in these areas than in areas where automobile traffic and crowd noise are absent.

FAA Response: The NPS has advised the FAA that the noise concerns are less over the highly populated areas of the park, such as Grand Canyon Village, where there are other noise sources, such as buses, and large crowds. The NPS is particularly concerned with protecting the natural quiet that exists on back country trails and on the quiet river waters where park visitors go to experience nature. Thus where possible, the FAA has structured the routes to be consistent with this concern. The FAA

has determined that route changes contained in this notice provide safe transit through the SFRA and support safe arrival and departure procedures to local airports.

Eastern Expansion of Desert View (Black 2, Green 3 and Black 2X–4)

Southwest Safaris says that flexibility of route structure is critical. This commenter also notes that weather and lighting changes in GCNP from hour to hour, day to day, and season to season. In order to provide park visitors with the best air tour possible, air tour operators must be able to fly the Canyon both south to north and north to south, as well as in a counterclockwise direction. This commenter believes that some tours need to be longer than others for reasons of price as well as safety.

Southwest Safaris also states that the newly proposed air tour routes in the eastern end of the Park totally destroy an air tour operator's flexibility to design tours appropriate to changing conditions in the Park. Finally, this commenter finds that the newly proposed air tour routes make no reasonable provision for entering and exiting the Park from the east or the northeast. Air tour operators approaching the Canyon from Tuba City and/or Monument Valley will be negatively impacted.

FAA Response: The routes map depicts a modification in the Desert View FFZ moving it back to the GCNP boundary. This modification from the proposed change to the Desert View FFZ is addressed in the final rule, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones, which appears in this issue of the **Federal Register**. This change will not affect the proposed Green 3 or Black 2 routes and the SFRA boundary will be depicted as it was on the proposed map.

The FAA added the Zuni turnaround to provide some counterclockwise flexibility. It is not revising the entry point at 2X–4 due to altitude congestion. The entrance points to Black 2 and Green 3 located near the Reservation have been modified to provide easier entry onto the routes.

Zuni Corridor (Black 2, Green 1)

Southwest Safaris states that the proposed routes over the canyons of the Little Colorado River are of negative value. Passengers pay to see the Grand Canyon, not the lesser canyons of the Little Colorado River or even the Painted Desert. This commenter states that any air tour operator who diverts east to avoid weather over Saddle Mountain will be compelled to refund the entire money paid for the air tour because this would fly out over the desert where there is nothing to see. Southwest Safaris states that as soon as this financial reality becomes generally known, air tour operators will feel that they ''must'' fly the longer, higher routes ''over the top'' of the Canyon (through the extended Dragon Corridor) even in the face of bad weather. This commenter believes that the FAA is forcing air tour operators into a safety risk to the extent that once inside the Canyon airspace there will be no way out.

Grand Canyon Airlines states that the Black 1 route over Saddle Mountain forces air tour operators to fly a longer route over higher terrain. This increases the cost of the air tour without providing any additional benefit to air tour passengers.

FAA Response: The FAA has modified the Zuni Point Corridor routes to permit two-way fixed wing traffic in response to comments. The FAA has concluded that a turnaround at Gunthers Castle is necessary to provide operators with a safe and economic alternative to the Saddle Mountain routes. Additionally, the FAA estimates that with the cap on commercial air tours the noise impact on the park will be improved if air tour operators are permitted shorter flights. For example, if an air tour operator is given only 10 allocations they will produce less noise by conducting 10 half hour air tours rather than 10 one hour air tours. By using the two-way flights in the Zuni Point Corridor, air tours will avoid the much longer flight around Saddle Mountain and through the Dragon Corridor. The FAA believe this change serves three beneficial ends: (1) it improves safety by permitting air tours to use the Zuni Point Corridor as an alternative to flying over Saddle Mountain during bad weather, (2) it decreases air tour noise in the park, and (3) it alleviates economic concerns.

Bright Angel

Grand Canyon Airlines requests that an air tour route be added through the Bright Angel Corridor so that air tour operators will have a safe alternative to flying over Saddle Mountain.

Several environmentalist commenters state that Bright Angel Corridor should never be opened to air tour traffic.

FAA Response: The FAA is not currently implementing a route for all aircraft in the Bright Angel Corridor. The route map shows a future Bright Angel Corridor. The Bright Angel Corridor is reserved as a future incentive route for noise efficient/quiet technology aircraft. However, the FAA notes that in a weather emergency, an operator can use the Bright Angel Corridor to escape weather over Saddle Mountain.

Marble Canyon (Black 4, Black 5)

Southwest Safaris states that the FAA has reversed the route structure in the Marble Canyon Sector. Black 4 and Black 5 have been swapped, with no justification for the needless confusion this will cause air tour operators.

Both Southwest Safaris and Sunrise Airlines state that Black 4 and Black 5 routes should remain as currently depicted under SFAR 50–2. Additionally, Southwest Safaris notes that the FAA proposal unnecessarily and unfairly forces commercial air tour traffic away from the canyon taking away the quality air tour from the entire Marble Canyon.

FAA Response: The FAA and NPS during the 1996 rulemaking process decided to redesign the Marble Canyon Sector to reduce the impact of aircraft noise on the Colorado River. To accomplish this reduction, the FAA eliminated one of two air tour crossovers and the routes were moved further from the river. The elimination resulted in the reversal of the entry and exit points of Black 4 and Black 5. The FAA believes this is a training issue and it is providing a training period, 45 days from publication of the airspace final rule, before these routes will be implemented.

Dragon Corridor (Black 1, Green 1, Green 2)

Several environmental organizations (Arizona Raft Adventures, Friends of Grand Canyon, Grand Canyon River Guides, Grand Canyon Trust, Maricopa Audubon Society, Nature Sounds Society, National Parks and Conservation Association, Quiet Skies Alliance, Sierra Club, The Wilderness Society) oppose the dog-leg in the Dragon Corridor and recommend that the Dragon Corridor be closed to all aviation traffic.

Twin Otter International recommends that the Dragon Corridor be converted within years to a quiet airplane flight corridor. Furthermore, this commenter suggests that the FAA define the operating characteristics an airplane must have in order for it to conduct round-trip air tours within the Dragon Corridor, and immediately permit such fixed-wing air tours in the Dragon Corridor as are currently permitted for helicopter tours.

FAA Response: The FAA is retaining the air tour routes through the Dragon Corridor as proposed and as depicted. The dog-leg contained in the Dragon Corridor route structure moves the route

away from Hermit's Rest and significantly lessens the impact of aircraft noise on those visitors. The necessity for a total closing of the Dragon corridor was considered and rejected since the agencies doe not believe it is necessary to achieve the statutory mandate.

The FAA is not considering the TOIL request to convert the Dragon Corridor to quiet aircraft at this time. The FAA and NPS have not yet defined the characteristics that qualify as quiet technology. Thus, any request to convert to quiet technology at this time is premature.

Sanup FFZ (Blue Direct North, Blue Direct South)

Clark County Department of Aviation says that the FAA's failure to provide sufficient explanation or support for its decision to drop any version of a Blue 1 route creates another dangerous precedent for western aviation. The FAA proposes to eliminate the most-used and highest-revenue tour route on the basis of concerns about possible impacts to Native American cultural or religious sites. However, the FAA does not identify with any specificity what resources are affected by Blue 1, how they are affected or the applicable standard of impact. Without this information, Clark County notes that the public has no ability to assess whether FAA's decision is justified or arbitrary.

National Air Transportation Association objects to the elimination of a vital air tour route from Las Vegas, Nevada. Transferring this corridor to a less scenic ''transportation corridor'' severely restricts the air tour experience from Las Vegas.

Air Vegas states that with the elimination of the Blue 1 route there needs to be an extended ''sightseeing'' flight available to Las Vegas fixed wing operators in the western portion of the park. There is also no reverse air tour. Without some changes to the proposed route system there will not be a viable air tour system out of Las Vegas.

Twin Otter International, Ltd., (TOIL) suggests that the existing north rim fixed-wing air tour route and the existing Blue 1 (Las Vegas to Grand Canyon) be limited to quite aircraft in 2 years.

FAA Response: The route map remains as originally set forth in the notice with respect to Blue Direct North and Blue Direct South.

The Blue 1 was severed by the southward extension of the Toroweap-Thunder River FFZ, which was adopted in the 1996 final rule. Since this section of the 1996 final rule has not been implemented yet, air tour operators have continued to operate on the Blue 1. The FFZ extension is due to be implemented on January 31, 2000. Thus, at that time, the Blue 1 would have to be modified in order to be used as a tour route.

In order for the FAA to meet the goal of substantial restoration of natural quiet, decisions had to be made as to how to reduce the current level of noise impacting on GCNP. The Blue 1 air tour route passed over some of the most sensitive backcountry habitat in the GCNP as well as raising significant controversy with some Native American tribes residing under or near the flight path for Blue 1. The FAA decided to keep the east and west end air tours, which would still allow operators transiting from Las Vegas to Tusayan a flight path that offered GCNP vistas while transiting to and from the Park.

TOIL's recommendation for a quit technology route along the existing Blue 1 is premature given that a final rule implementing a quiet technology standard has not yet been adapted.

Grand Canyon West Vicinity (Blue 2, Green 4)

The Hualapai Nation (hereafter the Hualapai Tribe) states that the routes flown by transport flights have served as de facto Brown routes for the Hualapai Tribe comparable to the route proposed to serve the Havasupai Tribe. The Hualapai Tribe would like an officially designated Brown route created that would not be subject to caps, consistent with Congress' intent not to interfere with transportation flights to the Park or tribal lands. To ensure that the Hualapai Tribe's Brown route is used only by flights transporting persons to and from the Hualapai Reservation, the FAA could specify that all flights utilizing the route must have the permission of the Hualapai Tribe to land on the Hualapai Reservation.

FAA Response: The FAA has addressed the Hualapai Tribe's concerns in the final rule, Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area, also published in this **Federal Register**. Thus, there is no need to create a Brown route to service the Hualapai Reservation.

General Aviation

Aircraft Owners and Pilots Association (AOPA) recommends that the FAA identify and chart VFR waypoints and latitude and longitude coordinates for the Dragon and Zuni Point corridors as both have difficult dog-leg course changes. AOPA's other comments, related to flight-free zones and corridors, are addressed in the final rule on airspace modification in GCNP published concurrently in this **Federal Register**.

FAA Response: The General Aviation commenters are reminded that the proposed route map only depicted the air tour routes and corridors and not the general aviation corridors. The general aviation corridors, when published as part of the official map, will contain the necessary latitude and longitude coordinates for navigation.

Environmental Review

The FAA has prepared a final supplemental environmental assessment and finding of no significant impact (FONSI) for this action to ensure conformance with the National Environmental Policy Act of 1969. Copies of the EA have been circulated to interested parties and placed in the docket, where it is available for review.

Dated: Issued in Washington, DC on March 28, 2000.

Jane F. Garvey,

Administrator, Federal Aviation Administration.

[FR Doc. 00–7951 Filed 3–28–00; 4:59 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Final Supplemental Environmental Assessment for the Proposed Actions Relating to the Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) and the Hualapai Indian Tribe, announces the availability of the Final Supplemental Environmental Assessment (SEA) for the proposed Special Flight Rules in the vicinity of Grand Canyon National Park (GCNP) and Commercial Air Tour Routes (64 FR 37296 and 37304, July 9, 1999).

The Final SEA (FSEA) was prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, and other applicable environmental laws, and regulations. The FSEA assesses the effects of proposed Federal actions under consideration by the FAA and the Department of the Interior (DOI). These actions are vital for the FAA to assist the

NPS in fulfilling its statutory mandate of the National Park Overflights Act, Public Law 100–91, to provide for the substantial restoration of natural quiet in the GCNP by 2008, as called for by Presidential Memorandum dated April 22, 1996, Earth Day Initiative, Parks for Tomorrow. The Undertaking includes those actions for which implementation has been delayed since December 1996, as well as those currently proposed by the FAA. The currently proposed actions include (1) modifying the Special Federal Aviation Regulation Number 50–2; (2) modifying the commercial air tour routes within the Special Flight Rules Area (SFRA); and (3) limiting the commercial air tour operations.

DATES: There is no comment period associated with release of this document. However, any party to this proceeding, having a substantial interest may appeal the order to the Courts of Appeals of the United States or to the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days of issuance of the Final Rules.

ADDRESSES: A copy of the Final SEA is being mailed to all those commenting, either in writing or orally at one of the public meetings and who provided a return address, on the Draft SEA (DSEA). A postcard will be mailed to those individuals that received a copy of the DSEA but did not provide comments indicating how a copy of the FSEA can be obtained. Additional requests for copies of the FSEA should be directed to: Federal Aviation Administration, Air Traffic Airspace Management, Environmental Programs Division, Attention: Tina Hunter, ATA–300.1, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Questions concerning this Final SEA or the environmental process followed should be directed to the FAA, Air Traffic Airspace Management, Environmental Programs Division, ATA–300, Attention: Mr. William Marx, via telephone at (202) 267–3075, or in writing to the address above.

SUPPLEMENTARY INFORMATION: The FAA and DOI considered the proposed actions to assist the NPS in achieving its congressional mandate to provide for the substantial restoration of natural quiet at GCNP. Based upon consultation with Federal, State and local agencies and Native American tribal representatives, and in response to public comments, FAA made revisions to the DSEA and prepared the Final SEA. The FAA modified the Preferred Alternative to address socioeconomic concerns of the Hualapai Tribe and the Navajo Nation and concerns expressed by air tour operators and general aviation pilots. The major changes to the Preferred Alternative between the DSEA and Final SEA are as follows:

(1) Commercial air tour operations that transit the SFRA along Blue-2 and Green-4, that operate under a written contract with the Hualapai Tribe, and that have an operations specification authorizing such flights will be excepted from the commercial air tour allocation requirement. The Hualapai Tribe indicated that the Operations Limitation as proposed in the June 1999 Notice of Proposed Rulemaking would significantly adversely impact the Tribe's economic development efforts. The modifications to the Preferred Alternative will avoid negative impacts to the socioeconomic activities of the Hualapai Indian Tribe;

(2) A turnaround has been added in the Zuni Point Corridor in the vicinity of Gunthers Castle in response to comments from the commercial air tour industry that a turn-around in this corridor was necessary to provide the operators with a safe and economic alternative to the Saddle Mountain route;

(3) The Desert View Flight Free Zone (FFZ) has been modified to extend eastward only to the GCNP boundary in response to safety concerns expressed by general aviation pilots and socioeconomic concerns expressed by the Cameron and Gap/Bodaway Chapters of the Navajo Nation. To allow protection for areas containing TCPs identified during Section 106 consultation, FAA left in place the proposed enlargement of the SFRA eastern boundary and the relocation of commercial air tour routes known as Black-2 and Green-3;

(4) The SRFA boundary has been modified on the southeast corner in response to comments from the general aviation community regarding the Sunny Military Operating Area, and the latitude and longitude dimensions within the proposed Final Rule have been corrected;

(5) The description of the future Bright Angel Incentive Corridor has been corrected;

(6) The Toroweap/Shinumo FFZ has been modified to exclude Hualapai reservation lands; and,

(7) The wording in the document has been clarified based on public and agency comments.

The Final Rule for the Modification to the Airspace in the SFRA, the Final Rule for Limitations to Commercial Air Tours and the Notice of Route Availability (with the accompanying chart) are also being released concurrently with this Final SEA. A summary of the background information relative to the Undertaking is contained in each of these documents.

The Supplemental EA

The scoping process for this Supplemental EA consisted of a public comment period for those interested agencies and parties to submit written comments representing the concerns and issues they believed should be addressed. The FAA received a total of 20 written comments. The Draft SEA, published in June 1999 contained a summary of those comments in Appendix G. FAA and DOI held two public hearings during the comment period, the first in Flagstaff, Arizona on August 17, 1999 and the second in Las Vegas, Nevada on August 19, 1999. The FAA received a total of 51 comments on the Draft SEA (both written and verbal).

Information, data, opinions, and comments obtained throughout the process were used in preparing the FSEA. The purpose of this Notice is to inform Federal, State, local and government agencies, and the public of the availability of the Final SEA. To maximize the opportunities for public participation in this environmental process, the FAA has mailed copies of the Final SEA, the two Final Rules, and the Notice of Route Availability and graphic to those individuals and agencies that commented on the Draft SEA. The graphic containing the proposed route changes and airspace modifications is not being published in today's **Federal Register** due to the detail on the charts.

Issued in Washington, D.C. on March 28, 2000.

William J. Marx,

Manager, Environmental Programs Division, Office of Air Traffic Airspace Management.

[FR Doc. 00–8032 Filed 3–28–00; 4:59 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 194 ATM Data Link Implementation

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 194 meeting to be held April 24–27, 2000, starting at 9 a.m. The meeting will be held at RTCA, 1140 Connecticut Ave., NW, Suite 1020, Washington, DC 20036.

The agenda will include: April 24: 9 a.m.–12 Noon, Working Group (WG) 2, Flight Operations and ATM Integration; 1 p.m.–5 p.m., Plenary Session: (1) Welcome and Introductory Remarks; (2) Review Agenda; (3) Review/Approve Previous Two Meeting Summaries; (4) Approval of WG–3 Document, Minimum Operational Performance Standards of Air Traffic Services Provided via Data Communication Utilizing the ATN, Builds I and IA. April 25–26: (5) Working Group Meetings; (6) Data Link Ops Concept and Implementation Plan (WG–1); (7) Flight Operations and ATM Integration (WG–2); (8) Human Factors (WG–3), and (9) Service Provider Interface (WG–4). April 27: (10) Working Group Reports; (11) Updates on Work Programs and Expected Document Completion Dates; (12) Other Business; (13) Date and Location of Future Meetings; (14) 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 28, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–8234 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application (00–02–C–00–PDT) to Impose and Use, the Revenue from a Passenger Facility Charge (PFC) at Eastern Oregon Regional Airport at Pendleton, Submitted by the City of Pendleton, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use, PFC revenue at Eastern Oregon Regional Airport at Pendleton under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before May 4, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Mr. J. Wade Bryant, Manager; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250, Renton, Washington 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Larry Dalrymple, Airport Manager, at the following address: 2016 Airport Road, Pendleton, Oregon 97801.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to East Oregon Regional Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Lee-Pang, (425)227–2654, Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW, Suite 250, Renton, Washington 98055–4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (00–02–C–00–PDT) to impose and use PFC revenue at Eastern Oregon Regional Airport at Pendleton, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On March 28, 2000, the FAA determined that the application to impose and use, the revenue from a PFC submitted by the City of Pendleton, Pendlton, Oregon was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 29, 2000.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: September 1, 2000.

Proposed charge expiration date: September 15, 2010.

Total requested for use approval: $333,159.

Brief description of proposed project: Complete Terminal Renovations; Non-Revenue Parking Lot Improvements—Long Term Parking; Purchase Aircraft Rescue and Fire Fighting Vehicle; General Aviation Apron Rehabilitation; Taxiway D Rehabilitation; Install PAPI Runway 25; Runway 11–29 Rehabilitation; Terminal Apron C Rehabilitation.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: Air taxi/commercial operators who conduct operations in air commerce carrying persons for compensation or hire.

And person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 315, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Eastern Oregon Regional Airport at Pendleton.

Issued in Renton, Washington on March 28, 2000.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 00–8233 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following information collection was published on January 10, 2000 [65 FR 1425].

DATES: Comments must be submitted on or before May 4, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas Klimek, (202) 366–2212, Office of Freight Management and Operations, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590–0001. Office hours are from 7:30 a.m. to

4:00 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Certification of Enforcement of Vehicle Size and Weight Laws.

OMB Number: 2125–0034.

Type of Request: Renewal of a currently-approved information collection.

Abstract: Title 23, U.S.C., Section 141, requires each State, the District of Columbia, and Puerto Rico to file an annual certification that they are enforcing their size and weight laws on Federal-aid highways and that their Interstate System weight limits are consistent with Federal requirements to be eligible to receive an apportionment of Federal highway trust funds. To determine whether States are adequately enforcing their size and weight limits, each must submit an updated plan for enforcing their size and weight limits to the FHWA at the beginning of each fiscal year. At the end of the fiscal year, they must submit their certifications and sufficient information to verify that the enforcement goals established in the plan have been met. Failure of a State to file a certification, adequately enforce its size and weight laws, and enforce weight laws on the Interstate System that are inconsistent with Federal requirements, could result in a specified reduction of its Federal highway fund apportionment for the next fiscal year. In addition, each jurisdiction must inventory (1) its penalties for violation of its size and weight laws, and (2) the term and cost of its oversize and overweight permits.

Respondents: The State Departments of Transportation (or equivalent) in the 50 States, the District of Columbia, and Puerto Rico.

Estimated Total Annual Burden: 4,160 hours. This number has not changed from the last approved OMB clearance.

Frequency: The reports must be submitted annually.

Addresses: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this Notice.

Issued on: March 23, 2000.

Michael J. Vecchietti,

Director, Office of Information and Management Services.

[FR Doc. 00–8220 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Alaska Railroad Corporation (ARRC) submitted a petition dated November 4, 1999, seeking a waiver of compliance from certain requirements of the Federal Railroad Administration's (FRA) Passenger Equipment Safety Standards (49 CFR part 238). The individual petition is described below, including the nature of the relief being requested and the petitioner's arguments in favor of relief.

Alaska Railroad Corporation

[Waiver Petition Docket Number FRA–1999–6517]

ARRC seeks a permanent waiver of compliance with certain provisions of 49 CFR part 238 for its ''Whittier Shuttle'' service between Portage and Whittier, Alaska. According to ARRC, this shuttle service involves a train typically consisting of one locomotive, ten to eighteen general service flatcars (modified with full bridge plates between cars), one to three gallery coaches, and a baggage car and caboose occupied only by train crew members. The train runs on a route of approximately 13 miles, including two tunnels of 1.0 and 2.5 miles in length, and is limited to 30 mph.

ARRC notes that Whittier is a port community originally constructed by the United States Government during the early years of the Second World War; there has never been an overland road to Whittier, and the shuttle service is vital to the residents of Whittier. This service transports highway vehicles, including buses, to and from Whittier on the flatcars. Passengers can choose between riding in the passenger coaches or remaining inside their highway vehicles on the flatcars while the train is in motion. Passengers who choose to ride in their highway vehicles are required to remain in their vehicles at all times. ARRC makes special provisions for emergency egress from buses as detailed in its Operating Circular No. 41 included with the petition. ARRC states that while the train is operated, the conductor occupies the car (caboose or baggage) at the opposite end of the train from the locomotive, and crew members have uninterrupted radio communication with each other. According to ARRC, there have been no injuries to any passengers as a result of the shuttle operation during its 28 years of service. ARRC adds that the state of Alaska is in the process of developing an infrastructure for highway travel to Whittier along the railroad right-of-way and expects highway travel to begin early this year. However, ARRC may need to provide limited shuttle service indefinitely for wide highway vehicle loads unable to pass through a tunnel by highway travel, depending on the final configuration of the road.

ARRC petitioned FRA for approval to continue use of its shuttle operation under 49 CFR 238.203(d) believing that its flat cars may not be in compliance with §§ 238.203(a)(1) and 238.231(i). Section 238.203(d) contains the procedures for a railroad to petition FRA for approval to grandfather usage of rail passenger equipment that does not comply with the static end strength requirements for rail passenger equipment in § 238.203(a). Specifically, § 238.203(a)(1) generally requires that on or after November 8, 1999, all passenger equipment resist a minimum static end load of 800,000 pounds applied on the line of draft without permanent deformation of the body structure. ARRC's petition explains that on the basis of strength calculations performed at the time the cars were built, the railroad flat cars used to transport highway passenger vehicles are able to support a compressive load of 1,250,000 pounds at failure. Section 238.203(b) provides that equipment placed in service before November 8, 1999, is presumed to comply with the requirements of paragraph (a)(1) unless the railroad operating the equipment has knowledge, or FRA makes a showing, that such passenger equipment was not built to the requirements specified in paragraph (a)(1). Consequently, unless FRA becomes aware the equipment does not meet the requirements of paragraph (a)(1), no grandfathering approval is required in this instance.

ARRC has also petitioned FRA for relief from the requirements of 49 CFR 238.231(i) which provides that passenger cars shall be equipped with a

means to apply the emergency brake that is accessible to passengers and located in the vestibule or passenger compartment.

The passenger equipment safety standards in part 238 are geared toward the transportation of passengers in typical passenger equipment compartments that have side walls, roofs, windows, doors and other structures commonly found on rail passenger cars to provide protection to persons riding in those cars. See part 238 subparts B and C, standards for existing and new equipment; see also part 239, requirements for passenger train emergency preparedness.

The transportation of passengers on flat cars is not specifically addressed by part 238 and, therefore, a waiver of the requirements of part 238 is necessary to permit ARRC to continue the service. In particular, part 238 has the following requirements designed to protect passengers that ARRC flatcars may not meet (additional requirements would apply to any new equipment): emergency window exits designed to permit rapid and easy removal without requiring the use of a tool or other implement (§ 238.113); glazing (§ 238.221; part 223); safety appliances (§ 238.229); and brake system (§ 238.231, especially (i)—a means to apply the emergency brake that is accessible to passengers and located in the vestibule or passenger compartment). FRA assumes that ARRC is seeking relief from each of the enumerated sections, but will be consulting with ARRC whether this assumption is correct.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 1999–6517) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov*.

Issued in Washington, DC on March 29, 2000.

Grady C. Cothen, Jr.

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–8166 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–1999–6364]

Northeast Illinois Railroad Corporation; Public Hearing

The Northeast Illinois Railroad Corporation (Metra) petitioned the Federal Railroad Administration (FRA) seeking a permanent waiver of compliance with the *Passenger Equipment Safety Standards,* Title 49, Code of Federal Regulations (CFR), Part 238.303, which requires exterior calendar day inspection, and 238.313, which requires a Class I brake test be performed by a qualified maintenance person. Metra requests that on weekends (Saturday and Sunday) and holidays these tests be performed by a qualified person, not a qualified maintenance person as required in the *Passenger Equipment Safety Standards.* Metra states that in many cases, the qualified person can be a member of the train crew.

This proceeding is identified as FRA–1999–6364. FRA issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal, letters of protest, and field report, FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 9:30 a.m. on Tuesday, May 16, 2000, at the John Kluczynski Federal Building, Room 240, at 230 South Dearborn Street, Chicago, Illinois. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR Part 211.25) by a representative designated by FRA. The hearing will be a non-adversarial proceeding; therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which initial statements were made. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

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

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–8167 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2000–7158]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before June 5, 2000.

FOR FURTHER INFORMATION CONTACT: John Wiegand, Maritime Administration, MAR 611, 400 Seventh St., SW, Washington, DC 20590. Telephone:—202–366–2627. FAX 202–366–3889.

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Maintenance and Repair Cumulative Summary.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0007.

Form Numbers: MA–140.

Expiration Date of Approval: November 30, 2000.

Summary of Collection of Information: The collection consists of form MA–140 to which are attached invoices and other supporting documents for expenses claimed for subsidy. Subsidized operators submit form MA–140 to the appropriate MARAD region office for review within 60 days of the termination of a subsidized voyage.

Need and Use of the Information: The collected information is necessary to

perform the reviews required in order to permit payment of Maintenance and Repair subsidy.

Annual Responses: 25.

Annual Burden: 300 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at http://dmses.dot.gov/submit. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT, Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at http://dms.dot.gov.

By Order of the Maritime Administrator.

Dated: March 29, 2000.

Joel C. Richard,

Secretary.

[FR Doc. 00–8253 Filed 4–3–00; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33860]

Trans-Global Solutions, Inc. d/b/a Austin Area Terminal Railroad—Operation Exemption—Capital Metropolitan Transportation Authority

Trans-Global Solutions, Inc. d/b/a Austin Area Terminal Railroad (AATR), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to operate approximately 162 miles of rail line owned by Capital Metropolitan Authority (CMTA),[1] between milepost AUNW–MP0.0 (SPT–MP57.00), west of Giddings, TX, and milepost AUNW–MP154.07 (SPT MP 99.04), at Llano, TX, including the Marble Falls Branch (6.43 miles), the Scobee Spur (3.3 miles), and the Burnet Spur (0.93 miles), in Bastrop, Burnet, Lee, Llano, Travis and Williamson Counties, TX. The lines have been operated previously by Central of Tennessee Railway & Navigation Company Incorporated D/B/A The Longhorn Railway Company.[2] AATR states that its annual revenues will not exceed those that would qualify it as a Class III rail carrier and that its revenues are not projected to exceed $5 million.

The transaction was scheduled to be consummated on or after March 16, 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 will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33860, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., Canal Square, 1054 Thirty-First Street, N.W., Washington, DC 20007–4492.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: March 28, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–8238 Filed 4–3–00; 8:45 am]

BILLING CODE 4915–00–P

[1] *See Capital Metropolitan Transportation Authority—Acquisition Exemption—City of Austin, TX*, STB Finance Docket No. 33596 (STB served May 27, 1998).

[2] *See Central of Tennessee Railway & Navigation Company Incorporated D/B/A The Longhorn Railway Company—Change of Operator Exemption—The City of Austin, TX*, STB Finance Docket No. 32885 (Sub-No. 1) (STB served Apr. 18, 1996).

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation—Planet Indemnity Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 18 to the Treasury Department Circular 570; 1999 Revision, published July 1, 1999, at 64 FR 35864.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6905.

SUPPLEMENTARY INFORMATION: Planet Indemnity Company has redomesticated from the state of Colorado to the state of Illinois effective September 20, 1999. The Company was last listed as an acceptable surety on Federal bonds at 64 FR 35886, July 1, 1999.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1999 revision, on page 35886 to reflect this change.

The Circular may be viewed and downloaded through the Internet at http://www.fms.treas.gov/c570/index.html or a hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800.

When ordering the Circular from GPO, use the following stock number: 048000–00527–6.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6A04, Hyattsville, MD 20782, telephone (202) 874–6905.

Dated: March 27, 2000.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 00–8191 Filed 4–3–00; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0067]

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.

DATE: Comments must be submitted on or before May 4, 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. 2900–0067.''

SUPPLEMENTARY INFORMATION

Title: Application for Automobile or Other Conveyance and Adaptive Equipment, VA Form 21–4502.

OMB Control Number: 2900–0067.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to gather information to determine if a disabled veteran is entitled to an automobile allowance or adaptive equipment.

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 December 23, 1999, on page 72144.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 375 hours.

Estimated Total Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Number of Respondents: 1,500.

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 12035, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0067'' in any correspondence.

Dated: March 17, 2000.

Sandra S. McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–8280 Filed 4–3–00; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
April 4, 2000

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 93

Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA–99–5927; Amdt. No. 93–81]

2120–AG73

Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule limits the number of commercial air tours that may be conducted in the Grand Canyon National Park Special Flight Rules Area (SFRA) and revises the reporting requirements for commercial air tours in the SFRA. These changes allow the FAA and the National Park Service (NPS) to limit and further asses the impact of aircraft noise on the Grand Canyon National Park (GCNP). In addition, this action adopts non-substantive changes to 14 CFR part 93, subpart U to improve the organization and clarity of the rule. This rule is one part of an overall strategy to control aircraft noise on the part environment and to assist the NPS to achieve the statutory mandate imposed by the National Parks Overflights Act to provide substantial restoration of the natural quiet and experience of the park.

DATES: The effective date for the final rule is May 4, 2000.

Compliance with § 93.325. Until the start of the third quarter (July–September) reports will be due as follows: 30 days after the close of the first trimester (January–April); 30 days after the end of June for the May–June time period. Thereafter, reports are due 30 days after the close of the quarter.

FOR FURTHER INFORMATION CONTACT: Alberta Brown, AFS–200, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267–8321.

SUPPLEMENTARY INFORMATION:

Availability of Final Rules

Any person may obtain a copy of this Final Rule by submitting a request to the Federal Aviation Administration, Office of Rulemaking, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677. Communications must identify the notice number of this Final Rule. An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: (703) 321–3339) or the **Federal Register's** electronic bulletin board service (telephone: (202) 512–1661). Internet users may access the FAA's Internet site at http://www.faa.gov or the **Federal Register's** Internet site at http://www.access.gpo.gov/su__docs for access to recently published rulemaking documents.

This final rule constitutes final agency action under 49 U.S.C. 46110. Any party to this proceeding, having a substantial interest may appeal the order to the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days after issuance of this Order.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official. Internet users can find additional information on SBREFA in the ''Quick Jump'' section of the FAA's web page at *http://www.faa.gov* and may electronic inquiries to the following Internet address: *9–AWA–SBREFA@faa.gov.*

I. History

A. FAA's Actions

Beginning in the summer of 1986, the FAA initiated regulatory action to address increasing air traffic over the GCNP. On March 26, 1987, the FAA issued Special Federal Aviation Regulation (SFAR) No. 50 establishing a special flight rules area and other flight regulations in the vicinity of the GCNP (52 FR 9768). The purpose of the SFAR was to reduce the risk of midair collision and decrease the risk of terrain contact accidents below the rim level. These requirements were modified and extended by SFAR 50–1 (52 FR 22734; June 15, 1987).

In 1987 Congress enacted Public Law (Pub. L.) 100–91, commonly known as the National Parks Overflights Act. Public Law 100–91 stated, in part, that ''noise associated with aircraft overflights at Grand Canyon National Park [was] causing a significant adverse effect on the natural quite and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.''

Section 3 of Public Law 100–91 required the Department of Interior (DOI) to submit to the FAA recommendations to protect resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The law mandated that the recommendations provide for, in part, ''substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight.''

In December 1987, the DOI transmitted its ''Grand Canyon Aircraft Management Recommendation'' to the FAA, which included both rulemaking and non-rulemaking actions. Public Law 100–91 required the FAA to prepare and issue a final plan for the management of air traffic above the Grand Canyon, implementing the recommendations of DOI without change unless the FAA determined that executing the recommendations would adversely affect aviation safety.

On May 27, 1988, the FAA issued SFAR No. 50–2, revising the procedures for aircraft operation in the airspace above the Grand Canyon (53 FR 20264; June 2, 1988). SFAR No. 50–2 did the following: (1) Extended the Special Flight Rules Area (SFRA) from the surface to 14,499 feet above mean sea level (MSL) in the area of the Grand Canyon; (2) prohibited flight below a certain altitude in each of the five sectors of this area, with certain exceptions; (3) established four flight-free zones from the surface to 14,499 feet MSL; (4) provided for special routes for air tours; and (5) contained certain communications requirements for flights in the area.

A second major provision of section 3 of Public Law 100–91 required the DOI to submit a report to Congress discussing ''whether the plan has succeeded in substantially restoring the natural quiet in the part; and * * * such other matters, including possible revisions in the plan, as may be of interest.'' On September 12, 1994, the DOI submitted its final report and recommendations to Congress. This report, entitled, ''Report on Effects of Aircraft Overflights on the National Park System'' (Report to Congress), was published in July, 1995. The Report to Congress recommended numerous revisions to SFAR No. 50–2 in order to substantially restore natural quiet the GCNP.

Recommendation No. 10, which is of particular interest to this rulemaking,

states: ''Improve SFAR 50–2 to Effect and Maintain the Substantial Restoration of Natural Quiet at Grand Canyon National Park.'' This recommendation incorporated the following general concepts: simplification of the commercial sightseeing route structure; expansion of the flight-free zones; accommodation of the forecasted growth in the air tour industry; phase-in of noise efficient/quiet technology aircraft; temporal restrictions (''flight-free'' time periods); use of the full range of methods and tools for problem solving; and institution of changes in approaches to park management, including the establishment of an acoustic monitoring program by the NPS in coordination with the FAA.

On June 15, 1995, the FAA published a final rule that extended the provisions of SFAR No. 50–2 to June 15, 1997 (60 FR 31608), pending implementation of the final rule adopting DOI's recommendations.

On December 31, 1996, the FAA issued the final rule (61 FR 69302) implementing many of the recommendations set forth in the DOI report including: flight-free zones and corridors; minimum flight altitudes; general operating procedures, curfews in the Dragon and Zuni Point corridors; reporting requirements; and a cap on the number of ''commercial sightseeing'' aircraft that could operate in the SFRA.

This final rule was issued concurrently with a Notice of Proposed Rulemaking (NPRM) regarding Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park; a Notice of Availability of Proposed Commercial Air Tour Routes for Grand Canyon National Park and Request for Comments; and an Environmental Assessment and Request for Comments; and an Environmental Assessment. The final rule was originally to become effective May 1, 1997. On February 26, 1997, the FAA delayed the effective date until January 31, 1998 (62 FR 8861), for those portions of the December 31, 1996, final rule which define the Grand Canyon SFRA (14 CFR § 93.301), define the flight-free zones and flight corridors (14 CFR § 93.305), and establish minimum flight altitudes in the vicinity of the GCNP (14 CFR § 93.307). The February 26, 1997, final rule also reinstated the corresponding sections of SFAR 50–2 until January 31, 1998 (flight-free zones, the Special Flight Rules Area, and minimum flight altitudes). On December 17, 1997, the effective date for these sections was delayed to January 31, 1999 (62 FR 66248). On December 7, 1998, the effective date for 14 CFR §§ 93.301, 93.305, and 93.307, was delayed until January 31, 2000 (63 FR 67543).

The FAA's final rule published in 1996 was challenged before the U.S. Court of Appeals for the District of Columbia Circuit by the following petitioners: Grand Canyon Air Tour Coalition; the Clark County Department of Aviation and the Las Vegas Convention and Visitors Authority; the Hualapai Indian Tribe; and seven environmental groups led by the Grand Canyon Trust. See *Grand Canyon Air Tour Coalition* v. *FAA,* 154 F.3d 455 (D.C. Cir., 1998). The Court ruled in favor of the FAA and upheld the final rule.

B. Interagency Working Group

On December 22, 1993, Secretary of Transportation, Federico Pena, and Secretary of the Interior, Bruce Babbitt, formed an interagency working group (IWG) to explore ways to limit or reduce the impacts for overflights on national parks, including the GCNP. Secretary Babbitt and Secretary Pena concurred that increased flight operations at GCNP and other national parks have significantly diminished the national park experience for some park visitors, and that measures can and should be taken to preserve a quality park experience for visitors, while providing access to the airspace over the national parks.

C. President's Memorandum

The President, on April 22, 1996, issued a Memorandum for the Heads of Executive Departments and Agencies to address the impact of transportation in national parks. Specifically, the President directed the Secretary of Transportation to issue regulations for the GCNP that would place appropriate limits on sightseeing aircraft to reduce the noise immediately, and to make further substantial progress towards restoration of natural quiet, as defined by the Secretary of the Interior, while maintaining aviation safety in accordance with Public Law 100–91.

This memorandum also indicated that, with regard to overflights of the GCNP, ''should any final rulemaking determine that issuance of a further management plan is necessary to substantially restore natural quiet in the Grand Canyon National Park, [the Secretary of Transportation, in consultation with heads of relevant departments and agencies] will complete within 5 years a plan that addresses how the Federal Aviation Administration and the National Park Service'' will achieve the statutory goal not more than 12 years from the date of the directive (*i.e.,* 2008).

D. Proposed Rules

On July 9, 1999, the FAA published two NPRMs (Notice 99–11 and Notice 99–12) in accordance with Public Law 100–91, which directs the FAA to implement NPS recommendations to provide for the substantial restoration of natural quiet and experience in GCNP by reducing the impact of aircraft noise from commercial air tours on the GCNP.

Notice 99–11, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones (64 FR 37296, Docket No. 5926) proposed to modify the dimensions of the GCNP SFRA. The proposed changes to the SFRA would modify the eastern portion of the SFRA, the Desert View Flight-free Zone (FFZ), the Bright Angel FFZ and the Sanup FFZ. Notice 99–12, Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area, (64 FR 37304, Docket No. 5927) proposed to limit the number of commercial air tours that may be conducted in the SFRA and to revise the reporting requirements for commercial operations in the SFRA.

While the FAA sought comment on all parts of the NPRMs, there were a number of matters in Notice 99–12 that the FAA specifically requested commenters to address: (1) Whether the FAA should use a 5 month peak season (May–Sept), a three month peak season (July–September), or no peak season for purposes of assigning allocations? (2) Whether the time reported on the quarterly report should be expressed in Universal Coordinated Time (UTC), Mountain Standard Time, or another time measurement? (3) Whether reporting should be imposed as a condition of an FAA Form 7711–1 and, if so, whether the requirements of proposed § 93.325 would be appropriate for such operations? (4) Whether 180 days is a proper measurement of time for the use or lose provision proposed in § 93.321? (5) Whether the initial allocation reflects business operations as of the date of this notice? (6) Whether the allocations should remain unchanged for any specific period of time?

The FAA, in cooperation with the NPS and the Hualapai Indian Tribe, prepared a draft Supplemental Environmental Assessment (SEA) for the proposed rules to assure conformance with the National Environmental Policy Act (NEPA) of 1969, as amended, and other applicable environmental laws and regulations. Copies of the draft SEA were circulated

to interested parties and placed in the Docket, where it was available for review. On July 9, 1999, the Notice of Availability of the Draft Supplemental Environmental Assessment for the Proposed Actions Relating to the Grand Canyon National Park was published in the **Federal Register** (64 FR 37192). Comments on the draft SEA were to be received on or before September 7, 1999. Comments received in response to this Notice of Availability have been addressed in the final SEA published concurrently with this final rule. Based upon the final SEA and careful review of the public comments to the draft SEA, the FAA has determined that a finding of no significant impact (FONSI) is warranted. The final SEA and the FONSI were issued during February 2000. Copies have been placed in the public docket for this rulemaking, have been circulated in interested parties, and may be inspected at the same time and location as this final rule.

On July 20, 1999 (64 FR 38851), the FAA published a notice announcing two public meetings on the NPRM. The meetings, which were held on August 17 and 19, 1999, in Flagstaff, AZ and Las Vegas, NV, respectively, sought additional comment on the NPRMs and on the draft supplemental environmental assessment.

II. Background

The agencies have analyzed the noise situation at the GCNP and decided that a greater effort must be made to reach the statutory goals of Public Law 100–91, especially in light of the President's Memorandum. Noise generated by aircraft conducting commercial air tours presents a specific type of problem because these aircraft generally are operated repeatedly at low altitudes over the same routes. Thus, the FAA issued its 1996 final rule and instituted the aircraft cap as a means to limit aircraft noise generated by air tours.

In the 1996 final rule, however, the FAA underestimated the number of aircraft operated in the SFRA by commercial air tour operators. This problem was identified in the Notice of Clarification issued October 31, 1997 (62 FR 58898). In fact, the FAA concluded in this Notice that ''there is enough excess capacity in terms of aircraft numbers for air tours to increase by 3.3 percent annually for the next twelve years if the demand exists (62 FR 58902).'' The FAA stated that, ''in the aggregated and for most individual operators, the number of air tours provided can continue to increase while the number of aircraft remains the same.'' In view of this conclusion, the IWG recommended that the FAA and NPS develop a rule that will temporarily limit commercial air tours in the GCNP SFRA at the level reported by the air tour operators for the period May 1, 1997 through April 30, 1998.

The agencies' goal through this rulemaking is to prevent an increase in aircraft noise by limiting the number of commercial air tours. Concurrently with this final rule, the FAA also is issuing a Notice of Availability of Routes which includes certain modifications to aircraft routes through the SFRA, and a final rule modifying airspace in the SFRA. Additionally, the FAA is issuing a Final Supplemental Environmental Assessment which assesses the environmental impact of the route modifications, the commercial air tours limitation and the airspace modifications. The FAA also continues to work on the rulemaking initiated on December 31, 1996 proposing quiet technology aircraft. All of these steps are aimed at controlling or reducing the impact of aircraft noise in the GCNP.

In addition to preventing the noise situation from increasing, controlling the overall number of commercial air tours in the GCNP SFRA will facilitate the analysis of noise conditions in the GCNP and aid in the development of the noise management plan.

For purposes of determining substantial restoration of natural quiet, the noise modeling in the SEA is premised on the NPS' noise evaluation methodology for GCNP, which was published in the **Federal Register** on January 26, 1999 (64 FR 3969). The NPS formally adopted this methodology on July 14, 1999 (64 FR 38006).

III. Comment Discussion and Final Action

At the close of the comment period, over 1,000 comments were received on Notice 99–11 and 556 comments were received on Notice 99–12. Many commenters sent identical comments to both dockets. Comments included form letters sent from the air tour industry and from supporters of environmental groups. Comments were also received from industry associations (*e.g.,* Grand Canyon Air Tour Council (GCATC), Aircraft Owners and Pilots Association (AOPA); Helicopter Association International (HAI), Experimental Aircraft Association (EAA); National Air Transport Association (NATA); an environmental coalition (Sierra Club; Grand Canyon Trust; The Wilderness Society; Friends of the Grand Canyon; Maricopa Audubon Society; National Parks and Conservation Association; Nature Sounds Society; Quiet Skies Alliance); river rafting organizations (Arizona Raft Adventures (ARA); Grand Canyon River Guides); air tour operators (Airstar Helicopters; Grand Canyon Airlines; Heli USA Airways, Inc.; Papillon Grand Canyon Helicopters; Southwest Safaris); aircraft manufacturers (Twin Otter International, Ltd.; Stemme USA, Inc.); tourism organizations (Grand Canyon Air Tourism Association; Arizona Office of Tourism; Flagstaff Chamber of Commerce); government officials (Arizona Speaker of the House; Arizona State Legislature; Governor Hull of Arizona; Arizona Corporation Commission; Senator Harry Reid of Nevada; Clark County Department of Aviation); and representatives of Native American Tribes (Hualapai Tribe; Havasupai Tribe; Grand Canyon Resort Corporation (GCRC)). Some of the substantive comments include commissioned studies, economic analysis and noise impact analyses (J.R. Alberti Engineers; Riddel & Schwer).

A. Modification of SFAR 50–2

A number of air tour operators and elected officials state that SFAR 50–2 is working well and generally oppose further regulation.

AOPA and EAA state that current rules under SFAR 50–2 should be maintained without modification.

In contrast, all environmental groups point out that further regulation is necessary to bring the GCNP into compliance with Public Law 100–91.

FAA Response: This regulatory action is a further response to the legislative mandate set forth in Public Law 100–91 and the President's 1996 Executive Memorandum—to substantially restore natural quiet and experience in GCNP. The NPS Report to Congress was based on a number of studies evaluating whether SFAR 50–2 resulted in a substantial restoration of natural quiet. As discussed in the final rule in 1996 (Docket 28537, December 31, 1996; 61 FR 69302), NPS found that SFAR 50–2 had not resulted in substantial restoration of natural quiet. In that rule the FAA stated, ''An NPS analysis using 1989 FAA survey data of commercial sightseeing route activity indicated that 43 percent of GCNP met the NPS criterion for substantially restoring natural quiet. However, a subsequent NPS analysis using 1995 FAA survey data indicated that 31 percent of GCNP met the NPS criterion for substantially restoring natural quiet.'' These findings led the NPS to conclude that the noise mitigation benefits of SFAR 50–2 were being significantly eroded.

Hence, in 1996, the FAA, in cooperation with NPS, adopted the 1996 Final Rule creating a number of flight-free zones, a curfew in the Dragon and

Zuni Point corridors and imposing a cap on the number of aircraft used by each certificate holder in the GCNP SFRA. In the final rule, the FAA estimated that the regulations adopted in 1996 together with the phase out of noisier aircraft would provide substantial restoration of natural quiet by 2008. See 61 FR 69328. However, the Environmental Assessment for this rule was based on a different noise methodology. This methodology was set forth in Figure 4–4 of the EA.

In 1997, however, the FAA issued a Notice of Clarification indicating that the number of aircraft available to operators in the SFRA had been underestimated and thus the aircraft cap was not an adequate surrogate for limiting growth. The FAA found in the Notice that ''the impact of increased air tour operations as analyzed in the Written Reevaluation of the Environmental Assessment, serves to reduce the percentage of the GCNP that will achieve substantial restoration of natural quiet * * * when compared to what was originally assumed in the Final EA.'' Notice of Clarification, 62 FR 58898, 58905 (October 31, 1997).

Subsequent to the Notice of Clarification, the FAA and NPS concluded that further regulatory action was necessary to ensure the substantial restoration of natural quiet and experience in accordance with Public Law 100–91. Thus, this rulemaking together with the airspace modifications adopted in Docket FAA–99–5926 and the adoption of the new SFAR route structure will move the GCNP closer towards the goal of substantial restoration of natural quiet. As documented by the 2000 Supplemental Environmental Assessment, however, the goal of substantial restoration of natural quiet will not be met by these combined rulemakings.

B. Negotiated Rulemaking

A number of commenters, especially those representing air tour operator interests, Clark County Department of Aviation and elected officials inquired as to why the FAA chose to embark upon this rulemaking instead of using the negotiated rulemaking process.

HAI says that the proposed restrictions undermine efforts to achieve consensus on management of air tour overflights of national parks. According to HAI, the future of GCNP overflight rulemaking lies in a process of open, public conversation to seek ways in which the many legitimate, conflicting interests at stake can be balanced and accommodated to the fullest practicable extent. HAI states that the current proposals are large steps in the wrong direction, representing illogical, arbitrary, and unworkable impositions on an already strained process. HAI says that the current proposals for harsh new restrictions undermine the air tour community's hope for reasoned discussion of divergent points of view among persons of good will.

Clark County Department of Aviation (Clark County) criticizes the FAA for failing to develop its proposed rules without extensive and meaningful input from all affected stakeholders. Clark County states that the FAA has repeatedly rejected invitations from Clark County and others to initiate a negotiated rulemaking process.

FAA Response: The FAA notes that this rulemaking requires it to make very difficult decisions that significantly impact small businesses in order to comply with the statutory mandate to substantially restore natural quiet and experience in GCNP. Because of the nature of the issues involved, both the FAA and NPS have reached out to affected parties to try to achieve a workable solution.

For example, in an attempt to work with the stakeholders, the FAA and NPS held a public meeting in Flagstaff, AZ on April 28, 1998. Participants in this group included representatives of air tour operators, environmental groups, Native American Tribes, and local Las Vegas and Tusayan government officials. The group was asked to comment on the agencies then proposed route structure and to use the time together to negotiate a better solution, if the members did not like the proposal. The scheduled two day meeting lasted less than a day as most stakeholders held firm to their established positions and were unwilling to negotiate. Most parties were not willing to even consider another route structure, nor were they willing to consider participating in another group discussion or possible mediation.

A subsequent meeting was held on July 15, 1998 between the FAA and the Hualapai Tribe in Peach Springs, Arizona to discuss a tentative air tour route proposal around the western Grand Canyon/Sanup area. The Hualapai did not view the proposal favorably and informed the agencies of their own plans to meet with the air tour operators in an attempt to reach a separate agreement. Those talks, however, apparently proved fruitless.

The divergence of comments received to this rule reflects the FAA's historical experience with this issue. There are polarized points of view on this topic. During the time that this debate has been ongoing, the various groups have not been able to reach any agreement. Thus, based on the FAA's and NPS' experiences with this issue, the agencies do not see that a timely negotiation process is possible. The FAA and NPS have expressed a willingness to consider negotiated or consensus proposals presented by the stakeholders and have encouraged the stakeholders to try to work toward this goal. However, in the absence of such proposals it is necessary to move ahead to meet the deadline of 2008 for substantial restoration of natural quiet and experience that was imposed by the President's 1996 Executive Memorandum. Any further attempts at negotiated rulemaking will only delay the process.

C. Justification for Rulemaking With Respect to Restoration of Natural Quiet (Pub. L. 100–91)

Air tour operators and many other commenters state that the restoration of natural quiet has already been achieved. These commenters state that there is significant evidence demonstrating that the flights as presently configured fall well within the NPS' target goal that 50% of the park achieve ''natural quiet'' for 75–100% of the day. Further regulations merely seek to punish the air tour industry. In a form letter, 313 commenters state that the statutory mandate of Public Law 100–91 has been met.

GCATC states that the FAA is charged with the responsibility of promoting and protecting aviation and the safe use of the nation's airspace and that the proposed rule is beyond the scope of this mandate.

The Honorable Mr. Jeff Groscost, Arizona Speaker of the House, stated at the Flagstaff, Arizona public hearing on August 17, 1999 that restricting operations to 1997–1998 levels is unwarranted. He indicated that visitor complaints about noise are at insignificantly low levels because the vast majority of park visitors (over 95%) are concentrated in areas that are off-limits to air tours. Speaker Groscost indicated that the FAA and NPS are off base in attempting to erase noise for the benefit of the remaining 5%. In fact, according to FAA and NPS numbers, Speaker Groscost states that 3% of this 5% are river rafters who could not possibly hear aircraft noise over the sound of the river. He comments that to ''restore natural quiet'' for the benefit of the 1.6% of park visitors, at the cost of limiting access by air, is grossly unfair and unreasonable. This is especially true in light of the fact that air tour passengers represent over six to eight times the number of backcountry users.

U.S. Senator Harry Reid (Nevada) stated that he voted for Public Law 100–91 and believes strongly in its goals. However, ''* * * it was never the intention of Congress to authorize the apparently endless regulatory process that has ensued.'' Senator Reid stated further that ''* * * the most fundamental problem is that the Park Service has based its plan for restoring natural quiet on a controversial and untested approach for measuring noise.'' The approach used needs to reflect the actual perception of visitors to the park as shown in surveys that show that visitors perceive a dramatic improvement in the noise levels of the park over the last 10 years.

The Grand Canyon River Guides Association and the Utah Chapter of the Public Lands Committee of the Sierra Club state that the number of flights must be reduced in order to meet the goal of substantial restoration of natural quiet. The continued growth alternative is unacceptable. These commenters note that the current annual growth, according to the data, is about three percent per year, despite claims by some air tour operators.

The Grand Canyon River Guides Association states that the goal set forth in the Environmental Assessment—*i.e.,* tour aircraft audible for less than 25 percent of the day in more than half of the park area—is a weak standard. This commenter believes that this should be a minimum goal. The bottom line is that only 19 percent of the park is naturally quiet during the busiest days of the summer. The commenter states that the claims of a 42 percent restoration are based on an annualized day.

The Maricopa Audubon Society says that the FAA's standard of quiet is weak and the substantial restoration of natural quiet should mean most of the park most of the time (for example, 75% of the Park, 100% of the time). This commenter adds that the number of air tours has more than doubled from 50,000 in 1987 to around 120,000 now, and that the FAA should both reduce the cap the number of air tours to at least 1987 levels in order to achieve the natural quiet that the law mandates. Finally, this commenter adds that the FAA should require the removal of all flights below the rim.

The environmental coalition states that Public Law 100–91 provides no statutory authorization for the agencies' attempts to balance the maintenance of a ''viable'' air tour industry against the mandated restoration of natural quiet. Congress unequivocally provided the NPS' plan, to be issued by FAA, ''* * * shall provide for substantial restoration of natural quiet''. These commenters do not believe that Congress directed the agencies to temper, delay, or compromise the mandate according to industry needs. The agencies' only duty beyond restoring quiet was ensuring that the plan to restore quiet did not adversely affect air safety. These commenters urge the agencies to choose an alternative that will achieve the statutory mandate within 12 months. It is simply impermissible for the agencies to decide unilaterally to protect the industry, rather than considering readily available alternatives that would immediately restore natural quiet.

The environmental coalition supports the definition of 'natural' used by NPS, however, it believes the definition of ''substantial restoration'' is flawed. It suggests that a more appropriate definition would require natural quiet throughout the day in 50 percent of the park, as a minimum and natural quiet for at least 80 percent of the day in the other half of the park.

The Utah Chapter of the Public Lands Committee of the Sierra Club noted at the Flagstaff Public Hearing that the derogation of North Rim vista points and trails during the short summer season is emblematic of runaway noise pollution in the canyon generally.

ARA says that the standard that 50% of Grand Canyon National Park must be naturally quiet 75 to 100% of the day is inadequate. This would mean that the relatively quiet half of the park could experience aircraft noise one minute in every four, and the remainder of the park could experience aircraft noise virtually all day long non-stop. ARA states that Congress intended for a visitor to the Grand Canyon to experience a substantial restoration of natural quiet regardless of which day(s) the visitor decides to visit the park. Each visitor should have the opportunity to experience natural quiet regardless of the day, the month, or the season he or she elects to visit.

FAA Response: Public Law 100–91 requires NPS to develop recommendations regarding ''actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights.'' These recommendations are to provide for the ''substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight.'' Section 3 of the Public Law specifically directed the FAA to ''implement the recommendations of the Secretary [of the Department of Interior] without change unless the [FAA] determines that implementing the recommendations would adversely affect aviation safety.'' Thus FAA's authority to regulate in this manner is clear.

The NPS defined ''natural quiet'' and identified it as a natural resource in its 1986 ''Aircraft Management Plan Environmental Assessment for Grand Canyon National Park'' which underwent extensive public review. The term was subsequently discussed in numerous public documents which have undergone public review, including NPS Management Policies (1988) and the Advance Notice of Proposed Rulemaking concerning Overflights of Units of the National Park System published in the Federal Register on March 17, 1994.

The fact that NPS was given the responsibility to define the methods for achieving substantial restoration of natural quiet is entirely consistent with its general authority to manage national parks. NPS' Management Policies (1988, page 1:3) states that, with respect to units of the national park system, the terms ''resources and values'' refer to the ''full spectrum of tangible and intangible attributes for which parks have been established and are being managed'' including ''intangible qualities such as natural quiet.''

The NPS definition of ''substantial restoration of natural quiet'' involves time, area, and acoustic components. Because many park visitors typically spend limited time in particular sound environments during specific park visits, the amount of aircraft noise present during those specific time periods can have great implications for the visitor's opportunity to experience natural quiet in those particular times and spaces. Visitors with longer exposures, such as backcountry and river users have more opportunity to experience a greater variety of natural ambient and aircraft sound conditions, as they typically move through a number of sound environments.

Based on noise studies, the NPS has concluded that a visitor's opportunity to experience natural quiet during a visit, and the extent of noise impact depends upon a number of factors. These factors include: the number of flights; the sound levels of those aircraft as well as those of other sound sources in the natural environment; and the duration of audible aircraft sound experienced by a visitor.

NPS recommended an operations limitation in its 1994 Report to Congress, See Section 10, Recommendation 10.3.10.3. It is but one method being implemented to control noise in the GCNP. The type of operations limitation adopted in this rule is a modification of the aircraft cap

which was adopted in the 1996 Final Rule. The FAA and NPS determined after adoption of the 1996 Final Rule that the aircraft cap did not adequately limit growth. This conclusion was explained in the reevaluation that was prepared to support the Notice of Clarification (discussed above in section III(A), Modification of SFAR 50–2, of this rule). The written reevaluation was necessary because the number of aircraft available for use in the GCNP SFRA was twice the number that was evaluated in the 1996 rule. The NPS noise modeling, as well as FAA noise modeling, indicated that the potential growth in the number of operations could erode gains made toward substantial restoration of natural quiet.

The FAA, in consultation with the NPS, believes that the operations limitation adopted in this final rule strikes an appropriate balance between the ground and air users of the GCNP while making significant steps towards substantially restoring natural quiet. Thus the rule is consistent with the intent of the Public Law. Nothing in Public Law 100–91 requires the FAA or NPS to ban aircraft overflights of the GCNP to reach substantial restoration of natural quiet. In fact, Senator McCain, in discussing this legislation on the Senate floor indicated that ''what this measure [the bill that was adopted as Public Law 100–91] does is propose a process whose end result will be to strike a balance among all those individuals and interests who use our Nation's Park System.'' 133 Cong. Rec. S 1592. In an Oversight Hearing on the implementation of Public Law 100–91, Senator McCain further indicated that ''* * * it has never been my intent or the intent of Congress that air tours should be banned over the Grand Canyon or any other park. Air tours are a legitimate and important means of experiencing the Grand Canyon * * * But other uses and values, including the right of visitors to enjoy the natural quiet of the park, must be protected. Again, the challenge and the goal is balance.'' Hearing before the Subcommittee on Aviation of the Committee on Public Works and Transportation, House of Representatives, 103rd Cong., 2d Sess. (July 27, 1994).

As a general rule, flights do not operate below the rim. In certain isolated situations aircraft being operated on certain fixed routes and at fixed altitudes may operate below the ground level of the rim temporarily. This occurs because of terrain fluctuations. Safety is not compromised by allowing these flights to operate below the rim for a short period of time. This action is consistent with Pub. L. 100–9 and its legislative history. In Pub. L. 100–91, Congress granted the FAA, in consultation with the NPS, the authority to determine rim level because ''delineation of the area needs to be made taking into account the varying rim levels of the canyon and the potential impact of this provision on flight activities and operations.'' S. Rep. 97 (100th Cong., 1st Sess. (1987)), reprinted in 1987 U.S. Code Cong. Admin. News 664.

D. Quiet Technology Incentives

Several commenters criticize the proposal for failure to offer any quite technology incentives. As an incentive to convert to quiet technology, Papillon proposes special routing similar to the flight route that presently exists at GCNP Airport, and allowing operating hours from 7:00 a.m. to 7:00 p.m. with no limitations on the amount of flight during those daylight hours. Grand Canyon Airlines suggests that allocations should be increased for operators who make use of quiet aircraft technology.

Grand Canyon River Guides Association stated at the Flagstaff Public Hearing that noise-efficient technology still makes noise. The environmental coalition notes that the incentive to convert should be access to the GCNP SFRA airspace.

Governor Hull states that the FAA and NPS have failed in their obligation to provide incentives for quiet technology aircraft. The Governor states that the federal government should provide expanded opportunity and access for all citizens to experience the GCNP. In the proposed rulemaking, however, the Governor notes that the FAA is proposing to limit access to the GCNP rather than pursuing a common sense approach to expand access through improved technology. Governor Hull notes that before proceeding with further limitations on the air tours that provide many citizens with their only access to the wonders of the Grand Canyon, the FAA and NPS should act aggressively to provide the incentives for quite technology. The Governor supports the view expressed by Senator McCain, who sponsored the original Act, that reasonable air tour access can be protected—along with the preservation of natural quiet—if the responsible federal agencies diligently pursue technological incentives.

Stemme USA, Inc., a manufacturer of gliders, requests that the FAA exclude the Stemme S10, as well as other aircraft that can operate silently, from all current and future flight restrictions over the Grand Canyon. Twin Otter International, Ltd. (TOIL) also requests that its aircraft be considered as satisfying the quiet technology standards. Air tour operators also made suggestions regarding the types of aircraft that should be considered as being within the framework of quiet technology. Papillon Helicopters provided information at the public hearing in Flagstaff, Arizona that based on assurances that the NPS would make exceptions for quiet aircraft, Papillon has invested over $6.5 million in quiet aircraft technology. A Papillon representative stated that no exceptions have yet been made and no laws have been passed that justify this investment. Grand Canyon Airlines stated that it, along with several other companies, contributed $50,000 to the NPS to allow them to finish research on quiet technology. Grand Canyon Airlines paid $1.4 million for each of their ''Vistaliner'' aircraft that employ quiet technology and that are noise efficient because they can carry more passengers on fewer flights.

Grand Canyon Airlines states that the higher fixed costs associated with investments in quieter aircraft make it more likely that Grand Canyon Airlines and other similarly situated operators will suffer disproportionately from the limitations on air tour operations. Not only does the NPRM not encourage investment in quiet aircraft but Grand Canyon Airlines states it also creates an incentive for operators to dump more expensive quiet technology aircraft for cheaper, noisier aircraft.

Grand Canyon Airlines also states that allocations should not be imposed, particularly for quiet aircraft, but if imposed they should be guaranteed not to decrease. Allocations should increase for operators investing in quiet technology. AirStar Helicopters urges the FAA to move quiet aircraft technology to the front burner, not wait and consider it in the future.

Comments received from members of the Arizona State Legislature state that the proposal, combined with the Park Service's newly adopted noise evaluation methodology, creates such uncertainty for the air tour industry that they have little incentive to invest in one of the most effective means of reducing aircraft sound—quiet technology. Without a sense of stability about the future, operators are reluctant to invest in costly new equipment. Faced with caps and curfews, they are understandably concerned about their ability to amortize the investments. Their lenders are equally concerned about the industry's future, adding another dimension of uncertainty for operations.

ARA says that the incentives for quieter aircraft should not further compromise the goal. Rather than allowing quieter aircraft more routes, quieter aircraft should be used to meet the existing substantial restoration goal.

FAA Response: The FAA and NPS note that current comments are a complete reversal in direction from comments to the NPRM on Noise Limitation of Aircraft Operations in the Vicinity of Grand Canyon National Park (Docket 28770). Many air tour operators commenting to the NPRM in Docket 28770 voiced wide dissatisfaction with the FAA's NPRM on quiet technology. Commenters to that docket stated, among other things, that the FAA did not have statutory authority to require quiet technology, and that imposition of quiet technology would pose an unreasonable financial burden on the air tour industry. Additionally, many of these commenters disagreed with the proposed aircraft categories. In contrast, in Docket FAA–99–5927, commenters supported the adoption of quiet technology and urged the FAA to move forward with the final rule in Docket 28770.

The FAA and NPS have been in ongoing discussions to resolve the numerous issues raised in the Noise Limitations rulemaking proceeding. During this time, growth in the air tour industry appears to have been only temporarily arrested by external factors such as the economic downturn in Asia. Thus, the agencies have determined that in order to make significant strides towards meeting the statutory goal of ''substantial restoration of the natural quiet'' by the 2008 deadline it is necessary to impose this operations limitation. This operations limitation will limit operations while the FAA and NPS work to implement the quiet technology rule and take any other steps necessary to effect the Comprehensive Noise Management Plan.

The FAA received a number of requests from air tour operators and aircraft manufacturers for exceptions to the operations limitations rule based on the type of aircraft used in the GCNP. The FAA declines to adopt any exceptions to this rule at this time. Until the FAA and NPS adopt a final rule defining quiet technology, requests for exceptions to this rule based on quiet technology are premature.

The FAA realizes that this rule may not be consistent with encouraging operators to invest in quiet aircraft. However, since the FAA and NPS have not yet resolved how to define quiet technology/noise efficiency, operators would be premature in making such equipment decisions. Since the FAA intends this operations limitation to be temporary, the continuation of any such limitation will be revisited upon adoption of a rule addressing quiet technology/noise efficiency. The comment suggesting an allocation increase for operators investing in quiet technology is also premature since there is no definition of quiet technology.

E. Delay of Rulemaking

The Arizona Corporation Commission expresses concern over the lack of input from Arizona government officials into the proposed rules. Since the GCNP is Arizona's premier tourist destination and an extremely significant component of Arizona's tourism industry, the FAA should be working with Arizona government officials in developing any rules affecting air tours in the Grand Canyon. This commenter notes that the Rocky Mountain National Park air tour ban was largely prompted by the urgings of Colorado public officials to preemptively ban air touring before it emerged.

A number of air tour operators requested that the FAA delay adoption of the final rule until the noise model validation study has been completed. Papillon says that there should be no allocations until there is a reasonable scientific evaluation of ambient sound levels. This evaluation, according to Papillon should establish what the ambient sound levels are at the sites in question in the Grand Canyon.

FAA Response: The FAA appreciates the input from state and local officials to the proposed rules. The rulemaking process has welcomed and encouraged participation by state and local government officials. The decision to proceed with substantial restoration of natural quiet at the GCNP was made by Congress in Public Law 100–91. Moreover, as discussed above in Section C, that legislation specified the process for moving forward with substantial restoration of natural quiet. This is the process that the FAA and NPS have adhered to in developing these proposed rules.

In response to the requests to delay this rule pending completion of the noise model validation study, the FAA declines to create further delay. The noise methodologies used in support of this rule are explained further in the Supplemental Environmental Assessment Chapter 4 and Appendices A through F. The noise modeling employed in the Supplemental Environmental Assessment is the Integrated Noise Model (INM), the FAA's standard computer methodology for assessing and predicting aircraft noise impacts. This model incorporates the ambient database supplied by the NPS. Since 1978, the INM has been widely used by the aviation community both nationally and internationally, and has been continuously refined and updated by the FAA. For these reasons, the FAA has determined that a modified version of the INM 5 is an appropriate tool to use for the purposes of analyzing noise impacts in the vicinity of the GCNP and for determining substantial restoration of natural quiet in the GCNP.

F. Impact on Native American Tribes

Hualapai Nation

Grand Canyon Resort Corporation (GCRC), representing the economic interests of the Hualapai Nation (hereinafter Hualapai Tribe), opposed the operations limitations. It states that a freeze on overflights will effectively cost the Hualapai Tribe millions of dollars in lost revenue. Air tour operators rely on the marketability of an approach to Grand Canyon West (GCW) through the Grand Canyon as it presently operates. With the imposition of overflight restrictions, GCRC states that the Hualapai Tribe would sustain a combined loss of approximately $3.5 million dollars over the next two years. In comparison to the Hualapai government's annual operating budget of $2.5 million, this is tantamount to shutting down a sovereign tribal nation. In a recent survey to GCRC's primary air tour operators, it was determined that a 220% increase in business is projected by 2001. In 1998, approximately 14,919 flights were conducted at a profit to the Tribe of approximately $950,000. GCRC projects that by 2001, 32,869 flights will be conducted at a profit of $2,799,777. For a Tribe which is attempting to develop its economic resources without the intrusion of casino gambling at the south rim, development of GCW is worthy of federal support rather than federal suppression. GCRC requests that any operations limitation within the SFAR avoid negatively impacting the Native American constituency.

GCRC notes that in addition to the potential loss of landing fees which would occur if the operations limitation were imposed, there would be a loss of potential revenue associated with tourist amenities offered at GCW which are dependent on the discretionary spending of visitors. Sales from gift shops, Hualapai arts and crafts, horseback riding excursions, hiking trails, food items and cultural presentations would suffer. GCRC currently employs 35 full-time Hualapai employees and another 20 seasonal full-time employees. This does not account

for 15 Hualapai tribal members employed by air tour operators.

The GCRC and the Hualapai Tribal Counsel both indicate that the proposed operations limitation would have an immediate negative effect upon the number of Hualapai who derive their livelihood from tourism at GCW. Thus they request an exemption for the Hualapai Nation to ensure the continued employment of Hualapai community members whose reservation suffers from a 50–65% unemployment rate.

The GCRC is currently considering measures which would safeguard development at GCW. Environmental threshold studies are in progress, which will review the development capacity of GCW. It should remain, however, in the Tribe's control to determine the quality and quantity of development at GCW. In this regard, GCRC notes that the proposed rulemaking is a subtle violation of the Hualapai Tribe's sovereign right towards self-determination.

Additionally, the GCRC states that the FAA's proposed rulemaking would contradict the initiatives taken by federal agencies, which have funded capital improvements and developments at GCW over the last decade. Approximately $5,000,000 has been expended in the development of GCW in an attempt to follow through with the DOI's commitment to protect and conserve the trust resources of federally recognized Indian tribes and tribal members. The Bureau of Indian Affairs participated in a guaranteed loan to the Tribe for tourist facilities at GCW totaling $1.3 million. The Environmental Protection Agency has expended approximately $1.5 million in solar powered water line construction to GCW. The United States Department of Agriculture has expended approximately $150,000 in water tank construction. In addition to this, the Hualapai Tribe has invested $250,000 in an award-winning land use plan GCW, $1 million in airstrip and road pavements, $150,000 in well drilling procedures, $565,000 in the construction of a terminal building and parking lots, and $25,000 in helicopter landing pads and fuel tank arrangements. This does not include the salaries of Hualapai employees who have dedicated years of planning to the development of GCW.

Havasupai Tribe

The Havasupai Tribe believes that the proposed action to limit commercial tours in the SFRA is not stringent enough and that all commercial fixed-wing tour flights should be removed from the Havasupai Reservation.

Navajo Nation

The Navajo Nation has expressed its satisfaction with the proposed rules during discussions pursuant to consultations conducted in accordance with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA).

FAA Response: The FAA has consulted with the Native American interests throughout this rulemaking process. Consultations with the ten Native American Tribes and/or Nations potentially impacted by the proposed rules have been conducted in accordance with NEPA and NHPA, Section 106. Currently, such consultations have concluded for all potentially impacted Native American Communities except the Hualapai Tribe. During the comment process it was brought to the FAA's attention that the Hualapai Tribe had a substantial economic interest in air tour business brought to its reservation via air tour operators operating under FAA Form 7711–1, Certificates of Waiver or Authorization, to deviate from the Green 4 helicopter route and Blue 2 fixed wing route and land on the Haulapai Reservation.

The FAA and NPS recognize that as federal agencies they owe a general trust responsibility to Native American Tribes or Nations, including the Haulapai Tribe. Pursuant to this unique trust responsibility, the FAA and NPS are essentially acting in the interest of the Tribe, however, they do so in the context of other federal statutes and implementing regulations. Of particular concern when considering fulfillment of the federal trust responsibility is the economic development and self-sufficiency of the Native American Tribe or Nation.

Based upon information provided by the Hualapai Tribe, approximately 45% of the Hualapai Tribe's global fund budget is derived from air tour operations at GCW. This income includes air tour operator contracts and landing fees, and the tourist dollars brought to the Hualapai Reservation by air tours. The income from the air tour operations is used to support youth activities and other social programs on the Reservation. In addition, air tour operators employ members of the Hualapai Tribe.

The economic analysis in the regulatory evaluation indicates that this rulemaking would significantly adversely impact the Hualapai Tribe's economic development and self-sufficiency, thereby triggering the FAA's and NPS' trust responsibilities. While the air tour numbers derived from the operators' reported data are not identical to the numbers provided by GCRC, the FAA, using its numbers, still finds the impact of the operations limitation to be significantly adverse. The FAA believes that the numbers provided by GCRC in its comments include flights occurring outside the SFRA. In order to fulfill this trust responsibility, the FAA and NPS are excepting flights from the commercial air tour allocations requirement when those flights meet the following conditions: (1) transit the SFRA along the Blue 2 or Green 4; (2) operate under a written contract with the Hualapai Tribe; and (3) have an operations specification authorizing such flights. This exception is discussed in detail in Section H (7).

G. Discrimination Against Air Visitors

Several commenters believe the proposal suggests an intentional discrimination against the rights of air tour visitors to GCNP as compared to ground visitors. Several general aviation commenters have also suggested that the proposal is discriminatory against GA aircraft in favor of air tour aircraft.

One commenter states that the air tour visitors are not being discriminated against but rather they are being asked to abide by the same type visitation limitations that are imposed on other park visitors.

HAI says that visitation of the Grand Canyon by air is uniquely ecologically friendly because air tour visitors start no fires, leave behind no waste or trash, disturb no plants or soil, introduce no alien species, and remove or deface no artifacts. HAI says that efforts to further restrict air touring of GCNP are fundamentally misguided from an environmental perspective and that the current proposed restrictions will be destructive of the environment and the economy, have no basis in fact, and should be withdrawn.

The Cottonwood Chamber of Commerce (Arizona) says that 95% of park visitors are unaffected by aircraft sound, and that devastation of the air tour industry will result in the loss of aerial viewing opportunities for the elderly, handicapped and those with tight time schedules. The commenter says that many persons choose air tours due to physical or health limitations.

Las Vegas Helicopters states that the proposed rule will stifle access to the Grand Canyon by people who are handicapped, impaired or elderly and goes against the policies established by Congress when it adopted the Americans with Disabilities Act.

FAA Response: It is not the intent of the FAA or NPS to discriminate against visitors (air or ground) to the GCNP nor do the agencies believe this rule discriminates against air tour visitors. Indeed, air tour visitors are in many ways inseparable from ground visitors as over 50% of the air tour visitors to GCNP also visit the Park on the ground. Also, people who are handicapped, impaired, or elderly will continue to enjoy air tour access to the GCNP.

As discussed above in Section C, Congress' intent in adopting this legislation was to manage the airspace in the GCNP and to balance the competing interests. The FAA and NPS believe that the rule adopted today, together with the Final Rule in Docket FAA–99–5926, modifying the airspace and the adoption of the new route structure through the SFRA achieve that balance.

One standard method used by the NPS and other land management agencies to protect resources is to limit access to, or use of, certain resources. To protect the ground resources at GCNP, overnight camping in the backcountry and river rafting, for example, are limited through a permit process. Similarly, a number of services offered by park concessionaires, *e.g.,* lodging, mule rides, etc., have limited availability. At GCNP, only entrance to the Park and dayhiking are available to unlimited numbers of visitors. Air tour visitors are presently the only ''specialized'' park visitors (*i.e.,* river rafters, backcountry campers, mule riders, lodgers, etc.) that are not limited by number.

The agencies do not agree that this rule is misguided from an environmental perspective. While air tour visitors do not have the same type of environmental impact as ground visitors, they do have an environmental impact due to aircraft noise. That impact was recognized by Congress and is the reason for the adoption of Public Law 100–91.

H. Section by Section Review

1. Definitions Section 93.303

This section proposed new terms and definitions for commercial air tour and commercial Special Flight Rules Area Operation.

Several commenters opposed the proposed definition for ''commercial air tour'' because they believe it is too broad. Clark County states that the greatest long-term threats posed by the proposed rulemakings are the ominous precedents they would create for all facets of commercial aviation in the West, especially non-tour operations. Clark County is concerned because the rule leaves open the possibility that commercial transit flights between Las Vegas and Tusayan may be regulated in the same fashion as ''air tours.'' The risk that restrictions on non-tour flights will be imposed is heightened by the vague guidance in the proposed rules regarding what constitutes an ''air tour'' instead of a transit flight. Clark County believes that the list of factors FAA says it will consider leaves too much discretion in FAA's hands and allows no certainty for tour operators. Many of the factors identified (*e.g.,* ''narratives'' referring to areas on the surface, frequency of flights, and area of operations) could apply to all commercial air carrier service operating along established jet routes east of Las Vegas. The danger is even more acute for regional and charter services in the area.

Clark County believes that the threat posed by this precedent extends to commercial aviation beyond the Grand Canyon air tour operators. Almost every commercial flight into and out of Clark County's airports passes over a National Park or Wilderness Area at some point in their route. The suggestion that point-to-point transportation could be the subject of restrictions due to unsubstantiated ''natural quiet'' concerns creates a specter of significant restrictions on aviation in Nevada and elsewhere in the West. It also constitutes an unreasonable, unprincipled and illegal transfer of airspace jurisdiction from FAA to NPS and other federal land managers.

FAA Response: The FAA is adopting the proposed definitions with modification. The definition for commercial air tour is intentionally broad. This definition requires the operator and the FAA to look at the actual flight and the nature of the operator's business to determine whether a flight is considered a commercial air tour. Simply because a flight may have one or two of the characteristics identified in the definition does not necessarily mean it is a commercial air tour. Clearly the more factors that apply to a particular flight, the more likely that flight will be found to be a commercial air tour. The Administrator may give more weight to some factors than others in making a determination under this definition.

This definition is necessary because currently there is no definition for the term ''commercial sightseeing operation,'' which is the term used in part 93, subpart U.

The FAA appreciates the comments voiced by air tour operators regarding the new definition for commercial SFRA operations. The commenters are concerned because the FAA will begin to collect data on all transportation flights and other flights conducted by commercial air tour operators in addition to commercial air tour flights. The FAA also will require reporting for flights conducted under FAA Form 7711–1. The adoption of this definition is necessary, however, so that the FAA and NPS can begin to understand the aircraft patterns in the SFRA. Public Law 100–91 states that noise associated with aircraft overflights at GCNP is causing ''a significant adverse effect on the natural quiet and experience of the park.'' Thus, the FAA hopes that by creating a broad term capturing many types of flights, and requiring reporting of those flights, it can develop a database that more accurately reflects aircraft noise in the park. The term Commercial SFRA Operations by definition only applies to an operator who holds GCNP SFRA operations specifications. This rule is focused on air tour operations, including flights in support of air tours, because the agencies have determined that other types of operations within the SFRA contribute minimal noise overall.

The definition of Commercial SFRA Operation is modified to eliminate the term ''air tour'' from the operations specification reference. This recognizes the fact that the FSDO may issue other types of operations specifications due to changes in market dynamics. The term commercial SFRA operations is broader than the term commercial air tour and includes not only air tours, but also transportation, repositioning, maintenance, training/proving flights and Grand Canyon West flights. Grand Canyon West covers flights conducted under the section 93.319(f) exception. All of these flights will be defined in the ''Las Vegas Flights Standards District Office Grand Canyon National Park Special Flight Rules Area Procedures Manual.'' The term ''commercial SFRA operations'' does not include supply and administrative flights conducted under contract with the Native Americans pursuant to an FAA Form 7711–1 or any other flights conducted under an FAA Form 7711–1.

2. Flight Free Zones and Flight Corridors Section 93.305

The proposed changes to this section incorporate the definitions set forth in section 93.303 by changing the term ''commercial sightseeing operation'' to ''commercial air tour''. While there were several comments on section 93.303 regarding the definition of commercial air tour, there were no comments specific to section 93.305. The changes

to this section are adopted as proposed and are reflected in the final rule addressing the airspace modifications, Docket No. FAA–99–5926.

3. Minimum Flight Attitudes section 93.307

The proposed changes to this section incorporate the definitions set forth in section 93.303 by changing the term ''commercial sightseeing operation'' to ''commercial air tour''. While there were several comments on section 93.303 regarding the definition of commercial air tour, there were no comments specific to section 93.307. The changes to this section are adopted as proposed and are reflected in the final rule addressing the airspace modifications, Docket No. FAA–99–5926.

4. Requirements for Commercial Special Flight Rules Area Operations, Section 93.315

No comments were received specific to this section, thus this section is adopted as proposed. Pursuant to these amendments, section 93.315 is reorganized and revised to remove the capacity limitation on aircraft and to delete the reference to the outdated SFAR 38–2. The FAA believes that removal of the capacity restriction is necessary because it is aware that some air tour operators are using larger capacity aircraft. The FAA wants to ensure that each operator, regardless of the capacity of the aircraft, is held to the same operational and safety standards. This section will continue to require commercial SFRA operators to be certificated under 14 CFR part 119 to operate in accordance with either 14 CFR part 121 or part 135 and to hold appropriate GCNP SFRA operations specifications.

5. Section 93.316

Section 93.316 is removed and reserved as proposed.

6. Curfew Section 93.317

The proposed rule modified section 93.317 slightly to apply the curfew to all commercial SFRA operations. The curfew set forth in current part 93 applies to ''commercial sightseeing operations,'' which is an undefined term.

Some commenters state that the change in the curfew is too broad and captures too many types of flights that are not air tours. GCATC believes the curfew should be eliminated in lieu of the operations limitations cap. Air tour operators contend that the curfews have caused significant loss to operators located at GCNP Airport and air tours should be permitted from 7 a.m. to 7 p.m.

Sunrise Airlines states that the most effective way of restoring natural quite in the GCNP is to remove air tour noise. This penalty against the air tour operators is already in place in the form of curfews for the Dragon and Zuni Point corridors. Using a summer day of 14 hours from sunrise to sunset of which 4 hours is during the curfew, the result is more than 28% of the day has no air tour noise. Sunrise believes consideration also must be given for the many days during the slow months of the winter season when the GCNP attains the goal of ''Substantial Restoration of Natural Quiet''. Sunrise suggests the possibility of imposing a curfew on the current Blue One route, and believes that would restore natural quiet in much the GCNP without the need to either limit growth (allocations) or further limit the airspace available for air tours (routes).

Grand Canyon River Guides Association states that the curfews are not long enough and should be expanded to narrow the window for air tour operations.

The environmental coalition believes that the existing curfew should be applied to all commercial SFRA flights and should be expanded to provide significantly more quiet time after sunrise and before sunset.

FAA Response: The amendment to this section is adopted as proposed. The definition for commercial SFRA operations includes all commercial operations conducted by certificate holders authorized to conduct flights within the GCNP SFRA. Specifically, the types of flights included within the curfew are commercial air tours, training/proving, maintenance, transportation, and repositioning flights. Only flights conducted under FAA Form 7711–1 are not subject to this curfew. This exclusion is necessary because the limitations applicable to these flights are already specifically defined on the FAA Form 7711–1. In some instances, it may be necessary to issue an FAA Form 7711–1 for the Dragon or Zuni Point corridor for flights that may not be subject to the curfew, *e.g.,* NPS or other public aircraft flights. The FAA believes that amending the curfew to include all commercial SFRA operations will improve the management of aircraft noise in the Dragon and Zuni Point corridors.

While a number of commenters requested changes to the curfew hours, or an extension of the curfew to other areas, these issues were not proposed in the NPRM and thus are outside the scope of the proposed rule.

The agencies believe that the curfew is still required on the Dragon and Zuni Point corridors even with the adoption of the operations limitation. The operations limitation will not affect the timing of flights. The FAA and NPS believe that it is important to protect natural quiet during curfew hours in the most heavily visited portions of the eastern portion of the GCNP. The NPS has identified these areas as some of the most sensitive in the park. For computational purposes the NPS has established the 12-hour period between 7 AM and 7 PM, rather than the period from sun-up to sunset, as the ''day'' in the definition of substantial restoration. The fixed curfew that was established in the 1996 final rule makes an important contribution to substantially restoring natural quiet on a daily basis and mitigating noise impacts on the experience of the park visitors in this portion of the Canyon.

7. Operations Limitation Section 93.319

Section 93.319 of the proposed rule sets forth the requirement that an air tour operator must have an allocation to conduct commercial air tours in the GCNP SFRA. The NPRM set forth the following parameters regarding the initial allocation process: (1) Initial allocations would be based on the total number of commercial air tours conducted and reported by the certificate holder to the FAA for the period May 1, 1997 through April 30, 1998; (2) allocations would be apportioned between peak and non-peak season and between Dragon and Zuni Point corridors and the rest of the GCNP SFRA; and (3) an operator's allocation will be reflected in its GCNP SFRA operations specification.

Initial Allocations. Grand Canyon River Guides Association supports capping operations at the level reported by operators for May 1, 1997 through April 30, 1998. However, this commenter adds that there are many more flights that should be counted against allocations such as aircraft-repositioning flights, training flights, and transportation flights.

Many air tour industry commenters state that the initial allocations do not reflect the business operations as of the date of Notice 99–12. All air tour industry commenters state that the 1997–1998 base year used for establishing the allocations was an unusually slow year and does not reflect the typical year for Grand Canyon air tour operations.

NATA stated that the base year for determining allocations (May 1, 1997 through April 30, 1998) was one of the worst years ever. This commenter

contends that it is inappropriate for the FAA to base the future number of tours on any single year and that an average of operations over a multiple-year period would provide more reasonable figures.

Similarly, Papillon Grand Canyon states that May 1, 1997 through April 30, 1998, is not an appropriate year for establishing allocations. Governor Hull also believes that the FAA is using an abnormal, low operation year as a baseline in establishing the allocations for air tours.

Windrock Aviation states that, while there is a provision within the NPRM for certificate holders to request modification of the allocation, the NPRM states specifically that the FAA will not consider increasing an initial allocation because of changes in consumer demand or the fact that the base year was not a busy year, operationally. This commenter says that this would result in the revocation of their certificate and put them out of business. Windrock recommends that, in their case, another year be utilized as the base year without reducing that number of flights from the total number of flights allocated from the remaining air tour operators.

The environmental coalition states that allocations must include all commercial SFRA flights, including river takeouts, FAA Form 7711–1 flights, so-called 'transportation' and 'repositioning' flights, and training flights. Flights that are not truly tour flights should be strictly routed to avoid the SFRA. To a visitor on the ground, each pass is a noise event.

AirStar Helicopters believes that the allocation process is predicated on a flawed and non-factual process and therefore should not exist.

Heli USA states that it should not be subject to any allocations or other limitations because it operates under special authorization granted on FAA Form 7711–1. The commenter says that its operations are in support of the Hualapai Nation, and that its flights are not considered commercial air tours. Heli USA recommends that the FAA clarify that all flights under FAA Form 7711–1 be excepted from the definition of ''commercial air tours.''

A number of air tour operators requested increases in their allocations for specific reasons, in addition to the generic concerns raised above about the representation of the base year. Reasons for these requests can generally be categorized into six main areas: (1) Allocations should be adjusted due to significant aircraft down time during the base year; (2) allocations should be adjusted to incorporate operations that were not reported because they were not conducted in the SFRA but, with the airspace modifications implemented on January 31, 2000, next year will be within the GCNP SFRA; (3) allocations should be adjusted for flights servicing the Grand Canyon West Airport on the Hualapai Reservation; (4) allocations should be adjusted for operators just starting up in the base year; (5) allocations should be adjusted due to FAA error; and (6) allocations should be adjusted where certificate holders merged or acquired the assets of another operator.

FAA Response: The FAA is adopting the operations limitation with modifications discussed below. The FAA and NPS recognize that the operations limitation will limit the ability of the operators to increase the number of commercial air tours in the GCNP SFRA and limit revenue. The FAA and NPS are sensitive to the fact that this limitation may have a trickle down effect with regard to other businesses dependent upon air tour passengers and to the tourism industry generally located in Las Vegas, Nevada and Arizona. However, the NPS recommended in its report to Congress that this operations limitation is necessary in order to control the aircraft noise in the GCNP SFRA and make progress towards reaching the goal of substantial restoration of natural quiet.

Data on operations levels for the year May 1, 1997 through April 30, 1998 comprised the most accurate and current data available during the period that this rule was being drafted. Data subsequently collected from the industry for the year May 1, 1998 through April 30, 1999 show a slight decline in the number of total operations from the previous year. Thus the FAA and NPS believe that the period from May 1, 1997 through April 30, 1998 is a representative year for the purpose of imposing this allocation.

The FAA, in consultation with NPS, seeks to find a balance between the environmental interests of ground visitors and the interests of the air tour industry that will help the agencies manage the GCNP airspace to further achieve substantial restoration of the natural quiet. Thus, to ensure that the allocations process is fair, the FAA has established broad parameters to apply to the various types of allocations issues presented by the operators. Therefore, while the base year remains the same for the implementation of this rule, the FAA has adjusted the air tour allocations in accordance with the following parameters:

First, air tour operators who presented credible documentation indicating significant aircraft down time due to maintenance problems will receive adjusted allocations. The FAA determined that tit would not be in the best interest of safety to penalize an operator who had experienced maintenance problems and removed that aircraft from operation to assure safe operations and therefore did not have that aircraft in operation for much of the base year.

Second, air tour operators who presented documentation that they conducted flights that were not reportable during the base year because they were outside the GCNP SFRA, but would be included in the GCNP SFRA in the future, will not be limited at this time. This exception is adopted at § 93.319(g). The FAA is unable to impose a fair limitation since there was no requirement to report these flights. Upon implementation of this rule, certificate holders will be required to report these commercial SFRA operation. At the conclusion of the first year of reporting, the FAA plans to impose an operational limitation equal to the number of commercial air tours reported for the 12-month period. Additionally, the FAA plans to issue a notice of proposed rulemaking to amend section 93.309(g)

Third, the FAA and NPS have decided to except operators complying with specific conditions from the individual allocation process. This is necessary in order to fulfill the government's trust responsibility to the Hualapai Tribe. As detailed in the regulatory evaluation accompanying this rule, the Hualapai Tribe would be significantly adversely impacted from an economic perspective if the operations limitation were applied to operators servicing Grand Canyon West Airport in support of the Hualapai Tribe. These conditions are as follows:

(1) The certificate holder conducts its operation in conformance with the route and airspace authorizations as specified in its GCNP SFRA operations specifications;

(2) The certificate holder must have executed a written contract with the Hualapai Indian Nation which grants the certificate holder a trespass permit and specifies the maximum number of flights to be permitted to land at Grand Canyon West airport and at other sites located in the vicinity of that airport and operates in compliance with that contract; and

(3) The certificate holder must have a valid operations specification that authorizes the certificate holder to conduct the operations specified in the contract with the Hualapai Indian Nation and specifically approves the

number of operations that may transit the Grand Canyon National Park Special Flight Rules Area under this exception.

Fourth, the FAA is not adjusting allocations for one operator who stated that he was a start-up business. The FAA notes that this operator was issued operations specifications for GCNP on October 21, 1996. The FAA is not considering growth as a factor in its reassessment.

Fifth, the FAA is adjusting some air tour operators' allocations where the operators presented documentable evidence that there was an error in the FAA calculation.

Sixth, the FAA is adjusting some air tour operators' allocations where they have presented documentable evidence of a contractual transaction such as a merger or acquisition. These adjustments were based on the contracts negotiated between the parties and attempt to reflect the agreements negotiated between those parties.

The FAA is not limiting any other types of flights other than commercial air tours. The FAA considers a commercial air tour to be synonymous with the term commercial sightseeing flight as that term is used in part 93, subpart U. Since operators were only required to report commercial sightseeing flights under current § 93.317, the FAA had no regulatory basis for limiting any other type of flight. The FAA also disagrees with some commenters who suggest that non-tour flights should be routed to avoid the SFRA. The SFRA was designed to ensure the use of standardized routes, altitudes, and flight reporting procedures to improve safety. This standardization has significantly decreased accidents and incidents in the GCNP SFRA.

Peak Season Apportionment. Most air tour industry commenters are opposed to the separation of allocations between peak and off-peak season. Some state that there would be no incentive on the part of operators to move off-peak season allocations to peak season and that this separation would be an unnecessary burden.

Papillon indicates that if allocations do become regulation, there should be no restrictions with regard to what season they can be utilized. Park visitation dictates the number of flights that will be conducted in a given season. If allocations are on an annual basis flight usage will follow the historical past.

Papillon also states that the concern that air tour operators may shut down during off-peak season to move off-season allocations into peak-season is not valid. There would be no incentive to move off-season flights to peak-season. This highly technical business requires continuity of personnel, extensive and recurrent training, off-season maintenance, etc. The locale of operation is home for the employees of these aviation businesses and they must sustain their families on a year-round basis. Papillon indicates that the existing limitation on the number of aircraft is more equitable than a limit to the number of tours.

Sunrise Airlines states that a five-month peak season (May–Sept) would be acceptable for purposes of assigning allocations.

Air Vegas also finds no reason to control peak/off-peak season as the marketplace already does this. They are in agreement with May-September being on average busier months but argue that depending on promotional travel campaigns, other months such as March or October have the potential of equal or more enplanements.

Air Grand Canyon and Windrock Aviation propose that, due to the uncertainty of both the weather and tourism, generally, a five month period be utilized to distinguish ''peak'' and ''non-peak'' seasons. As a caveat to the issue of seasonal caps, the commenters recommend that each operator be allowed to shift ten (10) percent of his ''non-peak'' allocation to the first and last month of the peak season in the event the operator should determine that doing so would better utilize his allocation. Air Grand Canyon and Windrock say that this would allow the operator to compensate for whether problems and tourism volume fluctuations. These commenters believe it also would allow the operator to utilize allocations that might otherwise be lost during a substantial and protracted winter period. Finally, these commenters state that implementation of the recommendation would keep the ''non-peak'' allocation from being used during the busiest peak months, thereby avoiding the air corridor ''congestion'' issues that the NPRM anticipates would occur in the event that the operator was allowed to shift all of his allocation to the busiest summer months.

The environmental coalition recommends a seasonal cap to prevent the movement of allocations from one season into another. A peak-season term of May 1 to September 15 is proposed. Certain areas of the park are completely unusable to visitors that seek natural quiet. This coalition recommends that a 24 hour per day tour free season be established for at least the eastern half of the SFRA from September 15–December 15 (this period being prior to the snow season). Additionally, it recommends a daily reservation limit as is applied to other park activities. Such a limit would control the maximum daily number of air operations per route.

ARA is also concerned about allocations shifting into low noise time periods and lesser-used flight routes. This commenter favors the caps becoming far more specific, such that low use periods and areas of the Canyon don't ''fill in'' given the inadequacy of the restoration standard.

FAA Response: The FAA is not adopting the peak season apportionment for allocations at this time. The FAA is adopting the Dragon and Zuni Point corridor apportionment. The FAA has a number of statutory obligations that apply in this rulemaking in addition to the statutory mandate set forth in Public Law 100–91. These obligations include compliance with the Small Business Regulatory Evaluation and Flexibility Act (SBREFA). SBREFA requires the FAA to consider the impact of FAA regulations on small businesses and to mitigate adverse impacts if possible. In an effort to strike a balance and fulfill the FAA's statutory obligations under Public Law 100–91 and SBREFA, the FAA is not apportioning the allocations between peak and off-speak season. By eliminating this additional allocation restriction, the operators will have some flexibility in their business operations so that they can mitigate revenue losses that this operations limitation may cause them.

The FAA and NPS, however, are still concerned about the level of noise in the GCNP, especially during the peak summer season. Since the goal of this rule is to limit operations to control noise, any significant increases in noise during the summer season when noise in the GCNP is the highest would frustrate that goal. Thus, the NPS will be closely monitoring the noise levels in the GCNP over the next two years to determine whether the noise level in the park is increasing, remaining constant or decreasing. If the NPS determines that the noise levels in the GCNP are increasing during the summer season, it may be necessary to adopt a peak season apportionment of allocations in two years.

The FAA also will closely monitor the level of air tour traffic through the GCNP SFRA to ensure that safety is not compromised by air tour operators concentrating their allocations during the summer time period. If congestion becomes a significant problem during certain time periods such that safety is compromised, the FAA may need to take action to mitigate the problem. As noted in the NPRM, the FAA's Airport and Airspace Simulation Computer

Model (SIMMOD) demonstrated significant use of the routes during the peak season. At this time, based on the information obtained from the operators regarding their current operations, and the specific provisions that are being adopted for operators servicing the Hualapai Indian Reservation at Grand Canyon West airport, the FAA believes that it is not necessary to impose the peak season apportionment from a safety perspective.

While some operators oppose having any restrictions on allocations at all, the FAA and NPS have determined that it is necessary to apportion allocations between the Dragon and Zuni Point corridors and the rest of the GCNP SFRA. This apportionment is necessary because the noise in the Dragon and Zuni Point corridors is higher than elsewhere in the SFRA. For instance, the FAA regulatory evaluation accompanying this rule notes that fixed wing aircraft and helicopters that feature or include the Dragon corridor account for just over 45% of all air tours during the base year. Zuni Point tours account for just over 19% of all air tours. By apportioning allocations, the noise in the Dragon and Zuni Point corridors should not increase overall. Additionally, this restriction will help to maintain the number of air tours in these corridors at a manageable level.

The FAA is not adopting the suggestions that a tour free season be imposed on the eastern half of the SFRA or that a daily reservation limit be imposed on the air tour operators. Neither of these suggestions were considered in the proposed rule, thus they are outside the scope of this rulemaking.

8. Transfer and Termination of Allocations Section 93.321

This section, as proposed in the NPRM, established that allocations are an operating privilege, not a property right. It also sets forth certain conditions applicable to allocations, namely: (1) Allocations will be reauthorized and redistributed no earlier than two years from the date of this rule; (2) any allocations held by the FAA at the time of reauthorization may be redistributed among remaining certificate holders proportionate to the size of each certificate holder's current allocation; (3) the aggregate SFRA allocations will not exceed the number of commercial air tours reported to the FAA for the base year of May 1, 1997 through April 30, 1998; and (4) allocations may be transferred subject to several restrictions. The proposed restrictions on allocation transfer were as follows: (1) These transactions are subject to all other applicable requirements of this chapter; (2) allocations designated for the rest of the SFRA may not be transferred into the Dragon or Zuni Point corridor, but allocations designated for the Dragon and Zuni Point corridor may be transferred into the rest of the SFRA; and (3) a certificate holder must notify the Las Vegas Flight Standards District Office within 10 calendar days of an allocation transfer.

This proposed section also contained a reversion provision whereby the allocations reverted back to the FAA upon voluntary cessation of commercial air tours in the GCNP SFRA for any consecutive 180-day period. Additionally, the FAA retained the right to redistribute, reduce or revoke allocations based on several conditions.

Property Interest: Papillon states that allocations must be considered a property interest; to not consider them as such would be tantamount to the unconstitutional seizure of property. This commenter states that their company and others have spent millions of dollars in the development of employees, facilities, equipment, marketing, promotion, good will, etc., yet the business would be of little value if allocations were only an operating privilege. Papillon believes that allocations if imposed must be an intangible asset belonging to each respective air tour company.

FAA Response: The FAA is adopting without change the limitation that allocations are not a property interest. Title 49 U.S.C. § 40103(a) states that the ''United States Government has exclusive sovereignty of airspace of the United States.'' The FAA is authorized to develop plans and policy for the use of navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. See 49 U.S.C. § 40103(b). Under 49 U.S.C. § 44705(a), all air carriers or charter air carriers are required to hold an operating certificate issued by the FAA authorizing the named person to operate as an air carrier. This operating certificate is issued only after the FAA makes a finding the ''the person properly and adequately is equipped and able to operate safely under [the law].'' Operating certificates may be amended, modified, suspended or revoked by the FAA as prescribed under Section 44709.

Thus, the FAA has been granted clear authority to regulate airspace and air carriers. The FAA has used this authority, together with its authority in Public law 100–91, to establish the GCNP SFRA and to regulate for noise efficiency. Given its clear mandate to regulate airspace, the FAA cannot grant property rights to an air carrier to use the airspace. Thus an allocation must be an operating privilege.

Two year limitation; Several air tour industry commenters believe that the two-year trial term for the proposed rule puts them at a severe hardship since they will be unable to predict the future of their business activity. These operators argue that the allocation system should not be imposed, but if adopted it should be guaranteed not to decrease.

Sunrise Airlines states that allocations assigned to each operator must not be decreased for a period of at least five years. Less than five years will discourage any potential movement towards quiet aircraft technology.

NATA states that the two-year term of the allocations would impair an operator's ability to invest in new equipment and technologies by allowing for further reductions in the number of tours permitted. NATA points out that operators must have some predictability with regards to the future level of activity in order to obtain financing for capital improvements, investment in quiet technology aircraft, and other business-related investments. In addition, because the allocation system is based on a review of only one year's operations, many businesses will experience significant reductions in activity, further restraining the financial situation of the operators.

Some members of the Arizona State Legislature state that the noise evaluation methodology that will be used during the two-year period that flight limitations are imposed is a cause for great concern among air tour operators. The sound threshold set for Zone 2 is so low that aircraft will be unable to avoid exceeding it, thereby setting the stage for further restrictions at the end of the two-year period.

The Public Lands Committee of the Sierra Club, Utah Chapter, states that it conditionally supports the FAA capping the number of flight operations at 88,000 annually. However, this commenter cannot support the tentative ''try it two years and then we'll see'' aspect of the proposal.

FAA Response: The FAA is adopting the provision that permits it to reauthorize and redistribute allocations no earlier than every two years. This provision will require allocations to remain unchanged by the FAA for a twenty-four month period from the effective date of this rule. At the end of that time period, the FAA may, but is not required, to engage in another rulemaking to address additional data submitted under § 93.325, updated

noise analysis or the status of the Comprehensive Noise Management Plan. The only way in which allocations could be changed in a shorter time period, would be if it were necessary for the FAA to utilize its authority to regulate for safety. Noise is not a component of the conditions in this section.

The FAA and NPS believe it is necessary to permit modifications of the allocations on a 2-year term based upon the results of additional noise analysis. This is to allow NPS the ability to address noise issues that arise that may impede its ability to meet the statutory goal of substantial restoration of natural quiet as set forth in Public Law 100–91. Thus, for instance, if noise in the GCNP SFRA is increasing due to an increase in commercial SFRA operations, further limitations may be necessary.

The NPS acknowledges that efforts to achieve substantial restoration of natural quiet are path breaking, complex, and controversial. Perhaps the greatest confusion has resulted from the noise evaluation standards employed by the NPS, and specifically the ''8 decibels below ambient.'' While the 8 decibels below ambient standard is a somewhat technical issue, it may be most easily thought of as a mathematical conversion factor necessitated by the computer modeling. The FAA's computer model (INM) uses a ''weighting'' (averaging) process to derive a single, ''average'' value to describe the ambient level. The NPS' computer model (NODSS) uses multiple frequency bands. NODSS, like the human ear, can discriminate sounds by both frequency and volume. It is well accepted in the acoustic community that sounds can be heard below the ambient level. In this case, aircraft sounds may be heard below the ambient level because the aircraft is producing sounds of a different frequency than found in the natural environment. Thus, to use INM and to capture the moment when aircraft become audible, a conversion of minus 8 decibels from natural ambient conditions is used. The minus 8 is derived from laboratory studies that showed that sounds of different frequencies become audible at between minus 8 and minus 11 decibels below ambient. To reiterate, the minus 8 decibels below ambient is not the sound level at which aircraft must operate or the acoustic level that must be achieved. It is a mathematical conversion necessitated by the computer modeling. The minus 8 decibels below ambient describes the ''starting point'' at which the measurement of substantial restoration begins.

Transfer. The Public Lands Committee of the Sierra Club, Utah Chapter, states that what is called for, given expiring time under the 1987 law and 1996 Executive Order, is a decreasing cap until operations are returned to approximately 1975 levels. Congress first identified the noise as a problem as far back as 1975, and Public Law 100–91 was the logical, decisive sequel for a problem only getting worse.

Windrock Aviation and Grand Canyon Air say that limiting the transfer of allocation destroys the value of the business that is entitled to make its profits from the allocation it is otherwise allowed. Additionally, these provisions, along with the provisions of the NPRM limiting the number flights that can be flown, generally, severely impact on the ability of those who might otherwise attempt to establish a profitable business in the flying of scenic tours at the GCNP. They believe that the economic impact of these issues was not raised in the NPRM. These commenters add that limitations on allocation transfer should be dropped from the NPRM, and that free market capitalism should be allowed to control what each individual operator does with its allocations.

ARA believes that allocation caps should not be transferable and supports the notion that allocations that fall into disuse be retired. The retirement of some allocations over time may prove to be the most viable method for reducing air tours toward levels of 1987. It is important not to squander the opportunity that the FAA has to maintain control over allocations of ''time in airspace,'' not allow transfers of allocations between operators, and retire underutilized allocations.

The Environmental Coalition opposes any transfer of allocations from one corridor to another citing possible deterioration of conditions in less-noisy areas.

FAA Response: The FAA is adopting Section 93.321(b)(1)–(4) without modification. The purpose of this operations limitation is to maintain status quo and prevent the noise levels in the GCNP from increasing while the Comprehensive Noise Management Plan is developed. The limitation is not designed to be a declining cap. Thus the FAA is not adopting the request to impose a declining cap. Consistent with the intent of Public Law 100–91, as expressed in the legislative history surrounding the adoption of that law, the FAA is not attempting to ban air tours in the GCNP. It is seeking to make progress toward the mandated goal of substantial restoration of natural quiet.

Thus to provide the operations with some flexibility to meet varying demand, the FAA is permitting allocations to be transferred among air tour operators subject to three restrictions. First, all certificate holders are required to report any transfers to the Las Vegas Flight Standards District Office in writing. Permanent transfers (mergers/acquisitions) require FAA approval through the modification of the operations specifications. Temporary transfers (seasonal or monthly/weekly/daily leases) are effective without FAA approval. The FAA will not modify operations specifications for temporary arrangements.

Second, certificate holders are subject to all other applicable requirements in the Federal Aviation Regulations. Third, allocations authorizing commercial air tours outside of the Dragon or Zuni Point corridors are not permitted to be transferred into the Dragon or Zuni Point corridors. Allocations specified for the Dragon and Zuni Point corridors may be used to other routes in the GCNP SFRA. The FAA believes it is necessary to maintain some restrictions on allocation transfers to safety manage the airspace and manage aircraft noise. This is especially important since the Dragon and Zuni Point corridors tend to be the busiest locations in the park for air tours. The FAA does not see any reason to limit transfer of allocations from the Dragon and Zuni Point corridor into the rest of the SFRA since this airspace is not as congested as these corridors and the noise level is not as high. Additionally, given the consumer demand to see the Dragon and Zuni Point corridors by air, the FAA does not believe that significant levels of tours will be transferred from those corridors into the rest of the SFRA.

Termination after 180-day lapse. Several air tour industry commenters state that the period allowed for inactivity should be lengthened. This is of particular concern for small operators that are susceptible to slow-downs inherent in the business.

Windrock and Air Grand Canyon (AGC) recommend that this provision be dropped. They note that it is possible for an operator to use all of its non-peak allocations early in the non-peak season and delay using its peak season allocations until a month after the peak season starts and thereby lose its allocations because of the 180-day lapse rule. These commenters maintain that this portion of the NPRM makes no logical, financial, or ''noise reduction'' sense. Windrock and AGC state that ''the taking away of 'allocation' that has not been used for 180 days by any

scenic tour operator is inconsistent with both the rights of the tour operators and the stated purpose of PL 100–91.''

Papillon states that in fairness to all operators, but in particular small operators, the period allowed for inactivity should be lengthened. Small operators are most susceptible to slow downs caused by the seasonal nature of the business, equipment failures, serious illness of key employees or other adversities beyond the operators' control. Papillon proposes that subsequent to a 180-day inactive period, the FAA should secure a ''Statement of Intent to Operate'' from the tour operator. This statement would outline the operator's business plan for the following three-year period. If upon the three-year anniversary of that statement, the operator has not resumed air tours or sold the business, the FAA would reassign its allocations on a *pro rata* basis to the other active operators.

AirStar Helicopters maintains that 180 days is too arbitrary and recommends a minimum of 360 days, especially in light of the ''use it or lose it'' provisions.

The proposed 180-day lapse period is supported by the Environmental Coalition.

FAA Response: This provision is adopted with the modifications discussed below. The FAA recognizes that the loss of an air tour operator's allocations would be a significant action. It is not the intent of this provision to be punitive. Rather the intent is to ensure that allocations are distributed amongst operators who are conducting an air tour business in the GCNP SFRA. The use or lose provision is important because it recognizes that the FAA is the sole controller of the allocations. If not used, the air tour operator will lose its allocations, thus its operating privilege in the GCNP SFRA, and the FAA will assert its control.

Based on comments from the air tour operators, the FAA, in consultation with NPS, is modifying this section to establish a show cause provision prior to the end of 180 consecutive days. Under this provision, an operator who does not use its allocations for 180 consecutive days, but who intends to do so in the future, must submit a written request for extension to the Las Vegas FSDO prior to the expiration of the 180-consecutive-day period. This written request must show why the operator did not conduct business during the prior 180 days and when it intends to resume business operations. In response the FSDO will issue a letter indicating whether the request for an extension is approved and the length of the extension granted, if any, which will not exceed 180 consecutive days. Operators will be allowed to request one extension; thus the maximum amount of time an operator would be granted under the use or lose provision would be 360 days.

9. Flight Plans Section 93.323

This section of the NPRM proposed to require each certificate holder conducting a commercial SFRA operation to file an FAA visual flight rules (VFR) flight plan with an FAA Flight Service Station for each flight. Each flight segment (one take-off and one landing) would require a flight plan. Each certificate holder filing a VFR flight plan will be responsible for indicating in the ''remarks'' section of the flight plan the purpose of the flight. There will be at least six possible purposes: commercial air tour; transportation; repositioning; maintenance training/proving and Grand canyon West. The term ''commercial air tour'' will be as already defined in the proposed rule. The other five terms will be defined in the ''Las Vegas Flight Standards District Office Grand Canyon National Park Special Flight Rules Area Procedures Manual'' as follows:

1. Transportation—A flight transporting passengers for compensation or hire from point A to point B on a flight other than an air tour.

2. Repositioning—A non-revenue flight for the purpose of repositioning the aircraft (*i.e.,* a return flight without passengers that is conducted to reposition the aircraft for the next flight).

3. Maintenance flight—A flight conducted under a special flight permit, or a support flight to transport necessary repair equipment of personnel to an aircraft that has a mechanical problem.

4. Training/proving—A flight taken for one of the following purposes: (1) pilot training in the SFRA; (2) checking the pilot's qualifications to fly in the SFRA in accordance with FAA regulations; or (3) an aircraft proving flight conducted in accordance with section 121.163 or 135.145.

5. Grand Canyon West flight—A flight conducted in accordance with conditions set forth in section 93.319(f).

One commenter explained that using flight plans to ensure compliance with the commercial air tour limitations is a flight safety hazard. If pilots are required to open VFR flight plans, an additional workload will detract from the necessary concentration in monitoring approach control and/or enroute frequencies while maintaining a constant visual vigil.

Air Vegas notes that its past experience with filing VFR flight plans was not positive. It encountered difficulty and confusion when numerous aircraft attempted to contact the flight service station to open VFR flight plans simultaneously. This commenter stats that the opening and closing of VFR flight plans by the pilots, particularly the opening, is unacceptable. The commenter says that all operators from Las Vegas follow the same route from Hoover Dam to the GCNP SFRA. Once inside the GCNP SFRA all aircraft are on the same route, which makes the airspace to and in the GCNP SFRA heavily concentrated. If pilots are required to open VFR flight plans, an additional workload will detract from the necessary concentration in monitoring approach control and/or enroute frequencies while maintaining a constant visual vigil.

FAA Response: This section is adopted with modification. The information obtained from the flight plan will be used to ensure compliance with the commercial air tours operation limitation. Certificate holders may wish to develop ''canned'' flight plans that may be opened and closed quickly. Copies will not have to be maintained. The FAA does not believe this poses an unreasonable burden on the pilot since the pilot does not have to open or close the plan. The rule specifies that the certificate holder is responsible for filing a VFR flight plan. Thus the certificate holder must designate someone who will be responsible for this task. It could be a pilot or a dispatcher or someone else employed by the certificate holder who is assigned this duty. At this time, the FAA does not believe that there will be a resource problem at the flight service stations due to this new requirement. However, the FAA will be closely monitoring this situation and will take action to mitigate any problems that may develop. Certificate holders conducting operations under § 93.309(g) are not subject to the VFR flight plan requirements and must continue to file an IFR flight plan for GCNP SFRA operations in accordance with their operations specifications.

10. Reporting Requirements Section 93.325

The FAA also proposed to modify the reporting requirements by requiring quarterly reports instead of trimester reports. The FAA requested comments on requiring reporting from operators conducting operations in the GCNP SFRA under an FAA Form 7711–1. A question also was raised in the NPRM

as to the time standard that should be used in the reports.

No comments were received on the switch from trimester to quarterly reporting. Several air tour industry commenters state that reporting requirements should not be imposed as a condition of FAA Form 771–1. Papillon states that the increased regulation of operations conducted under this form would harm the Native American Tribes who are the beneficiaries of these activities. Furthermore, these commenters state that since these forms are granted under tight restrictions there is no need for further control.

Several commenters suggest that Mountain Standard Time should be used for the quarterly reporting requirements. GCATC states that their membership is evenly divided on which time measurement to use.

The Environmental Coalition states that the reporting requirements should be applied to all commercial SFRA flights, including transportation, repositioning, maintenance, FAA Form 7711–1, and training flights. Complete reporting will allow better planning and evaluation of resource degradation.

FAA Response: The FAA is adopting this provision without modification. Therefore, under the Final Rule, all commercial SFRA operations, including those conducted under §§ 93.309(g) and 93.319(f), must be reported on a quarterly basis to the Las Vegas Flight Standards District Office. Since commenters are divided on the time measurement issue, the FAA has decided that operators are required to report operations using UTC time. The information submitted in these reports will be used by the FAA and NPS to assess the noise situation in the GCNP and in development of the Comprehensive Noise Management Plan. Certificate holders will continue to submit their reports in written form. Electronic submission is preferable and encouraged.

Additionally, the FAA will require operators conducting operations under an FAA Form 7711–1 to report those operations to the Las Vegas FSDO. The FAA and NPS need this information to develop a clearer picture of the types and numbers of flights operating in the GCNP SFRA. The reporting will be set forth as a condition of the FAA Form 7711–1. This requirement will apply to public aircraft, such as NPS aircraft, as well. The FAA does not believe requiring operators to report FAA Form 7711–1 flights will harm the Indian tribes.

The reporting requirements will become effective 30 days after publication. Because the rule is being implemented after the start of a quarter, operators will report 30 days after the close of the first trimester (January—April) under the old rule, 30 days after the end of June for the May—June time period. July 1st would then start the quarterly reporting requirement.

Paperwork Reduction Act

Information collection requirements pertaining to this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), and have been assigned OMB Control Number 2120–0653. No comments were received on this information collection submission. 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 Office of Management and Budget (OMB) control number.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

Regulatory Evaluation Summary

This rule is considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979) but is not considered a significant regulatory action under Executive Order 12866.

Proposed and final rule changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980, as amended March 1996, requires agencies to analyze the economic effects of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade.

The final rule will impose a significant economic impact on a substantial number of small entities. In terms of international trade, the rule will neither impose a competitive trade disadvantage to U.S. air carriers operating domestically nor to foreign air carriers deplaning or enplaning passengers within the United States. This rule does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

The FAA analyzed the expected costs of this regulatory proposal for a 10-year period (2000 through 2009). All costs in this analysis are expressed in 1998 dollars.

This summary examines the costs and benefits of the final rule that will temporarily limit the number of commercial air tours that may be conducted in the Special Flight Rules Area (SFRA) of the Grand Canyon National Park (GCNP). This rule is necessary as part of an effort to achieve the statutory mandate imposed by Public Law 100–91 to provide substantial restoration of natural quiet and experience in GCNP.

The estimated 10-year cost of this regulation will be $155.4 million ($100.3 million, discounted). The majority of the impact of this regulation will be $154.3 million, ($99.6 million, discounted) in lost revenue (net of variable operating costs) due to the imposition of air tour operations limits. After two years, this requirement may be reviewed and subject to change. At the end of the two years review, the cost in lost revenue will be $13.2 million ($11.9 million, discounted). The status of the quiet technology rulemaking and the Comprehensive Aircraft Noise Management Plan will also be taken into consideration at that time. The estimated 10-year cost of the other provisions to air tour operators is $30,000 or $23,000, discounted. FAA costs are estimated at $1.06 million or $746,400, discounted over ten years.

The primary benefit of this rule is its contribution toward meeting the statutory mandate of substantially restoring natural quiet in GCNP. Quantifiable benefits are the use benefits perceived by individuals from the direct use of a resource such as hiking, rafting, or sightseeing. The estimated 10-year use benefits for ground visitors only, as a result of this rule, are $20.36 million, discounted at 7 percent. In addition to these use benefits, this rulemaking may generate non-use benefits. The non-use benefits of this rulemaking along with the associated rule and commercial air tour routes notice include reduction in existing commercial air tour aircraft noise impacts to certain traditional cultural properties of importance to several Native American Tribes and Nations in the vicinity of the Grand

Canyon National Park. Related benefits to these Native Americans include protection of their religious practices from interference from overhead commercial air tour aircraft flights. The FAA, at this time, does not have adequate data to estimate these non-use benefits of commercial air tour aircraft noise reduction at the Grand Canyon National Park and adjacent traditional cultural properties, but believes that they are significant. The FAA is promulgating this rule in response to congressional mandate.

Commercial Air Tour Industry Profile

The Grand Canyon is the most active commercial air tour location in the United States. Based on Grand Canyon air tour operator reports, requirements contained in § 93.317, and comments containing additional statistical detail, the FAA has revised its original estimates for the first full year of reporting (May 1, 1997 through April 30, 1998)—hereafter referred to as the baseline period, from approximately 88,000 to 90,000 commercial air tours. These air tours provided aerial viewing of the Canyon to about 642,000 passengers, and accounted for just under $100 million ($99.3 million) in revenue. In the baseline period there were 24 air tour operators reporting, 17 of whom conducted air tours over GCNP in airplanes, 6 in helicopters, and 1 operator in a mixed fleet.

Benefits

The primary intended benefit of this rule is its contribution toward achieving the statutory mandate imposed by Public Law 100–91 to substantially restore natural quiet in GCNP. The FAA's and NPS' benefits analysis is limited to commercial air tour aircraft noise because only commercial air tours will be affected by this rule.

The policy decision of GCNP is that a substantial restoration requires that 50% or more of the park achieve ''natural quiet'' (*i.e.,* no aircraft audible) for 70–100 percent of the day. That level of ''quiet'' (50 percent) does not exist today in the park, in spite of past actions to limit noise. Based on noise modeling, the FAA estimates that today only about 32 percent of the park area has had natural quiet restored. Furthermore, if no additional action is taken, estimated future air tour growth will reduce that number to about 25 percent in 9 to 10 years. On the other hand, noise modeling indicates that this rule, together with the other two FAA actions, will increase the restoration of natural quiet to slightly more than 41 percent and maintain that level in the future. The FAA will monitor future operations in the park to determine the actual level of natural quiet that is restored.

Increased Value of Ground Visit Analysis

The benefits of aircraft noise reduction attributable to this rulemaking can be broadly categorized as use and non-use benefits. Increased use benefits from reduced aircraft noise are the added benefits perceived by ground visitors from the direct use of a resource such as hiking, rafting, or sightseeing. However, use benefits also include the benefits perceived by individuals taking air tours. If restrictions are imposed on air tour operations, some of the use benefits perceived by individuals taking air tours will be lost. The benefits to air tourists have not been quantified due to a lack of information. The benefits to ground visitors due to this rulemaking have been quantified and are presented below. Non-use benefits are the benefits perceived by individuals from merely knowing that a resource exists, or is preserved, in a given state. The non-use benefits attributable to this rulemaking have not been estimated.

An economic study has not been conducted specifically to estimate the benefits of this rulemaking. While generally accepted methodologies exist to estimate such values, those techniques are costly and require a significant period of time for the requisite study design, data collection, and analysis steps. An alternative to these resource-intensive techniques is the ''benefits transfer'' methodology. That methodology combines value estimates from existing economic studies with site-specific information (in this case, regarding visitation levels and the nature and extent of noise impacts) to estimate benefits. The benefits transfer methodology has been accepted as an appropriate methodology for estimating natural resource values in two other rulemakings.

The benefits transfer methodology was used to estimate the benefits of this rulemaking where sufficient information existed to do so. This estimation was possible for ground visitors to GCNP, but not for air tourists or for the non-use benefits.

Benefits of Ground Visitors

The site-specific information used in the estimation of benefits accruing to ground visitors includes visitation data for GCNP for calendar year 1998 and a visitor survey conducted to document the visitor impacts of aircraft noise within GCNP. The available visitation data for GCNP permits the categorization of visitors into backcountry users, river users, and other visitors. The activities included in the ''other visitors'' category primarily involves canyon rim sightseeing, as well as other activities not related to backcountry or river use. The total number of visitor-days in 1998 for these visitor groups was 92,100 for backcountry, 66,900 for river and 5.31 million for ''other visitors''.

For purposes of this benefits estimate, the number of visitor-days at GCNP is assumed to remain constant at 1998 levels throughout the evaluation period of the rulemaking. The GCNP visitor survey indicates that these different visitor groups are variously affected by aircraft noise. This survey asked respondents to classify the interference of aircraft noise with their enjoyment of GCNP as either ''not at all'', ''slightly'', ''moderately'', ''very much'', or ''extremely''.

The economic studies selected for use in the benefits transfer discuss visitor-day values, which are also known as ''consumer surplus''. Consumer surplus is the maximum amount an individual would be willing to pay to use a resource, minus the actual costs of use. It is a measure of the net economic benefit gained by individuals from participating in recreational activity.

The visitor-day value for backcountry use, $37.13, was derived from a national study of outdoor recreation. The visitor-day value for river use, $92.44, was derived from the economic analysis contained in the Final Environmental Impact Statement for Glen Canyon Dam operations. The visitor-day value for all other visitor uses in GCNP, $48.72, was derived from an economic analysis of recreation at Bryce Canyon National Park.

FAA assumed that these visitor-day values represented the net economic benefits obtained from recreational uses in GCNP absent any impacts from aircraft noise. Therefore, it is important to note that these values potentially under-state recreational benefits to the extent that they were estimated in conditions where aircraft noise was present.

There is no known economic study that estimates the reduction in the value of recreational uses due to aircraft noise for areas similar to GCNP. Therefore, reductions were assumed in the present analysis. The data and assumptions imply the total value of $17.7 million, which was calculated as the product of the number of visitor-days, the proportion of visitors affected by aircraft noise, the visitor-day value, and the assumed proportional reduction in the visitor-day value, for respective impact levels and visitor categories.

The benefit of this rulemaking is that portion of the total lost value that is associated with the resulting future levels of noise reduction. Through aircraft noise modeling, FAA has predicted the number of square miles within GCNP that would be affected by various levels of aircraft noise, both with and without the commercial air tour limitation.

The reductions in aircraft noise were applied to the total lost consumer surplus value from all aircraft noise in 1998 ($17.73 million) to estimate the current use benefits for future years. This calculation assumes that benefits increase linearly with noise reduction (*i.e.,* a constant marginal benefit from noise reduction). The resulting use benefit estimates the sum to $31.29 million ($25.83 million at the 3 percent discount rate and $20.36 million at the 7 percent discount rate) over ten years. The use benefits for this rule and the airspace final rule will be $45.86 million over ten years, discounted at 7 percent.

Benefits of Air Tourists

The use benefits perceived by individuals taking air tours will likely decrease as a result of this rulemaking. This is due to a reduction in the number of air tours that will be available because of the commercial air tour limitation. FAA estimates that the number of commercial air tours in GCNP would increase an average of 3.3 percent per year without this rulemaking. The effect of the commercial air tour limitation will be to control the number of air tours on affected routes by limiting the amount of growth that would otherwise occur.

FAA estimates that commercial air tours serving approximately 530,000 air tourists in the base year will be subject to the limitation. Assuming that the passenger capacity and load factors for commercial air tours remain constant, the impact of the commercial air tour limitation will be to eliminate the average 3.3 percent annual growth rate in air tourists that would otherwise occur.

The FAA was unable to estimate the visitor-day value of air tourists, given the available data. Nevertheless, an average visitor-day value for air tourists that exceeds the visitor-day value for ground tourists would suggest the use benefit losses of air tourists exceed the use benefit gains of ground tourists. The undiscounted total use benefits of ground tourists from 2000 to 2009 was estimated above as $31.29 million, given the commercial air tour limitation only. Dividing that value by the estimated 1,490,000 individuals who will be potentially excluded from taking air tours over the same period indicates a threshold value for air tourists of $18.70 per visitor-day. The threshold value for air tourists given both the commercial air tour limitation and route changes is $40.06 per visitor-day.

It is important to recognize that this simple analysis of air tourist use benefits does not necessarily indicate a complete loss of benefits associated with this rulemaking. As noted above, increases in either the passenger capacity or load factors of affected flight operations will decrease the reduction in use benefits of air tourists.

Benefits to Native American Communities

Benefits of this rulemaking and the associated airspace rulemaking and the changes to the commercial air tour routes also include those accruing to several local native American cultural and religious practices. The overall size of the 20 LAEQ12hr noise exposure area over tribal lands will be reduced as a result of these actions. This rulemaking and related actions will also reduce air tour aircraft noise levels from the existing noise levels over certain traditional cultural properties and ensure increased privacy and protect Native American religious practices (however, some traditional cultural properties in the vicinity of the direct routes from Las Vegas to the Grand Canyon Airport will receive an increase in noise).

Costs of Compliance and Regulatory Flexibility Determination and Analysis

The FAA estimates that the regulation will result in a potential reduction in future net operating revenue of $154.3 million ($99.6 million, discounted). Additionally, the FAA estimates that there would be approximately $22,320 ($20,860 discounted) start-up costs to operators to implement the flight plan (*i.e.,* filing, activating, and closing a flight plan) adopted from this rulemaking. For quarterly reporting and the other provisions of the rule ((1) requesting modification and initial allocations and (2) transfer of allocations), the cost to air tour operators is estimated to be $30,000 over ten years or $23,000, discounted. Finally, the FAA costs over the next 10 years (including initial allocations) will be $1.06 million or $746,400 discounted. In sum, the total cost of this rule over the next 10 years will be $155.4 million or $100.3 million, discounted.

The main economic impact resulting from the commercial air tour limitation in the GCNP SFRA is the reduction in potential future net operating revenue. This can be calculated by subtracting the net operating revenue associated with the projected future number of commercial air tours under the air tour limitation from the net operating revenue associated with the projected future number of commercial air tours without the air tour limitation.

The baseline period gross operating revenue by route was calculated by multiplying the estimated number of passengers that flew on a specific route for a specific operator by the published retail fare. Variable operating costs for GCNP air tour operators are defined as the costs for crews, fuel and oil, and maintenance per flight hour. Baseline net operating revenue for each aircraft by route is the difference between the gross operating revenue for each route by aircraft and the variable operating costs for each route by aircraft. An air tour operator's total net operating revenue is the sum of the net operating revenues from all of the routes used by that air tour operator.

Commercial air tours in GCNP currently are fixed to the extent that air tour operators cannot increase the number of aircraft shown on their operations specifications for use in the GCNP SFRA. The FAA estimated the future number of monthly operations without the final rule. In some cases, it would not be practically feasible to conduct more air tours in a given day because the aircraft were already used to their fullest extent practical.

The final rule assumes that the allocations awarded to each operator will be valid for a two-year period. After that time, the air tour operator's allocations may be revised for various reasons. In this analysis the FAA assumed that this allocation would continue beyond two years.

The analysis does not take into consideration that air tour operators could switch from smaller-sized aircraft to larger-sized aircraft. Consequently, in this analysis, the number of available seats is fixed throughout the entire time period. Holding the number of seats constant and assuming that more individuals will want to take air tours in the future implies that air tour operators should be able to raise air tour prices. This analysis does not consider a new equilibrium price given that supply becomes fixed while demand increases.

Cost of Operating Scenario to Operators—Uniform Year With No Peak/Off Peak Delineation on Commercial Air Tours

In the final rule, the FAA is not adopting either peak season

apportionment for allocations discussed in the NPRM Based on these decisions:

• After the first two years, the certificate holder's allocations may be revised based on the data submitted under § 93.325, an updated noise analysis, and/or the status of the Comprehensive Noise Management Plan.

• Allocations will be separated into those that may be used in the Dragon and Zuni Point corridors and those that may be used in the rest of the SFRA except in the Dragon and Zuni Point corridors. Dragon and Zuni Point corridor allocations again will be determined based on the number of operations an air tour operator conducted in this region for the base year period. Operators conducting no operations in these corridors for the base year will receive no allocations for this region.

The final rule will limit all commercial air tours in the GCNP SFRA on a 12 month basis so that such operations conducted by certificate holders in the SFRA do not exceed the amount of air tours reported in accordance with current § 93.317 for the base year. The number of commercial air tours that a certificate holder can conduct will be shown on the certificate holder's operations specifications as allocations.

Revisions in Accordance With Specific Rule Changes in Consideration of the Hualapai Tribe and Substantial Economic Impact

Ninety percent of the helicopter and 10 percent of the airplane tours that are conducted along the SFAR 50–2 Green 4 and Blue 2 air tour routes respectively, land on the Hualapai Indian Reservation (the Reservation) either along the Colorado river, at Grand Canyon West Airport (GCW), or both. Both the helicopter and airplane tours landing at the Reservation are a significant source of income and employment to the Hualapai Indian Nation (the Tribe).

The Hualapai Reservation encompasses approximately 1 million acres adjoining the southwestern quadrant of GCNP and includes 108 miles of the Colorado River through the Grand Canyon. The majority of the Reservation's inhabitants live below the poverty level and unemployment was estimated in 1995 to range from 50–70 percent of the adult population. Much of the Tribal economy is based on tourism, and Grand Canyon West has been identified by the Tribe as the primary means by which to address its high unemployment rate while preserving the Tribe's natural and cultural resources.

In the NPRM, the FAA considered the impact of an operations limitation on the Tribe within the context of the 2.5 multiplier. However, the FAA, through comments and testimony offered at the Las Vegas public hearing held in August 1999, believes the direct impact to the Tribe is more severe than initially believed. Therefore, in this Final rule, the FAA will not impose a limitation on certain air tours to the Reservation due to the significant adverse economic impact on the Tribe so long as these tours are operated in compliance with § 93.319(f).

The FAA is adopting May 1, 1998 through April 30, 1999 as the more appropriate baseline to assess its cost relief estimates for the Tribe because the FAA believes this baseline more accurately portrays the current economic activity at GCW and the Reservation. After the completion of federally funded airport renovations and runway resurfacing during the fall of 1997, there was a significant increase in air tours and tourism to the Reservation. In addition, a helicopter operator, well established in the Tusayan air tour market, expanded operations to the West end and began conducting helicopter tours in support of the Tribe after the close of the May 1, 1997 through April 30, 1998 baseline period.

Comparing May 1, 1998 through April 30, 1999 to the May 1, 1997 through April 30, 1998 baseline, the FAA estimates that all applicable air tours increased to about 21,850 (10,950 airplane; 10,900 helicopter). The Tribe collects at least $2.3 million annually from air tour operators in the form of landing fees, monthly leases, trespass permits and per passenger payments for a Reservation guided tour and lunch plus an unspecified amount derived from passenger purchases of crafts and souvenirs.

Assuming the 3.3 percent compound annual rate of growth, the FAA estimates that in the absence of an exception being extended to the applicable air tours, the Tribe would forego the potential revenue generated from an additional 25,700 air tours carrying 133,900 over the 2000–2009 time period. The restoration to the Tribe of future revenue over the years 2000–2009 resulting from the elimination of operations limitations on those tours will be approximately $643,400 in landing fees and $4.3 million in ground tour revenue. This action, then, removes a restraint placed on the Tribe's uninterrupted access to these air tours and their passengers, the principal revenue source for the Reservations's continued economic development, and the FAA estimates that this cost relief will be $4.9 million ($3.1 million, discounted) over the next ten years.

To remain consistent with the overall Regulatory Evaluation and costs of this Final Rule, the analysis that follows concerning the operators and tours that are conducted to GCW Airport and the Reservation will use the May 1, 1997 through April 30, 1998 baseline. From this baseline data, the FAA estimates that about 19,200 (11,300 airplane; 7,900 helicopter) air tours were conducted along the Blue 2 and Green 4 air tour routes. These air tours were conducted by 10 airplane and 4 helicopter operators, and carried approximately 119,000 passengers that generated $19.9 million in gross operating revenue ($16.2 million in net operating revenue). Using the 3.3 percent compound annual rate of growth, if no exception were granted, the FAA estimates that the total cost of the final rule will be $198.4 million. The part of this final rule cost attributable to an operations limitation along these two air tour routes would be approximately $58.3 million ($37.6 million, discounted) in gross operating revenue losses and $48.3 million ($31.4 million, discounted) in net operating revenue losses for the years 2000 through 2009.

By excepting the air tours of the operators maintaining valid contracts with the Tribe that are conducted along these two air tour routes, the FAA has reduced the overall cost (net operating revenue) of this Final Rule by $43.9 million ($28.5 million, discounted) to $154.5 million ($99.5 million, discounted) for the ten-year period 2000–2009. These amounts were calculated based on an estimated reduction in air tours and air tour passengers of approximately 51,550 and 320,500, respectively, for the same ten-year time frame. Thus, by excepting those air tours conducted along these two air tour routes that are in support of the Tribe, the FAA estimates that the actual amount of the cost contributed to the total cost of this final rule will be reduced to $5.1 million ($3.3 million, discounted) in gross operating revenue losses and $4.5 million ($2.9 million, discounted) in net operating revenue losses for the years 2000 through 2009.

In the absence of the exception, the FAA estimates the portion of the above costs that are directly associated with a 3.3 percent growth in the current level of tours conducted along the two air tour routes in support of Tribal economic development is $34.2 million ($20.2 million, discounted) in reduced gross operating revenue and $31.2 million ($20.25 million, discounted) in reduced net operating revenue over ten

years. This is based on reductions in air tours and passengers of 22,000 and 119,200, respectively, resulting from the operations limitation part of the final rule.

The FAA does not have data indicating the percentage of air tours reported in the baseline period that landed at the Reservation. Thus, those operators who currently hold contracts with the Hualapai will also receive their allocations as originally established. The FAA estimates that the non-Hualapai portion of the air tour business conducted by these operators along these two routes could expand at 3.3 percent for twelve years before the cost impact of the operations limitation becomes measurable. Thus, during the ten-year time frame 2000–2009, there will be no costs incurred by operators maintaining contracts with the Tribe for that portion of their air tour business conducted along these two routes that does not necessarily contribute to the economic development of the Tribe. The FAA estimates that the portion of the above costs associated with a 3.3 percent growth in the current level of non-Hualapai tours conducted along the two air tour routes is $19.0 million ($12.3 million, discounted) in reduced gross operating revenue and $12.7 million ($8.2 million, discounted) in reduced net operating revenue for the years 2000–2009.

By extending an exception from the operations limitation part of the final rule to those air tours and air tour operators who maintain contracts with and provide economic support to the Tribe, the FAA estimates the final costs of this rule attributable to air tours conducted along these two air tour routes will be reduced to $5.1 million ($3.3 million, discounted) in gross operating revenue and $4.5 million ($2.9 million, discounted) in net operating revenue for the years 2000–2009.

The overall total cost relief accruing to the operators for the years 2000–2009 provided in this Final Rule by excepting the air tour businesses that maintain contracts with the Tribe from the operations limitation component is estimated to be $53.2 million ($34.3 million, discounted) in gross operating revenues and $43.9 million ($28.5 million, discounted) in net operating revenues. Therefore, by excepting the air tours along these two air routes that are conducted in support of the Tribe, the FAA has reduced the overall cost (net operating revenue) of this Final Rule to $155.4 million ($100.3 million, discounted) for the ten-year period 2000–2009.

Cost of Reporting Requirements to Operators

The FAA considered two reporting requirement alternatives in the NPRM, these being quarterly reporting and trimester reporting. The existing rule requires certificate holders to report three times annually, but the final rule will change this to quarterly reporting, in § 93.325. Since the existing rule already requires certificate holders to establish a system to implement the reporting requirement, the FAA assumed there will be no start-up costs to implement this requirement.

Under the reporting requirement scenario, the written information will have to be provided to the Las Vegas FSDO four times per year. The FAA assumes that each operator will have to collate and verify the information that they have been collecting throughout the year. The time it takes to complete these two tasks would be 2 hours per operator regardless of the number of aircraft; this assumes that the operators have been recording the information throughout the year. The total incremental cost to the industry to move to quarterly reporting is estimated at $11,000 for 10 years or $8,600, discounted.

The FAA considered two alternative means of monitoring the allocations, a form system and the filing of flight plans, in the NPRM. The requirement to file a flight plan is in the final rule. Section 93.323 of the final rule will require each certificate holder conducting a commercial SFRA operation to file a visual flight rules (VFR) flight plan with an FAA Flight Service Station for each such flight. A flight consists of one take-off and one landing. The ''remarks'' section of the flight plan will be completed to indicate the purpose of the flight out of six designated purposes. The information obtained from the flight plan will be used to ensure compliance with the commercial air tour limitation. Copies will not have to be maintained by the certificate holder or carried on board the aircraft.

The extent to which an operator will be impacted will depend upon the volume of his/her commercial air tour business in GCNP and the number of aircraft and pilots providing air tour service. Additionally, the cost impact will be influenced by whether the operator conducts air tours daily on a regular frequency.

Relying on information from the Las Vegas FSDO, the FAA has identified the following four principal areas where start up costs for the larger, more regularly scheduled operators will be incurred: (a) Creation of ''canned'' VFR flight plans (templates) to be filed with the Reno or Prescott Flight Service Station; (b) rewriting of existing General Operations Manuals to incorporate the new procedures; (c) set-up of a pilot training program; and (d) training of pilots. The FAA assumes the first three tasks and possibly the fourth, the instructing of the pilots in the new procedures, will be the responsibility of each operator's Director of Operations. The FAA estimates that the total initial fixed costs to the Grand Canyon air tour operators for the VFR flight filing requirements will be about $22,300 or $20,900, discounted.

Cost of Other Provisions to Operators

Operators will incur costs associated with (1) requesting modification and allocations and (2) transfer of allocations. The FAA estimates that the cost of these provisions can be up to $20,000 or $14,000, discounted over 10 years.

The FAA recognizes that the air tour business in the GCNP is constantly changing. Thus, due to mergers/acquisitions, bankruptcies, etc., certificate holders may believe that the data submitted for May 1, 1997 to April 30, 1993 was not reflective of their business operations. Therefore, the FAA permitted any certificate holder who believed that the base year data does not reflect its business operation to submit a written statement requesting that its initial allocation be revised.

Ten operators requested modifications to their proposed initial allocations following publication of the NPRM. The one-time cost to the industry would be between $2,500 and $5,000 (which includes ten days or 80 hours of effort) or between $2,300 and $4,700, discounted.

The FAA also recognizes that air tour operators often utilize a variety of contracting/subcontracting methods to handle passenger loads during busy periods. Therefore, the FAA will allow an allocation to be transferred among certificate holders, subject to the restrictions enumerated in the Preamble of this rule. Under the final rule, all certificate holders are required to report any transfer of allocations to the Law Vegas FSDO in writing. The FAA distinguishes between temporary and permanent transfers of allocations.

The FAA assumes any operator costs associated with temporary transfers to be part of the on-going business cost of conducting air tours of the Grand Canyon and views such costs as de minimus. Permanent transfers of allocations resulting from mergers/acquisitions, bankruptcies, or other

reasons that affect operations, will require FAA approval through the modification of the operations specifications in addition to the required reporting to the Law Vegas FSDO in writing.

For this analysis, the FAA assumes two operator transfers per year. The annual cost to the industry will be between $1,000 and $2,000 annually (about a total of 32 hours annually) or between $900 and $1,900, discounted. The cost over 10 years will be between $10,000 and $20,000 or between $7,000 and $14,000, discounted.

Cost of the Final Rule to the FAA

The FAA, as a result of this rule, will incur costs associated with the initial allocation, recording and tracking, filing of flight plans, and transfer of allocations. Over the next 10 years, FAA costs are expected to be $1.06 million or $746,400 discounted.

Under this final rule, each certificate holder reporting commercial air tours to the FAA in accordance with current § 93.317 will receive one allocation for each air tour conducted and reported during the base year period. Certificate holders identified in the NPRM as receiving allocations to conduct air tours in the SFRA received written notification of their allocations.

The FAA will need to develop an allocation process and prepare the necessary information to send to each air tour operator. This one-time administrative work will require analyst, clerical, legal, and management resources. The FAA assumes that it will take about two weeks to set up a spreadsheet and prepare the necessary information to send to each air tour operator. The initial cost to implement this part of the rule will be $3,800 in the first year only.

In addition, the FAA will incur recurring annual costs from the recording and tracking of the information provided by the provided by the operators. Again, this will require analyst, clerical, legal,and management resources. The agency estimates that the total cost of these elements would be about $99,300 annually and $992,800 over ten years ($697,300, discounted).

Allocations to conduct air tour operations in the GCNP SFRA will be an operating privilege initially granted to the certificate holders who conducted air tour operations during the base year and reported them to the FAA. This allocation will be subject to reassessment after two years.

The FAA estimates that, on average, the FAA will spend about 80 hours managing the transfer of allocations from each merger or 160 hours annually assuming two mergers, transfers, etc. annually. The FAA estimates that cost will be about $6,500 annually or $64,800 over ten years or $45,500, discounted.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities (small business and small not-for-profit government jurisdictions) are not unnecessarily and disproportionately burdened by Federal regulations. The RFA, which was amended March 1996, requires regulatory agencies to review rules to determine if they have ''a significant economic impact on a substantial number of small entities.'' The Small Business Administration defines airlines with 1,500 or fewer employees for the air transportation industry as small entities. For this final rule, the small entity group is considered to be operators conducting commercial air tours in the GCNP SFRA and having 1,500 or fewer employees. The FAA has identified a total of 25 such entities that meet this definition.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

The FAA has estimated the annualized cost impact on each of these 25 small entities potentially impacted by the rule. The final rule is expected to impose an estimated total cost on operators of $155.4 million ($100.3 million, discounted). The average annualized cost over ten years is estimated at about $960,000 for each operator (with a range of $200 to $6.3 million). The FAA has determined that the rule will have a significant impact on a substantial number of small entities, and has performed a regulatory flexibility analysis. As discussed above, most small entities will incur an economically significant impact.

Under Section 603(b) of the RFA (as amended), each regulatory flexibility analysis is required to consider alternatives that will reduce the regulatory burden on affected small entities. The FAA has examined several alternative provisions of this final rule that will be discussed below. In addition, the FAA is also required to address these points: (1) Reasons why the FAA is considering the rule, (2) the objectives and legal basis for the rule, (3) the kind and number of small entities to which the rule will apply, (4) the projected reporting, recordkeeping, and other compliance requirements of the rule, and (5) all Federal rules that may duplicate, overlap, or conflict with the rule.

Reasons Why the FAA Is Considering the Final Rule

Public Law 100–91 recognizes that noise associated with ''aircraft overflights'' at the GCNP is causing ''a significant adverse effect on the natural quiet and experience of the park.'' This legislation directed the NPS to develop recommendations to achieve the substantial restoration of natural quiet in GCNP. The FAA was directed, pursuant to Public Law 100–91, to implement these recommendations unless there was a safety reason not to do so. The FAA and NPS believe it is necessary to impose a commercial air tour limitation in order to stabilize noise levels in the SFRA while further noise analysis is conducted.

The Objectives and Legal Basis for the Final Rule

The objective of the final rule is to limit all commercial air tours in the GCNP SFRA on a 12-month basis. Commercial air tours conducted by certificate holders in the SFRA are not to exceed the amount of air tours reported in accordance with current § 93.317 for the period from May 1, 1997 through April 30, 1998.

The legal basis for the rule is found in Public Law 100–91, commonly known as the National Parks Overflights Act. Public Law 100–91 stated in part, that ''noise associated with aircraft overflights at GCNP [was] causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.'' Further congressional direction is discussed in the history section of this regulatory evaluation.

The Kind and Number of Small Entities to Which the Final Rule Would Apply

The final rule applies to 24 affected part 135 and part 121 commercial air tour operators, each having 1,500 or fewer employees. The FAA estimates that all 24 operators (25 entities) will be impacted by the final rule. The FAA has limited financial profile information (e.g., operating revenue, operating expenses, operating profit, net operating revenue, and passenger revenue) for six of the impacted operators. Balance sheet information on assets and liabilities is not readily available. However, the FAA received financial information from two

air tour operators; a summary of their submitted material is discussed in the Appendix to the full economic analysis.

The Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule

Each of the operators affected by this rule will need to comply with certain reporting requirements. Certificate holders conducting commercial SFRA operations will complete a flight plan for each flight. The FAA estimates this compliance effort can impose an additional one to five minutes on the part of the certificate holder per operation for each of the small entities during each year of compliance, for a total of 4,500 hours annually.

In addition, certificate holders conducting commercial air tours will need to report quarterly to the FAA certain information on the total operations conducted in the SFRA to the FAA. The FAA estimates that this compliance effort will take place four times per year (one additional time compared to the current rule) and will impose an additional 50 hours of labor on the industry annually. This provision will cause an operator, regardless of the number of aircraft, to expend an additional 2 hours of labor annually (including record maintenance).

The initial assigned allocation involved operator requests for modifications that the FAA estimates will impose about 1 to 2 person days of added work. Ten operators requested modification to their allocations. As discussed above, the FAA estimates that the paperwork burden to each of these firms will range from 8 to 16 hours.

Finally, the FAA assumes that no more than 2 operators each year are likely to submit requests for permanent transfers of allocations (e.g., to enter, leave or merge). The FAA estimates that the two firms will spend about 32 hours annually preparing the required documentation to be submitted to the FAA.

Excluding the provisions that impose a one-time burden (initial allocations that will affect five operators the first year annually of 80 hours total), the FAA estimates each certificate holder will have imposed an additional annual reporting burden on average of 575 hours of labor. Over a period of 10 years, a total of approximately 143,750 hours will be spent.

All Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

The FAA is unaware of any federal rules that either duplicate, overlap, or conflict with the final rule.

Alternatives

Aircraft noise in the GCNP can be controlled in a number of ways. Hence, noise-reducing measures can be accomplished through any one or a combination of these methods. As directed by Public Law 100–91, NPS developed a number of recommendations to substantially restore natural quiet. These recommendations were included in NPS' 1994 Report to Congress. These recommendations included a number of different approaches to achieving the statutory mandate of Public Law 100–91. Some of these recommendations were adopted in 1996. Others have been under consideration. The following summarize the status of each of these recommendations:

Altitude Restrictions

As one alternative, aircraft could be required to fly above specific altitudes in certain parts of GCNP. The noise generated by these aircraft flying at higher altitudes would be more widely dispersed before it reached the ground than if these aircraft were flying at lower altitudes. Ground visitors would then be less likely to hear the aircraft the higher up they are flying. Air tour passengers, however, would see less dramatic views of the Grand Canyon when flying at higher altitudes.

The FAA has adopted this approach as one of the several options it is using to control aircraft noise in GCNP. On May 27, 1998, the FAA issued SFAR No. 50–2. This SFAR established four flight-free zones from the surface to 14,499 feet above mean sea level in the area of the Grand Canyon. It also prohibited flight below a certain altitude in certain sectors of the Grand Canyon. On December 31, 1996, the FAA issued a final rule (61 FR 69302) which raised the ceiling of the SFRA to 17,999.

Establishment of Air Tour Routes

Another approach used by the FAA is to contain aircraft noise to certain parts of the Grand Canyon by establishing air tour routes. On May 27, 1998, the FAA issued SFAR No. 50–2, which provided for special routes for air tours. On December 31, 1996, the FAA issued a final rule (61 (FR 69302) which established a new FFZ and altered the boundaries of the other already established FFZs. This rule change necessitates a change in the air tour routes, which the FAA will establish next year (enforcement of the airspace actions in 61 FR 69302 has been delayed until after the establishment of these new routes).

Air Tour Curfews

Visitors to the Grand Canyon are likely to be more annoyed by aircraft noise during certain times of the day than at other times of the day. The FAA established air tour curfews in 61 FR 69302 to address this problem. In the summer season, air tours may not operate in the Dragon and Zuni Point corridors between the hours of 6 pm and 8 am; in the winter, the curfew is between 5 pm and 9 am. In future rulemakings, this curfew may be expanded to the rest of the Grand Canyon or the curfew hours may be expanded.

Limits on the Number of Aircraft That Can Be Used

On December 31, 1996, the FAA issued a final rule (61 FR 69302) which placed a cap on the number of ''commercial sightseeing'' aircraft that could operate in the SFAR. The FAA is revising this final rule to limit the number of air tours instead of aircraft because it was determined the aircraft cap was not an adequate limit on growth.

Limits on the Number of Air Tour Operations

Capping the number of flights allowed in the GCNP is another approach for limited aircraft noise that may be permitted in the park. This approach is being adopted by the FAA with this particular rulemaking. This final rule temporarily limits all commercial air tours in the GCNP SFRA on a calendar year basis so that such air tours conducted by certificate holders in the SFRA do not exceed the amount of air tours reported in accordance with current § 93.317.

Expansion of Flight Free Zones

Another approach that the FAA uses to control aircraft noise in the Grand Canyon is to establish Flight Free Zones. Aircraft, under this alternative, would be forbidden from flying over certain parts of the GCNP. This highly restrictive alternative is designed to protect certain areas from any noise emanating from aircraft overhead. SFAR 50–2 established four flight-free zones from the surface to 14,499 feet mean sea level. On December 31, 1996, the FAA established a new FFZ, merged to existing FFZs, and expanded the other two FFZs.

Phase Out of Noisy Aircraft

An approach that the FAA is currently considering is mandating that noisy aircraft be phased out of service over the Grand Canyon. The FAA proposed such an action by issuing an

NPRM on December 31, 1996 to phase out noisy aircraft by 2008. This could be a very expensive rulemaking; costs were estimated at $173 million (undiscounted) in the 1996 NPRM. All these costs would have to be borne by 25 small operators. The FAA has delayed issuing a final rule in order to consider other less costly actions. However, the FAA may choose to issue a final rule on this action in the future.

Encourage the Use of Quiet Aircraft

This recommendation would require aircraft used in GCNP to meet a yet to be defined standard to be considered quiet technology. As stated in the December 1996 final rule on Special Flight Rules in the Vicinity of Grand Canton National Park, quieter aircraft technology incentives are viewed as another approach to substantially restore natural quiet to the Grand Canyon while maintaining a viable tour industry.

Establishment of Aircraft Noise Budgets

An approach that the FAA has not yet adopted, but which is under consideration is the noise budget. In this alternative, the FAA would consider letting the market place allow the aircraft owners to determine which airplanes to fly by rationing the amount of noise that any tour operator could emit. Each tour operator would be allotted a specific amount of noise ''credits'' to be spent over a specific period of time, such as a day, week, or month. These credits would be allocated based on a formula that takes into account the number of tours, and the number and type of aircraft that they had in the base year. Each aircraft type would be assigned a rating based on how noisy it was when compared to a certain decibel level; the noisier the aircraft, the higher its rating. When an operator flew any particular aircraft on its tour, it would use up this numerical rating against the number of noise credits that it had been allocated.

Tour operators could increase their number of tours in two basic ways. They could purchase credits from other operators, thus allowing more tours and/or noisier aircraft. Alternatively, they could invest in quieter aircraft, thus allowing them to fly more tours. Of course, operators could do both, which would certainly increase their number of flights.

A variation on this alternative would be to assign specific routes or specific times of day with positive and negative bonus ''points''. These points could either add to or subtract from the aircraft's rating as incentive for operators to fly or not to fly certain routes or at certain times of the day. Thus, an operator who chose the ''negative points'' routes and/or times of the day would be rewarded by being able to fly more tours. On the other hand, since some of the ''positive point'' routes and/or times of the day might be the more lucrative ones (where and when everyone would want to fly), operators would also be free to try to maximize profits by fling these.

While the FAA has not currently adopted this alternative, the FAA may consider adopting this alternative or elements of this alternative in the future.

Time of Week Restriction

Another alternative not yet under active consideration would be to restrict tours to specific days during the week. This way, certain parts of the Park or the entire Park could be noise free for entire days. This approach might be used during the October ''oars only rafting period.'' A variation would be to combine this alternative with time of day restrictions. Hence, a certain corridor could, for example, be off-limits for tours for 2 mornings and 3 afternoons during the week.

Another variation would be to give the tour operators a number of day-of-the-week ''credits'' and allow the tour operators to bid on which days they would want to fly each corridor and how many tours would be flown on each of the days when tours would be allowed. This variation would allow operators to maximize profits given the constraint of days of the week when tours would not be allowed.

It should be noted that these and, possibly additional alternative, may be considered in the context of efforts to encourage the use of quiet technology. Where possible, the FAA will seek to implement options that will lower air tour operators' overall costs while promoting the goal of substantial restoration of natural quiet.

Affordability Analysis

For the purpose of this RFA, an affordability analysis is an assessment of the ability of small entities to meet costs imposed by the final rule. These are two types of costs imposed by the rule: (1) out-of-pocket costs (actual expenditures) associated with applications and documentation and (2) loss of potential future operating revenue associated with an increase in the level above current levels. This latter burden may be significant to financial viability because companies depend on growth in operating revenue to provide necessary cash to meet long-term obligations such as equipment purchase loans. A company's short-run financial strength is substantially influenced, among other things, by its liquidity (working capital position and its ability to pay short-term liabilities). Unfortunately, most of the data to analyze this are not available.

There is an alternative perspective to the assessment of affordability, which pertains to the size of the annualized costs of the rule relative to annual revenues. The lower the relative importance of those costs, the greater the likelihood of implementing either offsetting cost saving efficiencies or raising fares to cover increased costs without substantially decreasing passengers.

This analysis assesses affordability by examining the annualized cost of compliance relative to an estimate of total Grand Canyon commercial air tour operating revenues for each of the small entities. The annualized change in net operating revenues corresponds to foregoing the anticipated 3.3 percent per year growth of undiscounted net operating revenues. This number is relatively constant across all air tour operators because the majority of the negative impact (lost revenues) imposed by this rulemaking is directly related to the number of air tours that are being conducted. For these operators, there may be some prospect of absorbing the cost of the rule through fare increases.

It appears that given the current state of the industry, changes in net operating revenues might be offset by increased airfares. The limit on air tours will restrict the future supply of Grand Canyon air tours while demand for air tours is expected to increase, which might make it easier for affected entities to increase prices. No clear conclusion can be drawn with regard to the abilities of small entities to afford the reductions in net operating revenues that will be imposed by this final rule because the FAA is not able to estimate the amount of revenue increase obtained through price increases.

Disproportionality Analysis

The FAA does not believe any of the 25 entities will be disadvantaged relative to larger operators because within the context of the RFA, all Grand Canyon commercial air tour operators are small regardless of their size relative to one another.

Competitiveness Analysis

All air tour operators currently operating in GCNP are small entities. All these operators will be proportionately impacted by the commercial air tour limitation provision of this rulemaking (the commercial air tour limitation has the greatest impact of

all provisions of this rulemaking). The smaller operators will not be put at a disadvantage relative to the largest operators as a result of this provision.

Except for air tours to and from Grand Canyon West Airport, this rulemaking contains one feature impacting competitiveness. The commercial air tour limitation will protect established operators from competition from new entrants or form newly established operators who are just getting set up and therefore provide only a limited number of air tours. In this instance, the commercial air tour limitation puts new entrants and newly established operators at a disadvantage to the established operators because that provision will limit the number of air tours they can provide to only those allocation that they can obtain through transfer.

Business Closure Analysis

The FAA is unable to determine with certainty the extent to which the final rule will cause small entities to close their operations. However, the limited profit and loss data that the FAA has and the affordability analysis can be an indicator in business closures. In 1997 and 1998, of the data that the FAA has for 6 air tour operators, two of these air tour operators experienced losses in both years.

In determining whether or not any of the 25 small entities will close business as the result of compliance with this rule, one question must be answered: ''Will the cost of compliance be so great as to impair an entity's ability to remain in business?'' The FAA has incomplete information on which or how many of these small entities are already in serious financial difficulty and the limited number of commenters who supplied information to the docket did not elaborate on this. However, this rule can have a significant impact on those small entities that re already experiencing financial difficulty. This rulemaking can prevent them from escaping their financial difficulties through increased revenues from an increase in futurecommercial air tours. To what extent the proposed rule makes the difference in whether these entitles remain in business is difficult to answer.

Summary of Benefits and Costs

Public Law 100–91 was adopted to substantially restore natural quiet and experience in GCNP. The primary intended benefit of this rule is its contribution toward restoring natural quiet and experience in GCNP. The FAA estimates that this rule, together with its two associated actions of route adjustments, will restore natural quiet to about 41 percent of the park. The estimated 10-year use benefits (benefits derived from hiking, rafting, or sightseeing) as a result of this rule and the associated actions will be about $39.8 million, discounted as 7 percent over 10 years. This rule, without the associated actions, will provide a discounted ''use'' benefit to ground visitors of about $20.4 million over the same period. The FAA does not have adequate data to estimate the non-use benefits of aircraft noise reduction at GCNP, but believes this rulemaking may generate significant non-use benefits.

The estimated 10-year cost of these regulations will be $155.4 million ($100.3 million, discounted). The majority of the costs of these regulations will be $154.3 million ($98.6 million, discounted) due to the imposition of air tour operations limits. After two years, this requirement may be reviewed and subject to change. At the end of the two years review, the cost in lost revenue will be $13.2 million ($11.9 million, discounted). The status of the quiet technology rulemaking and the Comprehensive Aircraft Noise Management plan will also be taken into consideration at that time. The estimated 10-year cost of the other provisions to air tour operators is $30,000, or $23,000, discounted. FAA costs are estimated at $1.06 million or $746,400 discounted.

International Trade Impact Assessment

The FAA has determined that the rulemaking will not affect non-U.S. operators of foreign aircraft operating outside the United States nor will affect U.S. trade. It can, however, have an impact on commercial air tour business at GCNP, much of which is foreign.

The United States Air Tour Association estimated that 60 percent of all commercial air tourists in the United States are foreign nationals. The Las Vegas FSDO and some operators, however, believe this estimate to be considerably higher at the Grand Canyon, perhaps as high as 90 percent. To the extent the air tour limitation rulemaking disrupts the marketing of Grand Canyon air tours to foreign visitors and thereby reduces their patronage of these tour, the commercial air tour industry can potentially experience an additional loss of revenue beyond what is expected as a result of the cap.

The FAA cannot put a dollar value on the portion of the potential loss in commercial air tour revenue associated with a weakening in foreign demand for U.S. services concomitant with the limitation on commercial air tours of the Grand Canyon.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of $100 million or more (when adjusted annually for inflation) in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that will impose an enforceable duty upon State, local, and tribal governments in the aggregate of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that, before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals.

This final rule does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Federalism Implications

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The FAA determined that this action 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. Therefore, the FAA has determined that this final rule does not have federalism implications.

Environmental Review

The FAA has prepared a Final Supplemental Environmental Assessment (FSEA) for this final rule to

ensure conformance with the National Environmental Policy Act of 1969. Copies of the FSEA will be circulated to interested parties and a copy has been placed in the docket, where it will be available for review.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94–163, as amended (43 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 93

Air traffic control, Airports, Navigation (Air), Reporting and Recordkeeping requirements.

The Amendment

For the reasons set forth above, the Federal Aviation Administration amends part 93, in chapter I of title 14, Code of Federal Regulations, as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

2. Section 93.303 is revised to read as follows:

§ 93.303 Definitions.

For the purposes of this subpart:

Allocation means authorization to conduct a commercial air tour in the Grand Canyon National Park (GCNP) Special Flight Rules Area (SFRA).

Commercial air tour means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing. If the operator of a flight asserts that the flight is not a commercial air tour, factors that can be considered by the Administrator in making a determination of whether the flight is a commercial air tour include, but are not limited to—

(1) Whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

(2) Whether a narrative was provided that referred to areas or points of interest on the surface;

(3) The area of operation;

(4) The frequency of flights;

(5) The route of flight;

(6) The inclusion of sightseeing flights as part of any travel arrangement package; or

(7) Whether the flight in question would or would not have been canceled based on poor visibility of the surface.

Commercial Special Flight Rules Area Operation means any portion of any flight within the Grand Canyon National Park Special Flight Rules Area that is conducted by a certificate holder that has operations specifications authorizing flights within the Grand Canyon National Park Special Flight Rules Area. This term does not include operations conducted under an FAA Form 7711–1, Certificate of Waiver or Authorization. The types of flights covered by this definition are set forth in the ''Las Vegas Flight Standards District Office Grand Canyon National Park Special Flight Rules Area Procedures Manual'' which is available from the Las Vegas Flight Standards District Office.

Flight Standards District Office means the FAA Flight Standards District Office with jurisdiction for the geographical area containing the Grand Canyon.

Park means Grand Canyon National Park.

Special Flight Rules Area means the Grand Canyon National Park Special Flight Rules Area.

3. Section 93.315 is revised to read as follows:

§ 93.315 Requirements for commercial Special Flight Rules Area operations.

Each person conducting commercial Special Flight Rules Area operations must be certificated in accordance with Part 119 for Part 135 or 121 operations and hold appropriate Grand Canyon National Park Special Flight Rules Area operations specifications.

§ 93.316 [Removed and Reserved]

4. Section 93.316 is removed and reserved.

5. Section 93.317 is revised to read as follows:

§ 93.317 Commercial Special Flight Rules Area operation curfew.

Unless otherwise authorized by the Flight Standards District Office, no person may conduct a commercial Special Flight Rules Area operation in the Dragon and Zuni Point corridors during the following flight-free periods:

(a) Summer season (May 1–September 30)–6 p.m. to 8 a.m. daily; and

(b) Winter season (October 1–April 30)–5 p.m. to 9 a.m. daily.

6. Section 93.319 is added to read as follows:

§ 93.319 Commercial air tour limitations.

(a) Unless excepted under paragraph (f) or (g) of this section, no certificate holder certificated in accordance with part 119 for part 121 or 135 operations may conduct more commercial air tours in the Grand Canyon National Park in any calendar year than the number of allocations specified on the certificate holder's operations specifications.

(b) The Administrator determines the number of initial allocations for each certificate holder based on the total number of commercial air tours conducted by the certificate holder and reported to the FAA during the period beginning on May 1, 1997 and ending on April 30, 1998, unless excepted under paragraph (g).

(c) Certificate holders who conducted commercial air tours during the base year and reported them to the FAA receive an initial allocation.

(d) A certificate holder must use one allocation for each flight that is a commercial air tour, unless excepted under paragraph (f) or (g) of this section.

(e) Each certificate holder's operation specifications will identify the following information, as applicable:

(1) Total SFRA allocations; and

(2) Dragon corridor and Zuni Point corridor allocations.

(f) Certificate holders satisfying the requirements of § 93.315 of this subpart are not required to use a commercial air tour allocation for each commercial air tour flight in the GCNP SFRA provided the following conditions are satisfied:

(1) The certificate holder conducts its operations in conformance with the routes and airspace authorizations as specified in its Grand Canyon National Park Special Flight Rules Area operations specifications;

(2) The certificate holder must have executed a written contract with the Hualapai Indian Nation which grants the certificate holder a trespass permit and specifies the maximum number of flights to be permitted to land at Grand Canyon West Airport and at other sites located in the vicinity of that airport and operates in compliance with that contract; and

(3) The certificate holder must have a valid operations specification that authorizes the certificate holder to conduct the operations specified in the contract with the Hualapai Indian Nation and specifically approves the number of operations that may transit the Grand Canyon National Park Special Flight Rules Area under this exception.

(g) Certificate holders conducting commercial air tours at or above 14,500 feet MSL but below 18,000 feet MSL who did not receive initial allocations in 1999 because they were not required to report during the base year may operate without an allocation when conducting air tours at those altitudes. Certificate holders conducting commercial air tours in the area affected

by the eastward shift of the SFRA who did not receive initial allocations in 1999 because they were not required to report during the base year may continue to operate on the specified routes without an allocation in the area bounded by longitude line 111 degrees 42 minutes east and longitude line 111 degrees 36 minutes east. This exception does not include operation in the Zuni Point corridor.

7. Section 93.321 is added to read as follows:

§ 93.321 Transfer and termination of allocations.

(a) Allocations are not a property interest; they are an operating privilege subject to absolute FAA control.

(b) Allocations are subject to the following conditions:

(1) The Administrator will re-authorize and re-distribute allocations no earlier than two years from the effective date of this rule.

(2) Allocations that are held by the FAA at the time of reallocation may be distributed among remaining certificate holders, proportionate to the size of each certificate holder's allocation.

(3) The aggregate SFRA allocations will not exceed the number of operations reported to the FAA for the base year beginning on May 1, 1997 and ending on April 30, 1998, except as adjusted to incorporate operations occurring for the base year of April 1, 2000 and ending on March 31, 2001, that operate at or above 14,500 feet MSL and below 18,000 feet MSL and operations in the area affected by the eastward shift of the SFRA bounded by longitude line 111 degrees 42 minutes east to longitude 111 degrees 36 minutes east.

(4) Allocations may be transferred among Part 135 or Part 121 certificate holders, subject to all of the following:

(i) Such transactions are subject to all other applicable requirements of this chapter.

(ii) Allocations authorizing commercial air tours outside the Dragon and Zuni Point corridors may not be transferred into the Dragon and Zuni Point corridors. Allocations authorizing commercial air tours within the Dragon and Zuni Point corridors may be transferred outside of the Dragon and Zuni Point corridors.

(iii) A certificate holder must notify in writing the Las Vegas Flight Standards District Office within 10 calendar days of a transfer of allocations. This notification must identify the parties involved, the type of transfer (permanent or temporary) and the number of allocations transferred. Permanent transfers are not effective until the Flight Standards District Office reissues the operations specifications reflecting the transfer. Temporary transfers are effective upon notification.

(5) An allocation will revert to the FAA upon voluntary cessation of commercial air tours within the SFRA for any consecutive 180-day period unless the certificate holder notifies the FSDO in writing, prior to the expiration of the 180-day time period, of the following: the reason why the certificate holder has not conducted any commercial air tours during the consecutive 180-day period; and the date the certificate holder intends on resuming commercial air tours operations. The FSDO will notify the certificate holder of any extension to the consecutive 180-days. A certificate holder may be granted one extension.

(6) The FAA retains the right to re-distribute, reduce, or revoke allocations based on:

(i) Efficiency of airspace;

(ii) Voluntary surrender of allocations;

(iii) Involuntary cessation of operations; and

(iv) Aviation safety.

8. Section 93.323 is added to read as follows:

§ 93.323 Flight plans.

Each certificate holder conducting a commercial SFRA operation must file a visual flight rules (VFR) flight plan in accordance with § 91.153. This section does not apply to operations conducted in accordance with § 93.309(g). The flight plan must be on file with a FAA Flight Service Station prior to each flight. Each VFR flight plan must identify the purpose of the flight in the ''remarks'' section according to one of the types set forth in the ''Las Vegas Flight Standards District Office Grand Canyon National Park Special Flight Rules Area Procedures Manual'' which is available from the Las Vegas Flight Standards District Office.

9. Section 93.325 is added to read as follows:

§ 93.325 Quarterly reporting.

(a) Each certificate holder must submit in writing, within 30 days of the end of each calendar quarter, the total number of commercial SFRA operations conducted for that quarter. Quarterly reports must be filed with the Las Vegas Flight Standards District Office.

(b) Each quarterly report must contain the following information.

(1) Make and model of aircraft;

(2) Identification number (registration number) for each aircraft;

(3) Departure airport for each segment flown;

(4) Departure date and actual Universal Coordinated Time, as applicable for each segment flown;

(5) Type of operation; and

(6) Route(s) flown.

Issued in Washington, DC, on March 28, 2000.

Jane F. Garvey,

Administrator.

[FR Doc. 00–7949 Filed 3–28–00; 4:59 pm]

BILLING CODE 4910–13–M

Federal Register

Tuesday,
April 4, 2000

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 91, et al.

Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 93, 121, and 135

[Docket No. FAA–99–5926; Amendment No. 93–80]

RIN 2120–AG74

Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends special operating rules and airspace for those persons operating aircraft in the area designated as the Grand Canyon National Park Special Flight Rules Area (SFRA). Specifically, this action modifies the eastern portion of the SFRA and the Desert View Flight-free Zone (FFZ); establishes a corridor through the Bright Angel FFZ for future noise efficient/quiet technology aircraft; and modifies the Sanup FFZ to provide for a commercial route over the northwestern section of the Grand Canyon National Park (GCNP). In addition, this action makes editorial corrections to several previously issued special operating rules for this affected area. The FAA is taking this action to assist the National Park Service in fulfilling the statutory mandate of substantially restoring the natural quiet and experience in GCNP.

EFFECTIVE DATE: This final rule is effective on December 1, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph C. White, 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:

History

On December 31, 1996, the FAA published three concurrent actions (a final rule, a Notice of Proposed Rulemaking (NPRM), and a Notice of Availability of Proposed Commercial Air Tour Routes) in the **Federal Register** (62 FR 69301) as part of an overall strategy to further reduce the impact of aircraft noise on the GCNP environment and to work with the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law (Pub. L.) 100–91 of substantially restoring the natural quiet and experience in GCNP. The final rule amended Title 14, Part 93, of the Code of Federal Regulations by adding a new Subpart U to codify the provisions of Special Federal Aviation Regulation No. 50–2 (SFAR 50–2). Additionally, this rule modified the dimensions of the GCNP SFRA, established new and modified existing FFZs; established new and modified existing flight corridors; and established reporting requirements for commercial air tour operators operating in the SFRA. In addition, the final rule prohibited commercial air tours in the Zuni Point and Dragon corridors during certain time periods, and placed a temporary limit on the number of aircraft that could be used for commercial air tour operations in the GCNP SFRA. These provisions originally were to become effective on May 1, 1997.

On February 26, 1997, the FAA published a final rule that delayed the implementation of certain sections of the December 31, 1996, final rule (62 FR 8862). Specifically, this action delayed the effective date, until January 31, 1998, of those sections of the rule that address the SFRA, FFZs, and flight corridors, respectively §§ 93.301, 93.305, 93.307. In addition, certain portions of SFAR No. 50–2 were reinstated and the expiration date extended. Implementation was delayed to allow the FAA and the NPS to consider comments and suggestions to improve the route structure. On December 17, 1997, the FAA took action to delay further the implementation of the above mentioned sections of the rule and continued the extension of certain portions of SFAR No. 50–2 until January 31, 1999 (62 FR 66248). On February 3, 1999, the FAA again took action to further delay implementation of the above mentioned sections and continued the extension of certain portions of SFAR No. 50–2 until January 31, 2000 (64 FR 5152). It is noted that these actions did not affect or delay the implementation of the curfew, aircraft cap, or reporting requirements of the rule, which were effective May 1, 1997.

Recent Actions

On May 15, 1997, the FAA published a Notice of Availability of Proposed Routes and a companion NPRM (Notice No. 97–6) that proposed two quiet technology incentive corridors over the GCNP. The first corridor, through the Bright Angel FFZ, was planned for quiet technology aircraft use only. The second corridor, through National Canyon, would be for westbound quiet-technology aircraft after December 31, 2001. The FAA, in consultation with the NPS and Native Americans, determined not to proceed with a corridor through National Canyon. Consequently, on July 15, 1998, the FAA withdrew Notice 97–6 (63 FR 38232) in its entirety.

On July 9, 1999, the FAA published two NPRMs (Notice 99–11 and Notice 99–12) to assist the NPS in achieving the statutory mandate imposed by Pub. L. 100–91 to provide for the substantial restoration of natural quiet and experience in GCNP by reducing the effect of aircraft noise from commercial air tours on GCNP. Notice 99–11, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones (64 FR 37296, Docket No. 5962) proposed to modify the dimension of the GCNP SFRA. The proposed changes to the SFRA would modify the eastern portion of the SFRA, the Desert View FFZ, the Bright Angel FFZ and the Sanup FFZ. Notice 99–12, Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area, (64 FR 37304, Docket No. 5927) proposed to limit the number of commercial air torus that may be conducted in the SFRA and to revise the reporting requirements for commercial SFRA operations. The specific proposals of Notice No. 99–12 are discussed in a final rule found elsewhere in this **Federal Register**.

On July 20, 1999 (64 FR 38851), the FAA published a notice announcing two public meetings on the NPRMs. The meetings, which were held on August 17 and 19, 1999, in Flagstaff, Arizona, and Las Vegas, Nevada, sought additional comment on the NPRMs and on the associated supplemental draft environmental assessment.

Proposed Actions of Notice 99–11

The airspace modification proposal, Notice No. 99–11, the subject of this final rule, proposed to modify the Grand Canyon SFRA and Desert View FFZ by moving the respective boundaries five (5) nautical miles to the east. The rationale for the proposal was to allow entry and exit to routes as well as to curtail travel over several Traditional Cultural Properties (TCP) on the eastern side of the GCNP, which concerns the Zuni, Hopi, and Navajo Tribes. These sites were identified through consultation with affected tribes in accordance with the National Historic Preservation Act (NHPA). It is noted that specific locations of these Traditional Cultural Properties are not identified pursuant to section 304 of the NHPA, which provides for confidentiality of cultural and religious sites. In the proposed rule, the FAA sought to reduce the impact of air tours over these TCPs by the proposed

modification of the eastern portion of the SFRA and the Desert View FFZ.

In addition, Notice No. 99–11 proposed to establish a provisional incentive corridor through the Bright Angel FFZ, one nautical mile in width, to be used in the future only by aircraft meeting a noise efficiency/quiet technology standard, which has yet to be developed.

This proposed incentive corridor would pass through the Bright Angel FFZ along the northern boundary of the current Bright Angel FFZ as defined in SFAR 50–2. Once quiet technology/noise efficient aircraft are defined and the Bright Angel FFZ is implemented, the FAA would anticipate a three fold benefit. First, fewer aircraft would be flying over the northern rim of the canyon along the Saddle Mountain Wilderness Area, where the NPS and U.S. Forest Service have indicated that noise-sensitive activity regularly occurs. Second, noise from the air tour aircraft would be dispersed between the northern boundary of the Bright Angel FFZ and the proposed incentive corridor, thereby reducing the level of concentrated aircraft noise along any one route. Third, opening this corridor only to aircraft meeting the noise efficiency/quiet technology standard would provide a valuable and tangible incentive for the air tour operators to convert to quieter aircraft. The Bright Angel Corridor could thereby provide the benefit of a reduction in the level of aircraft noise over time.

Finally, the FAA proposed to modify the Sanup FFZ to provide for a route over the northwestern section of the GNCP, and to provide for two transportation routes to Tusayan. The elimination of current routes Blue 1 and Blue 1A, to be replaced by Blue Direct North and Blue Direct South, would cause traffic to transit to over the Sanup FFZ. To accommodate these two routes, the FAA proposed to modify the northern portion of the Sanup FFZ so that the Blue Direct South does not fly over a FFZ. In addition, it was proposed to eliminate a small area in the northwestern portion of the Sanup FFZ to accommodate the Blue 2 air tour route. The FAA acknowledged that this modification would eliminate a small area of previously designated FFZ; however, the elimination of the Blue 1 and Blue 1A routes, which transit more pristine areas of the SFRA, would have added benefits for the restoration of natural quiet and experience in GCNP.

Discussion of Comments

In response to Notice 99–11, the FAA received more than 1,000 comments, and 556 comments on Notice 99–12. Many commenters sent the identical comments to both dockets. Many of these comments included form letters from the air tour industry and supporters of environmental groups. Comments were also received from industry associations (e.g., Grand Canyon air Tour Council (CGATC); Aircraft Owners and Pilots Association (AOPA); Helicopter Association International (HAI); Experimental Aircraft Association (EAA); National Air Transportation Association (NATA)); an environmental coalition (Sierra Club; Grand Canyon Trust; The Wilderness Society; Friends of the Grand Canyon; Maricopa Audubon Society; National Parks and Conservation Association; Natural Sounds Society; Quiet Skies Alliance); river rafting organizations (Arizona Raft Adventures; Grand Canyon River Guides); air tour operators (AirStar Helicopters; Sunrise Airlines; Southwest Safaris; Grand Canyon Airlines; Papillon Grand Canyon Helicopters; Windrock Aviation; Air Vegas; Heli USA; Eagle Jet Charter, Inc.); aircraft manufacturers (Twin Otter International, Ltd.; Stemme USA, Inc.); tourism organizations (Grand Canyon Air Tourism Association; Arizona Office of Tourism); governmental officials (Arizona Speaker of the House; Arizona State Legislature; Governor of Arizona; Arizona Corporation Commission; Clark County Department of Aviation); and Native American tribes (Hualapai; Havasupai; Navajo). Some of the substantive comments include commissioned studies, and economic and noise impact analyses (J.R. Engineering; Riddel and Schwer).

The following is an analysis of the pertinent general comments received in response to Notice 99–11 by specific proposal and the rationale of the final rule.

AOPA Comments/Petition for Reconsideration

AOPA, on behalf of its members, comments that the FAA should clarify the raised floors of the Marble Canyon and North Canyon sectors as amended in the 1996 final rule. Further, AOPA states that the FAA should include language clarifying that the new ceiling will not impact other types of non-commercial general aviation flights. AOPA comments that the elimination of the Fossil Canyon Corridor and the raised floors of the Marble Canyon and North Canyon sectors unfairly penalizes general aviation flights. AOPA recommends restoring the sector altitudes for general aviation overflights to the original altitudes of 5,999' MSL and 4,999' MSL respectively. In its comment, AOPA also refers to a January 15, 1997, petition for reconsideration of the December 1996 final rule. In that petition, AOPA raised similar issues as presented in its comment to the airspace modification proposal. Specifically AOPA asks that the FAA reconsider and (1) restore the floor of the North Canyon sector to 5,000 feet MSL for general aviation overflight; (2) restore the floor for the Marble Creek Canyon sector to 6,000 feet MSL; (3) establish the Fossil Canyon for general aviation overflight; and (4) establish the proposed Tuckup corridor for general aviation flight.

FAA response and final rule action:

In the December 1996 final rule, the FAA took action to prohibit air tour operations in the Tuckup Corridor. However, the Tuckup Corridor has always been open to general aviation traffic. The FAA regrets that this was not made clear when it provided a map for public comment on the new routes. General aviation pilots should refer to the Grand Canyon VFR Aeronautical Chart (General Aviation), which clearly shows the Tuckup Corridor and its flight altitudes. The FAA stated that it was not modifying the Tuckup Corridor as recently as May 15, 1997, when it published Notice 97–6 proposing that certain corridors be established for quiet technology aircraft. Comments regarding Marble Canyon and Fossil Canyon corridors are addressed below.

The FAA apologizes for not responding to AOPA's petition earlier, but addresses and disposes of that petition in this final rule. The December 1996 final rule simplified the northeast sector of the SFRA by combining the Marble Canyon and the North Canyon sector into one sector and renaming the section the Marble Canyon Sector with the minimum sector altitude of 8,000 MSL. The route altitude for commercial air tour aircraft, for the most part, in this sector is 7,500 MSL, thus allowing for a 500 foot MSL buffer. The FAA is aware that between Cave Springs Rapids and Saddle Mountain, air tour operators are climbing so as to join the Saddle Mountain and North Rim air traffic (Black 1 route). Areas for general aviation operations are to be conducted at a slightly higher altitude than the commercial air tour routes to segregate general aviation operations from the relatively heavy commercial air tour operations. While the routes reserve different altitudes for different types of operations, they do not in any way assure separation of individual aircraft (all pilots flying in the SFRA remain fully responsible for seeing and avoiding other aircraft). Consequently, it is not feasible to consider lowering the altitude for general aviation traffic in

this sector below 8,000 feet MSL. Therefore, the FAA denies this portion of AOPA's petition for reconsideration.

AOPA also requests that the FAA consider and reopen the Fossil Canyon Corridor to general aviation traffic. In promulgating the December 1996 final rule, it was the FAA's intention to close the Fossil Canyon corridor for commercial air tour flights only. As stated in the preamble to that rule, the FAA found that the Fossil Canyon corridor was not heavily used for commercial air tour purposes and that the operators who do use the corridor will have alternative routes. The FAA inadvertently did not include the Fossil Canyon corridor in section 93.307, Minimum flight altitudes for commercial air tour aircraft and transient and general aviation operation. The FAA corrects that error in this rulemaking by making the Fossil Canyon Corridor available only to transient and general aviation operations at a flight altitude of 10,500 feet MSL and above.

Delay of Rulemaking

Twin Otter International, Ltd., and its affiliate, Grand Canyon Airlines, comments that the proposals should be withdrawn. These commenters state that they are prepared to pursue every remedy available to stop these proposals.

The Arizona Corporation Commission expresses concern over the lack of state input into the proposed rules to further restrict the air tour industry at GCNP. The Commission expresses that the Grand Canyon is an extremely important component of Arizona's tourism industry. It believes that the same consideration should be given to Arizona officials that the FAA gave to Colorado officials in banning air tours over Rocky Mountain National Park.

FAA response and final rule action:

The FAA believes that Twin Otter's comment is directed to changes in the route structure and limitations on operations rather than the minor changes to the SFRA and FFZs of this rulemaking.

In response to the Arizona Commission, the FAA finds that this final rule does no harm to the Arizona tourist industry. The modification to the Sanup FFZ to accommodate two routes through the center of the park and the proposed extension of the SFRA do not restrict commercial air tours. The FAA has responded to the issues of changed routes and limits on operations in the appropriate documents published concurrently in the **Federal Register.** Thus the FAA does not believe it is necessary to delay implementation of this rule other than for training purposes.

Modifying the SFRA and FFZs

Air Vegas comments that it does not matter how the SFRA is realigned, because what really matters is how the route system is carved out of the SFRA.

The Maricopa Audubon Society recommends that the FAA close the Dragon Corridor (which is located just west of Hermit's Rest); this corridor impacts the Hermit, Boucher, Waldron, and Tonto trails. This commenter adds that the proposal would wrap tour flights closer around the south side of Point Sublime, which is ''an unacceptable way to treat visitor experience at such a spectacular and noted backcountry vista site.'' Finally, this commenter says that FFZs need to be large or they do not work and recommends enlargement of the Marble Canyon corridor and Powell Plateau area.

Clark County Department of Aviation says that Congress did not give the FAA the power to arbitrarily limit airspace. Clark County notes that the United States Court of Appeals for the District of Columbia Circuit recently stressed the need for agencies to identify ''intelligible principles'' guiding their actions under power delegated by Congress. *American Trucking Assn* v. *EPA,* No. 97–1440 D.C. Cir. 1999. Clark County states that the FAA must carefully revisit its decision to avoid creating a precedent that could affect flights over thousands of sites across the West for which some cultural, historic and/or religious claim could be made.

Arizona Raft Adventures says that there appears to be modest improvement on some of the reconfiguration of air tour routes, especially as pertains to the Colorado River in Marble Canyon (flights would be further away from the rim of the Marble Platform); the route which passes between the Bright Angel and Zuni corridors; and the National Canyon area (routes have moved south, providing relief to the Havasupai). The commenter points out, however, that there are other compromises, such as effects on Point Sublime, Point Imperial, and Saddle Mountain. This commenter concurs with others who call for the elimination of the Dragon corridor.

FAA response and final rule action:

The route structure for GCNP is being addressed in a separate disposition of comments document that is being published concurrently with this final rule.

In response to commenters who want to close the Dragon Corridor to aircraft overflights, the FAA did not propose such a change. NPS and FAA are seeking to impose the regulations necessary to achieve substantial steps towards the statutory mandate. At this time, the agencies have decided not to close the Dragon Corridor.

The FAA disagrees with Clark County that it is arbitrarily limiting available airspace in GCNP. Congress mandated the goal of substantial restoration of natural quiet in GCNP in Pub. L. 100–91. Pub. L. established the process for substantially restoring the natural quiet and experience in GCNP. Additionally, Congress granted NPS the discretion to use its expertise to establish a definition of the substantial restoration of natural quiet. NPS determined that substantial restoration of natural quiet required that over 50% of the GCNP should be quiet 75–100% of the time. The NPS in its 1994 Report to Congress to set forth the methods it would consider to achieve its goal of substantial restoration of natural quiet. The FAA, consistent with the direction of the statute, implements NPS recommendations unless it has safety concerns with the recommendations. Thus the statute and the NPS recommendations provide guiding principles for the agencies implementing the regulations effecting the statutory goal. Additionally, the FAA has developed standards in its relations with the Native American Tribes and Nations and, as explained in the Final Supplemental Environmental Assessment, Chapter 4 (Sections regarding Noise and Department of Transportation Section 4(f)), the FAA has used the same criteria in these rulemakings as were used in evaluating the expansion of arrivals into Los Angeles International Airport. See *Morongo Band of Mission Indians* v. *FAA,* 161 F.3d 569 (9th Cir. 1998).

Extending the SFRA East and Modifying the Desert View FFZ

The FAA received a number of comments opposing the SFRA expansion. AOPA also raises the issue that if hazardous weather or flight conditions required a route change that might penetrate the boundaries or transition area, the GCNP ''has no controlling authority to contact for permission.'' This commenter states that general aviation traffic will have difficulty safely avoiding the Sunny Military Operations Area (MOA) and ''legally avoiding the SFRA when flying from the south to destinations such as Tuba City and Page.'' AOPA recommends modifying the southeastern boundary ''to allow at least

five (5) nautical miles of airspace between the boundary of the SFRA and the Sunny MOA.'' Moreover, AOPA also finds that this change is outside scope of Pub. L. 100–91 which relates to restoration of natural quiet, not protection of Native American Traditional Cultural Properties.

EAA comments that moving the SFRA boundary as well as the Desert View FFZ to the east imposes air space regulations on the Navajo Nation that did not previously exist. EAA further comments that this proposal pushes GA flights too close to the Sunny MOA. Some commenters state that this is an unnecessary infringement on the limited National Airspace available for public use.

Comments from general aviation pilots indicate that they do not want to see the boundaries of the Desert View FFZ expanded to the east because the canyons of the Little Colorado are a de facto flyway, serving as the obvious entrance point to Grand Canyon airport from the east.

AirStar Helicopters says that the extension of the Desert View FFZ will have a negative economical impact on the Navajo Nation through loss of business and will add cost to operators with the additional miles being flown. Likewise, a film industry spokesman from Locations Southwest comments that he works with the Navajo and Hualapai in filming areas outside the jurisdiction of GCNP. His concern is that the extension of the Desert view FFZ may adversely affect his ability to film and thus affect the income of the two tribes. Papillon Helicopters comments that the Navajo tribe will lose fees paid in compensation for access to their lands. Such fees would now go to the NPS.

Sunrise Airlines comments that the proposed easterly expansion does not provide a benefit to the GCNP and therefore the boundaries should not be moved easterly from its current location. This commenter disagrees with the expansion of the Desert View FFZ. Although accommodating the concerns of the Native Americans may seem to be ''the right thing to do''; it is not consistent with the intent of Pub. L. 100–91. Expanding the Desert View FFZ does nothing to restore natural quiet in the National Park, and the proposed easterly expansion of the FFZ is entirely outside the GCNP. This commenter posits that creating an FFZ outside the GCNP boundaries will set a very dangerous precedent giving implied rights to land owners.

The environmental coalition supports expanding the SFRA east onto the Navajo Nation and extending the Desert View FFZ five miles east thus offering some protection to the Little Colorado River and important Native American cultural sites.

FAA Response and Final Rule Action:

The FAA proposed the SFRA and Desert View FFZ expansion to improve the safe navigation of general aviation pilots, to realign the Desert View FFZ with the GCNP boundaries, and to protect TCPs. The FAA agrees that the proposed action could be perceived as forcing general aviation traffic closer to the Sunny MOA and compromise safety, especially in inclement weather. Further, it was not the intent of the proposal to establish a FFZ over non-park land.

Therefore, in this final rule the Desert View FFZ's eastern boundary will be moved back to the GCNP boundary. The SFRA boundary is moved 5 miles to the east as proposed. Additionally, the FAA has modified the southeastern portion of the SFRA to allow three and a half (3½) nautical miles between the boundary of the SFRA and the Sunny MOA. The FAA finds that this action in the final rule both protects the confluence of the Little Colorado River and allows for safe general aviation transit through the area.

To operate safely in the vicinity of a MOA, general aviation operators should contact the appropriate flight service station to stay aware of actions in the MOA. The FAA also reminds general aviation visitors to GCNP that a provision for deviations into the SFRA is provided in section 93.305 for emergencies and other safety of flight situations.

Bright Angel FFZ

The FAA received several comments from air tour operators who maintain that the failure to immediately implement a quiet aircraft incentive route creates a disincentive to development of quiet aircraft technology and imposes a burden on operators that have already acquired quiet aircraft. Furthermore, these commenters state that the Bright Angel corridor would improve flight safety by giving air tour operators the ability to fly a safer route at a lower altitude. Without the Bright Angel corridor operators must fly over Saddle Mountain Wilderness Area which is a longer route over higher terrain and increases aircraft direct operating costs by 20%.

The Grand Canyon River Guides Association opposes the proposed future incentive route for noise-efficient aircraft through the Bright-Angel FFZ because FFZs should be flight-free. The FAA and NPS should not even consider such routes while the minimum goal of substantial restoration of natural quiet still had not been met.

Sunrise Airlines states that the expansion of the SFRA to the south will benefit the Bright Angel FFZ by placing aircraft further from this zone and therefore should be adopted west of the Zuni Point Corridor but not east of the Zuni Point Corridor where there is no benefit.

The environmental coalition opposes the addition of an ''incentive corridor'' through the Bright Angel FFZ. These associations state that rather than allowing quiet aircraft to fly on more routes, quieter aircraft should be used to meet the existing substantial restoration requirement.

FAA response and final rule action:

The FAA reiterates its commitment to an incentive corridor as stated in NPRM 96–15, Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park. Adoption of such a corridor is consistent with the Comprehensive Noise Management Plan, which ''will address the best available technology, provision of appropriate incentives for investing in quieter aircraft, and appropriate treatment for operators that have already made such investments.'' (62 FR 69338: December 31, 1996) However, the Bright Angel corridor cannot be used until the standards for quiet technology are developed.

In this final rule the FAA retains the Bright Angel Corridor for future used by quiet technology aircraft once quiet technology is defined in a subsequent final rule. Additionally, the location of this incentive corridor would overlie the current location of the Black 1A and Green 1A routes. Consequently, the coordinates for this incentive corridor have been further defined using North American Datum 83 (NAD 83) versus NAD 27. This new defined area will place the incentive corridor .6 to .8 nautical miles north of the coordinates that were proposed in Notice 97–6.

Editorial Corrections

The FAA corrects an inadvertent error in the Toroweap/Shinumo FFZ. In SFAR 50–2, a portion of the airspace in the vicinity of the Hualapai Reservation was inadvertently included as part of the Toroweap FFZ, which was subsequently combined into the Toroweap/Shinumo FFZ in the 1996 final rule (61 FR 69331). The FAA never intended to extend the FFZ over the Hualapai Reservation. Therefore, a small circular area in the southeast portion of that FFZ, near Toroweap Overlook, is removed. This will allow the boundaries of the Toroweap/Shinumo FFZ to

coincide with the boundaries of the Hualapai Reservation.

On December 31, 1996 the FAA published the Special Flight Rules in the Vicinity of Grand Canyon National Park final rule. The final rule amended part 93 of Title 14, Code of Federal Regulations (14 CFR), by adding a new subpart to codify the provisions of Special Federal Aviation Regulation (SFAR) 50–2, Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ. However, the December 31, 1996 final rule contained a typographical error that inadvertently moved a portion of the northwestern boundary of the SFRA of the GCNP. This error causes a certain air tour route (Green 4) to fall partially outside of the SFRA.

Further, in describing the SFRA around the Peach Springs VORTAC, a typographical error of ten seconds in Latitude caused the SFRA not to be adjoined in this area.

The Tuweep Airstrip was unintentionally left out of SFAR 50–2. This omission causes the Tuweep Airstrip not to have charted information regarding general operating procedures used within 3 nautical miles and below 3,000 feet above the airport's elevation. This action corrects those errors by revising the legal description of the SFRA boundary as described in section 93.301, and adding the Tuweep Airstrip to section 93.309(f).

SFAR 50–2

SFAR 50–2 is removed in this final rule as of December 1, 2000. At that time the airspace modifications of this final rule will become effective to accommodate the new Blue Direct North and Blue Direct South routes. The FAA has determined that delaying implementation until December 1, 2000, will enable the air tour operators to ensure sufficient training on the new routes during a time period outside their peak season. Therefore, SFAR 50–2 is removed, effective December 1, 2000.

Environmental Review

The FAA, in cooperation with NPS and the Hualapai Indian Tribe, prepared a Draft Supplemental Environmental Assessment (SEA) for the proposed rules to assure conformance with the National Environmental Policy Act (NEPA) of 1969, as amended, and other applicable environmental laws and regulations. Copies of the Draft SEA were circulated to interested parties and placed on the Docket, where it was available for review. On July 9, 1999, the Notice of Availability of the SEA for the Proposed Actions Relating to the GCNP was published in the **Federal Register** (64 FR 37192). Comments on the Draft SEA were to be received on or before September 7, 1999.

Comments received in response to this Notice of Availability have been addressed in the final SEA published concurrently with this final rule. Based upon the final SEA and careful review of the public comments to the draft SEA, the FAA has determined that a finding of no significant impact (FONSI) is warranted. The final SEA and the FONSI were issued in February 2000. Copies have been placed in the public docket for this rulemaking, have been circulated to interested parties, and may be inspected at the same time and location as this final rule.

Economic Summary

Any changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. A regulatory evaluation of the proposal is in the docket.

Because of the continued high public interest surrounding GCNP regulations and the potential implications within a small locality, the FAA has determined that this final rule will be ''a significant regulatory action'' as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The FAA, however, has determined that this final rule will not have a significant economic impact on a substantial number of small entities (commercial air tour operators conducting flights within Grand Canyon National Park), and does not warrant further regulatory flexibility action. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities. In addition, the final rule will not have a significant impact on international trade.

Costs

The costs associated with the reconfiguration of the Desert View and Bright Angel Flight-free Zones (FFZ) as described in 14 CFR 93.305, were accounted for in the December 31, 1996 final rule (61 FR 69302). This analysis therefore, is concerned only with the costs associated with the modifications to the reconfigurations.

Special Flight Rules Area

The SFAR 50–2 Black 2 and Black 3 routes currently used are the only air tour routes that will be affected by the concomitant eastward shifts of the SFRA. The Black 2 route extends mostly over plateau, not the Canyon, and is utilized as an access route to the Black 1 tour route over the Canyon. The Black 2 route is not a prominent feature of any air tour. Information provided for the base year indicates that only one operator utilized the Black 2 route to conduct air tours of the Grand Canyon. Similarly, the Black 3 route is more of an access within the SFRA to the more scenic Black 1 air tour route. Operators accessing the Grand Canyon via the Black 3 route, however, split south at Imperial Point and remain on the Black 1 route through the Zuni Point Corridor.

The FAA believes that a shift in the Black 2 route eastward resulting from the eastward shift in the SFRA by five nautical miles will serve only to realign the access/approach to the Black 1 tour route. It will not alter the tour offerings of the individual operator discussed above, and any changes in the operator's variable operating costs resulting from adding five nautical miles to the overall air tour (about 2–3 minutes) are negligible. Similarly, the FAA believes there will be no impact on the operators entering the SFRA on the Black 3 route to conduct air tours of the Canyon. The eastward extension of the SFRA by five nautical miles will not necessarily add distance and time to the tours using the Black 3, but rather, it will tend to substitute distance and time in controlled airspace for distance and time in unrestricted airspace. Therefore, the FAA concludes that the costs for this part of the final rule are *de minimus*. However, as discussed in the comments section to the Regulatory Evaluation, Southwest Safaris may experience a cost impact due to the SFRA shift and the route change. The FAA can not assess the specific impact of the shift because it has not received data from Southwest Safaris to document the number of air tours conducted during May 1, 1997–April 30, 1998.

Bright Angel Flight-Free Zone

The FAA is establishing the Bright Angel corridor for future use by quiet technology aircraft. Readers must understand that until a standard for quiet technology aircraft is developed

and adopted, this corridor will not be available for use.

The Bright Angel incentive corridor is parallel to the route that is currently depicted on the Grand Canyon VFR Aeronautical Chart as the Green 1A and Black 1A, or Alpha routes. This corridor will be available in the future only to noise efficient/quiet technology aircraft. Currently, the FAA and the NPS have not defined what is a noise efficient/quiet technology aircraft. Consequently, the route will not be available for immediate use except in weather emergencies but potentially should be available for use in the future.

Other Areas

The Sanup FFZ will be modified to accommodate the new route system contained in the concurrent Notice of Route Availability. No estimated costs are associated with this alternative. In addition, no estimated costs are associated with reopening the Fossil Canyon Corridor.

Cost Summary

The FAA estimates that any costs associated with the SFRA expansion of five nautical miles to the east will be *de minimus*, except, possibly, in the case of Southwest Safaris, based on the same reasoning as previously stated. Also, the FAA determines that the modification to the Sanup FFZ, and the reopening of the Fossil Canyon Corridor will result in no additional costs. The potential cost of the incentive corridor through the Bright Angel FFZ cannot be estimated at this time. The potential cost will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

Benefits

The primary benefit associated with this final rule is a reduction of circumnavigation costs for general aviation operators. The potential benefit of the incentive corridor through the Bright Angel FFZ cannot be estimated at this time. The potential benefits will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

The reopening of the Fossil Canyon Corridor will reduce circumnavigation costs for GA operators. The expansion of the eastern boundary of the SFRA addresses certain concerns of the Native Americans in that area while at the same time posing no perceived additional costs on operators. Benefits associated with the modification to the Sanup FFZ cannot be quantified without additional information regarding the air tour route alternative.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 estimates ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rational for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act. However. if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the end of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule will only have a de minimus cost impact on the certificate holders for whom cost have been estimated. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The FAA has determined that the final rule will have no affect on non-U.S. operators of foreign aircraft operating outside the United States nor will it have an affect on U.S. trade or trade relations.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, requires each Federal Agency, to the extend permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of $100 million or more (when adjusted annually for inflation) in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local and tribal governments in the aggregate of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that, before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals.

This final rule does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

International Compatibility

The FAA has reviewed corresponding International Civil Aviation Organization standards and recommended practices and Joint Aviation Authorities requirements and has identified no comparable amendments in foreign regulations.

International Trade Impact Analysis

In accordance with the OMB memorandum dated March 1983, Federal agencies engaged in rulemaking activities are required to assess the effects of regulatory changes on international trade. The modification to the FFZs and SFRA in Grand Canyon National Park of this final rule do not impact international trade for the air tour operators, Native Americans, and park visitors affected by this final rule.

Federalism Implications

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action 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, the FAA has determined that this final rule will have the sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 requires that agencies consider the impact of paperwork and other information collection burdens imposed on the public. Under the Act, no person is required to respond to a collection of information unless it displays a valid Office of Management and Budget (OMB) control number.

There are no requirements for information collection associated with this proposed rule that would require approval under the Act.

List of Subjects

14 CFR Parts 91, 121, and 135

Aircraft, Airmen, Aviation Safety.

14 CFR Part 93

Air traffic control, Airports, Navigation (Air), Reporting and recordkeeping requirements.

Adoption of Amendments

For the reasons set forth above, the Federal Aviation Administration amends parts 91, 93, 121, and 135 of Title 14 of the Code of Federal Regulations, effective December 1, 2000, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531.

PART 121 [AMENDED]

2. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 444101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

PART 135 [AMENDED]

3. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

SFAR No. 50–2 [Removed]

4. In parts 91, 121, and 135, Special Federal Aviation Regulation No. 50–2, the text of which appears at the beginning of part 91, is removed.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

5. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

6. Section 93.301 is revised to read as follows. This supersedes § 93.301 published on December 31, 1996 (61 FR 69330) and delayed until January 31, 2001 (65 FR 5397, February 3, 2000).

§ 93.301 Applicability.

This subpart prescribes special operating rules for all persons operating aircraft in the following airspace, designated as the Grand Canyon National Park Special Flight Rules Area: That airspace extending from the surface up to but not including 18,000 feet MSL within an area bounded by a line beginning at Lat. 35°55′12″ N., Long. 112°04′05″ W.; east to Lat. 35°55′30″ N., Long. 111°45′00″ W.; to Lat. 35°59′02″ N., Long. 111°36′03″ W.; north to Lat. 36°15′30″ N., Long. 111°36′06″ W.; to Lat. 36°24′49″ N., Long. 111°47′45″ W.; to Lat. 36°52′23″ N., Long. 111°33′10″ W.; west-northwest to Lat. 36°53′37″ N., Long. 111°38′29″ W.; southwest to Lat. 36°35′02″ N., Long. 111°53′28″ W.; to Lat. 36°21′30″ N., Long. 112°00′03″ W.; west-northwest to Lat. 36°30′30″ N., Long. 112°35′59″ W.; southwest to Lat. 36°24′46″ N., Long. 112°51′10″ W., thence west along the boundary of Grand Canyon National Park (GCNP) to Lat. 36°14′08″ N., Long. 113°10′07″ W.; west-southwest to Lat. 36°09′30″ N., Long. 114°03′03″ W.; southeast to Lat. 36°05′11″ N., Long. 113°58′46″ W.; thence south along the boundary of GCNP to Lat. 35°58′23″ N., Long. 113°54′14″ W.; north to Lat. 36°00′10″ N., Long. 113°53′48″ W.; northeast to Lat. 36°02′14″ N., Long. 113°50′16″ W.; to Lat. 36°02′17″ N., Long. 113°53′48″ W.; northeast to Lat. 36°02′14″ N., Long. 113°50′16″ W.; to Lat. 36°02′17″ N., Long. 113°49′11″ W.; southeast to Lat. 36°01′22″ N., Long. 113°48′21″ W.; to Lat. 35°59′15″ N., Long. 113°47′13″ W.; to Lat. 35°57′51″ N., Long. 113°46′01″ W.; to Lat. 35°57′45″ N., Long. 113°45′23″ W.; southwest to Lat. 35°54′48″ N., Long. 113°50′24″ W.; southeast to Lat. 35°41′01″ N., Long. 113°35′27″ W.; thence clockwise via the 4.2-nautical mile radius of the Peach Springs VORTAC to Lat. 36°38′53″ N., Long. 113°27′49″ W.; northeast to Lat. 35°42′58″ N., Long. 113°10′57″ W.; north to Lat. 35°57′51″ N., Long. 113°11′06″ W.; east to Lat. 35°57′44″ N., Long. 112°14′04″ W.; thence clockwise via the 4.3-nautical mile radius of the Grand Canyon National Park Airport reference point (Lat. 35°57′08″ N., Long. 112°08′49″ W.) to the point of origin.

7. Sections 93.305 and 93.307 published on December 31, 1996 (61 FR 69330), corrected at 62 FR 2445 (January 16, 1997), and delayed at 65 FR 5397 (February 3, 2000) becomes effective December 1, 2000.

8. Section 93.305 is amended by revising paragraph (a), by revising the last sentence and adding a new sentence to the end of paragraph (b), by revising paragraph (c), and by revising paragraph (d) to read as follows:

§ 93.305 Flight-free zones and flight corridors.

* * * * *

(a) *Desert View Flight-free Zone.* That airspace extending from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at Lat. 35°59′58″ N., Long. 111°52′47″ W.; thence east to Lat. 36°00′00″ N., Long. 111°51′04″ W.; thence north to 36°00′24″ N., Long. 111°51′04″ W.; thence east to 36°00′24″ N., Long. 111°45′44″ W.; thence north along the GCNP boundary to Lat. 36°14′05″ N., Long. 111°48′34″ W.; thence southwest to Lat. 36°12′06″ N., Long. 111°51′14″ W.; to the point of origin; but not including the airspace at and above 10,500 feet MSL within 1 nautical mile of the western boundary of the zone. The corridor to the west between the Desert View and Bright Angel Flight-free Zones, is designated the ''Zuni Point Corridor.'' This corridor is 2 nautical miles wide for commercial air tour flights and 4 nautical miles wide for transient and general aviation operations.

(b) * * * This corridor is 2 nautical miles wide for commercial air tour flights and 4 nautical miles wide for transient and general aviation operations. The Bright Angel Flight-free Zone does not include the following airspace designated as the Bright Angel Corridor: That airspace one-half nautical mile on either side of a line extending from Lat. 36°14′57″ N., Long. 112°08′45″ W. and Lat. 36°15′01″ N., Long. 111°55′39″ W.

(c)*Toroweap/Shinumo Flight-free Zone.* That airspace extending from the surface up to but not including 14,500 feet MSL within an area bounded by a line beginning at Lat. 36°05′44″ N., Long. 112°19′27″ W.; north-northeast to Lat. 36°10′49″ N., Long. 112°13′19″ W.; to Lat. 36°21′02″ N., Long. 112°08′47″ W.; thence west and south along the GCNP boundary to Lat 36°10′58″ N., Long. 113°08′35″ W.; south to Lat. 36°10′12″ N., Long. 113°08′34″ W.;

thence in an easterly direction along the park boundary to the point of origin; but not including the following airspace designated as the ''Tuckup Corridor'': at or above 10,500 feet MSL within 2 nautical miles either side of a line extending between Lat. 36°24′42″ N., Long. 112°48′47″ W. and Lat. 36°14′17″ N., Long. 112°48′31″ W. The airspace designated as the ''Fossil Canyon Corridor'' is also excluded from the Toroweap/Shinumo Flight-free Zone at or above 10,500 feet MSL within 2 nautical miles either side of a line extending between Lat. 36°16′26″ N., Long. 112°34′35″ W. and Lat. 36°22′51″ N., Long. 112°18′18″ W. The Fossil Canyon Corridor is to be used for transient and general aviation operations only.

(d) *Sanup Flight-free Zone.* That airspace extending from the surface up to but not including 8,000 feet MSL within an area bounded by a line beginning at Lat. 35°59′32″ N., Long. 113°20′28″ W.; west to Lat. 36°00′55″ N., Long. 113°42′09″ W.; southeast to Lat. 35°59′57″ N., Long. 113°41′09″ W.; to Lat. 35°59′09″ N., Long. 113°40′53″ W.; to Lat. 35°58′45″ N., Long. 113°40′15″ W.; to Lat. 35°57′52″ N., Long. 113°39′34″ W.; to Lat. 35°56′44″ N., Long. 113°39′07″ W.; to Lat. 35°56′04″ N., Long. 113°39′20″ W.; to Lat. 35°55′02″ N., Long. 113°40′43″ W.; to Lat. 35°54′47″ N., Long. 113°40′51″ W.; southeast to Lat. 35°50′16″ N., Long. 113°37′13″ W.; thence along the park boundary to the point of origin.

* * * * *

9. Section 93.307 is amended by revising the heading for paragraphs (a)(1) and (b)(1) and adding a new paragraph (b)(2)(iv) to read as follows:

§ 93.307 Minimum flight altitudes.

(a) * * *

(1) *Commercial air tours*—

* * * * *

(a) * * *

(1) *Commercial Air tours*— * * *

(2) * * *

(iv) Fossil Canyon Corridor. 10,500 feet MSL.

10. Section 93.309 is amended by revising paragraphs (b) and (f) to read as follows:

§ 93.309 General operating procedures.

* * * * *

(b) Unless necessary to maintain a safe distance from other aircraft or terrain, proceed through the Zuni Point, Dragon, Tuckup, and Fossil Canyon Flight Corridors described in § 93.305 at the following altitudes unless otherwise authorized in writing by the Flight Standards District Office:

(1) *Northbound.* 11,500 or 13,500 feet MSL.

(2) *Southbound.* 10,500 or 12,500 feet MSL.

* * * * *

(f) Is conducted within 3 nautical miles of Grand Canyon Bar Ten Airstrip, Pearce Ferry Airstrip, Cliff Dwellers Airstrip, Marble Canyon Airstrip, or Tuweep Airstrip at an altitude less than 3,000 feet above airport elevation, for the purpose of landing at or taking off from that facility; or

* * * * *

Issued in Washington, DC, on March 28, 2000.

Jane F. Garvey,

Administrator.

[FR Doc. 00–7950 Filed 3–28–00; 4:59 pm]

BILLING CODE 4910–13–M

Federal Register

Tuesday,
April 4, 2000

Part IV

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Program Announcement for the Evaluation of Parents Anonymous®; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1268]

Program Announcement for the Evaluation of Parents Anonymous®

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of solicitation.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is requesting applications for the evaluation of the Parents Anonymous® program. The purpose of the evaluation is to assess the implementation and effectiveness of Parents Anonymous® programs in preventing and treating child abuse and neglect.

DATES: Applications must be received by June 19, 2000.

ADDRESSES: Interested applicants must obtain an application kit from the Juvenile Justice Clearinghouse at 800–638–8736. The application kit is also available at OJJDP's Web site at www.ojjdp.ncjrs.org/grants/about.html#kit. (See ''Format'' and ''Delivery Instructions'' later in this announcement for instructions on required standards and the address to which applications must be sent.)

FOR FURTHER INFORMATION CONTACT: Dean Hoffman, Program Manager, Office of Juvenile Justice and Delinquency Prevention, 202–353–9256. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Purpose

To assess the implementation and effectiveness of Parents Anonymous® programs in preventing and treating child abuse and neglect. This 3-year process and outcome evaluation will be funded as a cooperative agreement.

Background

Parents Anonymous® is a national child abuse prevention program dedicated to family strengthening in partnership with local communities. From a single group in 1970, Parents Anonymous® has grown into more than 1,000 weekly mutual support groups for parents and complementary children's programs. In communities throughout the country, partnerships are formed between local communities, Parents Anonymous® organizations, and Parents Anonymous, Inc., the national accrediting entity. With a 30-year history and more than 30,000 local volunteers, Parents Anonymous® worked with 100,000 parents and their children in 1997 to help prevent child abuse and neglect.

The Parents Anonymous® national network consists of 32 State and local Parents Anonymous® organizations, which oversee the weekly Parents Anonymous® groups and children's programs. Parents Anonymous, Inc., provides training and technical assistance to Parents Anonymous® organizations and State and local government agencies to foster the development and maintenance of Parents Anonymous® programs. Program materials, technical assistance services, and regional and national trainings are designed and conducted by Parents Anonymous, Inc.

Mutual support and shared leadership are the cornerstones of the Parents Anonymous® model. Parents Anonymous® programs partner in local communities with volunteers, agencies, and parents to establish groups to strengthen families. The program is both a community development model and a prevention and treatment model. Parent leaders are assigned meaningful and identifiable roles at both the group and organizational levels to ensure shared leadership and the development of more responsive programs to meet the needs identified by families. This unique model actualizes the principles of mutual support and shared leadership not just in the group model but at the organizational level. This is accomplished through the leadership roles of parents who participate in effective outreach to other parents, program planning and implementation, strategic planning, fundraising, policy decisions, organizational governance, and evaluation activities.

Applicants can obtain a Parents Anonymous® information package through the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) Juvenile Justice Clearinghouse by calling 800–638–8736. Information about Parents Anonymous® will also be available during the bidders' conference discussed later in this Notice.

Evaluation Strategy

This evaluation will be conducted in two phases. During Phase I (12 months), the process evaluation will investigate how the theoretical premises, principles, best practices, and model of Parents Anonymous® are implemented in a sample of programs selected by the evaluator. The process evaluation should result in an in-depth understanding of why parents seek help, how the program tries to help parents change, what factors influence initial and continued involvement in the program, and other relevant issues. A wide range of individuals should be included in the evaluation, including participants and facilitators, parent leaders, and program coordinators. Applicants should present a detailed approach to conducting the process evaluation.

Applicants should present a preliminary approach to conducting the outcome evaluation (Phase II, 24 months) in the selected programs. This should include a detailed discussion of the overall design of the outcome evaluation and include methods for selecting programs and comparison groups, designing and testing data collection instruments, and collecting and analyzing data. Multiple methods should be used to collect baseline and followup data. The outcome evaluation should be able to assess the effectiveness of Parents Anonymous® in preventing and treating child abuse and neglect. The outcome evaluation design should be described as specifically as possible but recognize that the design will be refined during Phase I. The design of the outcome evaluation is to be completed by the end of Phase I.

The number and type of programs included in the evaluation should be selected in a manner that will provide information on a wide variety of programs. Applicants should include a methodology for selecting programs in their proposal, but it is possible that this methodology will be modified after the first meeting of the Project Advisory Board (see below). The evaluator can anticipate being able to use a national listing of programs to be provided by Parents Anonymous, Inc., for the purpose of sampling. This national database, which is currently under development, will be able to provide the evaluator with information on the scope and nature of Parents Anonymous® organizations and types of programs across the Nation.

Upon award of the cooperative agreement, Parents Anonymous, Inc., will introduce the evaluator to the Parents Anonymous® national network, emphasize the usefulness of the evaluation, and encourage programs, participants, and staff to share information, opinions, and ideas. The applicant's strategies for conducting the process and outcome evaluation should reflect an understanding of the collaboration between Parents Anonymous, Inc., and its regional and local organizations, shared leadership with program participants, and methodological issues related to evaluating mutual support programs and community-based prevention programming.

Goal

To assess the implementation and effectiveness of Parents Anonymous® programs in preventing and treating child abuse and neglect.

Phase I Objectives

- Identify, investigate, and document how the theoretical premises, principles, best practices, and model of Parents Anonymous® are implemented in a sample of programs to be selected by the evaluator.
- Document how programs are established, staffed, and operated.
- Produce, in the selected groups, an in-depth understanding of who participates in Parents Anonymous®, the circumstances behind their participation, the methods for producing changes in behavior and attitudes, the factors that influence initial and continued involvement with the program, and other relevant issues.
- Describe how the Parents Anonymous® model is implemented in different settings (e.g., agencies, prisons, schools).
- Describe any variability in the implementation of the Parents Anonymous® model across settings and communities.
- Finalize the design of the outcome evaluation.

Phase II Objectives

- Assess the effectiveness of the Parents Anonymous® programs and their different structures in preventing and treating child abuse and neglect.
- Assess the differences between families that continue in Parents Anonymous® and those that do not.
- Investigate which factors and circumstances either contribute to or detract from the effectiveness of the Parents Anonymous® program.
- Identify effective techniques for monitoring program outcomes that might be adapted for ongoing self-assessment of local Parents Anonymous® programs.

Project Advisory Board

A Project Advisory Board (PAB) will provide guidance on the overall design of the evaluation, data collection instruments and procedures, and other similar issues. Also, the PAB will advise the evaluator on ways to help ensure the cooperation and collaboration of Parents Anonymous® programs.

The PAB will consist of five members. The evaluator will be responsible for identifying and recommending four PAB members. In their proposal, applicants should identify two potential members of the PAB and include signed letters of commitment from them. These two individuals must have demonstrated expertise in the child maltreatment and domestic violence fields and evaluation of mutual support and self-help groups. These experts should be able to offer guidance on the evaluation design and data collection instruments. The other two PAB members will be identified and recommended after the cooperative agreement is awarded. These members will be parents, staff, or volunteers involved in the Parents Anonymous® program. OJJDP will approve all PAB recommendations. The fifth member will be identified by OJJDP and Parents Anonymous, Inc.

The PAB will be convened twice during Phase I. The first meeting should be held within 2 months of the award. The PAB will be charged with reviewing the detailed process evaluation design, the preliminary outcome evaluation design, and the program sampling strategy. The second meeting will be held 10 months into Phase I. At this meeting, the PAB will be charged with reviewing the process evaluation findings, reviewing refined outcome evaluation design, and guiding evaluation activities for the remainder of the project. Additional meetings will be held during Phase II, but the number and timing of these will be determined at a later date.

The evaluator will be responsible for coordinating both PAB meetings. One meeting is to be held in Washington, DC, and the other is to be held in Claremont, CA. The evaluator must include in its budget expenses for the meeting location, materials, and travel and related expenses and preparation day(s) for the PAB members.

Products

The following products will be delivered during Phase I:

1. One month after the first PAB meeting, the evaluator will submit (1) a final process evaluation design and methodology, including a plan for selecting programs, and (2) a revised outcome evaluation design, the feasibility of which is to be determined during the process evaluation.

2. At 10 months, the evaluator will submit (1) An interim report describing the results of the process evaluation and (2) A refined outcome evaluation design that builds upon the PAB's first round of comments and the evaluator's experience in the field. The PAB will meet and review these products.

3. At 12 months, the evaluator will submit a final outcome evaluation plan.

During Phase II, the following products will be delivered:

1. The evaluator will submit an interim report at month 24 (that is, 12 months into Phase II) that summarizes preliminary findings and discusses the progress of the evaluation.

2. The evaluator will provide a draft final report at least 60 days prior to the end of the 3-year grant period to allow for review and comment by the PAB and OJJDP.

3. The evaluator will provide a final report, including an executive summary that can be published as a separate document. These documents will be submitted 30 days prior to the end of the 3-year grant period. In addition, a summary version of the report suitable for publication as an OJJDP Bulletin must be prepared at the same time.

Eligibility Requirements

OJJDP invites applications from public and private agencies, organizations, institutions, and individuals. Private, for-profit organizations must agree to waive any profit or fee. Joint applications from two or more eligible applicants are welcome; however, one applicant must be clearly indicated as the primary applicant (for correspondence, award, and management purposes) and the others indicated as coapplicants.

Selection Criteria

Applicants will be evaluated and rated by a peer review panel according to the criteria outlined below.

Problem(s) To Be Addressed (5 points)

Applicants should demonstrate their understanding of the causes of child maltreatment and its relationship to domestic violence, family strengthening research, strategies to prevent and treat child abuse and neglect, and the role of mutual support and self-help programs, such as Parents Anonymous®, in terms of how they are designed to address the theoretical factors in child maltreatment. The application should discuss how some types of interventions may be counterproductive.

Goals and Objectives (10 points)

Applicants must define specific goals and measurable objectives for conducting, managing, and producing the products of this evaluation. This section of the proposal should expand upon the goals outlined in this solicitation and be closely tied to the project design. A detailed time line should be included as appendix A (see ''Appendixes'' below).

Project Design (40 points)

Applicants should demonstrate a thorough understanding of appropriate

evaluation designs, identify the methodological issues and problems associated with the type of evaluation to be conducted here, and propose solutions for these problems. (5 points)

The applicant must present a clear, detailed project design that describes the approach to conducting the process and outcome evaluations. The project design should include a detailed strategy for selecting Parents Anonymous® programs and comparison groups. Applicants must present a plan for addressing cultural diversity and satisfy confidentiality and protection of human subjects requirements (see requirements regarding privacy certificates and Institutional Review Boards below). A clear plan must be presented for developing and pilot testing data collection instruments and collecting and analyzing data. (30 points)

The applicant should demonstrate an ability to conduct the evaluation in a manner compatible with the shared leadership-mutual support model of Parents Anonymous''. Applicants should discuss how they have addressed confidentiality and cultural diversity issues in previous research and how these will be addressed in the current study. (5 points)

Management and Organizational Capability (25 points)

The application should include a discussion of how the grantee will coordinate and manage this evaluation. The applicant's management structure and staffing must be adequate and appropriate for the successful implementation of the project. (10 points)

The applicant must identify responsible individuals, their time commitment, and their specific task assignments. Key staff should have significant experience in the fields of childhood maltreatment and domestic violence and with designing and conducting multisite evaluations and conducting appropriate analysis. Applicants should discuss their experience with evaluations of mutual support programs, self-help programs, and community-based child abuse and neglect prevention programs. (10 points)

Applicants must discuss how they will work with and maintain the involvement of parents, parent leaders, facilitators, and program coordinators in data collection and analysis issues and other requirements of the project. (5 points)

Budget (15 points)

The applicant must provide a proposed budget that is detailed, reasonable, and cost effective in relation to the activities to be undertaken.

Appendixes (5 points)

Appendix A: 3-Year Project Time line. The time line should clearly and comprehensively show when the evaluation's goals and objectives will be achieved.

Appendix B: Resumes of personnel and consultants. Key staff should have significant experience with designing and conducting multisite evaluations and conducting appropriate analysis.

Appendix C: Resumes of two proposed PAB members and their signed letters of agreement. These two individuals must have demonstrated expertise in the child maltreatment and domestic violence fields and evaluation of mutual support and self-help groups. These experts should be able to offer guidance on the evaluation design and data collection instruments.

Bidders' Conference

OJJDP will host a bidders' conference on May 10, 2000, at 1:00 p.m. to answer questions potential applicants have about the Request for Proposals and general operation of Parent Anonymous® programs. The conference will be conducted via conference call. Interested parties should call 703–871–3073 (for those within the Washington, DC, metropolitan area) and 877–282–0743 (for those outside the Washington, DC, metropolitan area) up to 10 minutes before the conference is to begin and follow the instructions. Applicants have the opportunity to ask questions during the conference; the instructions on how to do this will be provided when applicants call in for the conference. For those applicants who cannot participate in the conference, OJJDP will post the transcript of the proceedings on its Web site (www.ojjdp.ncjrs.org) and make it available through the Juvenile Justice Clearinghouse (800–638–8736). Applicants should not contact Parents Anonymous, Inc., directly.

Format

The application must be submitted on 8½- by 11-inch paper. All text must be double-spaced on one side of the paper in 12-point, Times Roman font. One-inch margins must be used on all sides. These requirements apply to the narrative portion of the application, which includes the problem to be addressed, goals and objectives, project design, and management and organizational capability. Graphics, tables, budget, and the appendixes are exempt from these requirements. This is necessary to maintain fair and uniform standards among all applicants. If the narrative does not conform to these standards, OJJDP will deem the application ineligible for consideration.

The narrative portion must not exceed 30 pages.

Award Period

This project will be funded for 3 years in three 1-year budget periods. Funding after the first budget period depends on grantee performance, availability of funds, and other criteria established at the time of award.

Award Amount

Up to $300,000 is available for the initial 12-month budget period. Applicants need provide a detailed budget only for Phase I.

Confidentiality

Applicants proposing research and statistical activities that will involve the collection of data identifiable to a private person must comply with the confidentiality requirements of 42 U.S.C. section 3789g and 28 CFR part 22. Specifically, applicants should submit a Privacy Certificate in accordance with 28 CFR section 22.23 as part of the application package.

Human Subjects

Applicants are advised that any project that will involve the use of human research subjects must be reviewed by an Institutional Review Board (IRB), in accordance with Department of Justice regulations at 28 CFR Part 46. IRB review is not required prior to submission of the application. However, if an award is made and the project involves research using human subjects, OJJDP will place a special condition on the award requiring that the project be approved by an appropriate IRB before Federal funds can be expended on human subjects activities. Applicants should include plans for IRB review, where applicable, in the project time line submitted with the proposal.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.542. This form is included in the *OJJDP Application Kit*, which can be obtained by calling the Juvenile Justice Clearinghouse at 800–638–8736 or sending an e-mail request to puborder@ncjrs.org. *The Application Kit* is also available online at www.ojjdp.ncjrs.org./grants/about.html#kit.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice (DOJ) is requesting applicants to provide information on the following: (1) Active Federal grant award(s) supporting this or related efforts, including awards from DOJ; (2) Any pending application(s) for Federal funds for this or related efforts; and (3) Plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

''Related efforts'' is defined for these purposes as one of the following:

1. Efforts for the same purpose (*i.e.*, the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).

2. Another phase or component of the same program or project (*e.g.*, to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).

3. Services of some kind (*e.g.*, technical assistance, research, or evaluation) to the program or project described in the application.

Delivery Instructions

All application packages should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. Note: *In the lower left-hand corner of the envelope, you must clearly write ''Evaluation of Parents Anonymous®''*

Due Date

Applicants are responsible for ensuring that the original and five copies of the application package are received by 5:00 p.m. EDT on June 19, 2000.

Contact

For further information call Dean Hoffman, Program Manager, Research and Program Development Division, 202–353–9256, or send an e-mail inquiry to hoffmand@ojp.usdoj.gov.

Suggested References

Belsky, J. 1993. Etiology of child maltreatment: A developmental-ecological analysis. *Psychological Bulletin* 114(3):413–434.

Cohn, A. H. 1979. Essential elements of successful child abuse and neglect treatment. *Child Abuse and Neglect* 3:491–496.

Cohn, A. H., and Daro, D. 1987. Is treatment too late: What ten years of evaluative research tells us. *Child Abuse and Neglect* 11:433–442.

Gray, E. 1986. *Child Abuse: Prelude to Delinquency.* Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Hawkins, J., VonCleve, E., and Catalano, R. 1991. Reducing early childhood aggression: Results of a primary prevention program. *Journal of the American Academy of Child and Adolescent Psychiatry* 30:208–217.

Humphreys, K., and Rappaport, J. 1994. Researching self-help/mutual aid groups and organizations: Many roads, one journey. *Applied & Preventive Psychology* 3:217–231.

Levine, M. 1988. An analysis of mutual assistance. *American Journal of Community Psychology* 19:167–187.

Rafael, T., and Pion-Berlin, L. 1999. *Parents Anonymous®: Strengthening Families.* Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Riessman, F., and Carroll, D. 1995. *Redefining Self-Help: Policy and Practice.* San Francisco: Jossey-Bass Publishers.

Widom, C. 1991. Childhood victimization: Risk factor for delinquency. In *Adolescent Stress: Causes and Consequences*, edited by M. Colton and S. Gore. New York: Aldine de Gruyer.

Dated: March 29, 2000.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 00–8201 Filed 4–3–00; 8:45 am]

BILLING CODE 4410–18–P

Federal Register

Tuesday,
April 4, 2000

Part V

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals: Initiative for Future Agriculture and Food Systems, FY 2000; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service; Request for Proposals: Initiative for Future Agriculture and Food Systems, FY 2000

AGENCY: Cooperative State Research, Education and Extension Service.

ACTION: Notice; Clarification, Revision and Addition to Request for Proposals, and Extension of Date for Submission.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) published a request for proposals document for the Initiative for Future Agriculture and Food Systems (IFAFS) in the **Federal Register** on March 6, 2000 (65 FR 11838). This document clarifies the nature of proposals sought, adds a new program sub-area, extends the date for receipt of proposals, and makes certain specific revisions to the request for proposals contained in the original notice.

DATES: The original notice provided that proposals for the IFAFS must be submitted by May 8, 2000. That date is extended to May 22, 2000. All other requirements for submittal of proposals remain the same as those specified in the notice of March 6, 2000.

ADDRESSES: The addresses for submission of proposals remain the same as those specified in the notice of March 6, 2000.

FOR FURTHER INFORMATION: For further clarification of the intent of this notice, contact Dr. Cynthia Huebner, Assistant Director, IFAFS, Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2242; telephone: (202) 401–4114; email: chuebner@reeusda.gov.

SUPPLEMENTARY INFORMATION: On March 6, 2000, CSREES published a request for proposals for the IFAFS (65 FR 11838). CSREES wishes to clarify the types of proposals it seeks, revise certain portions of the request for proposals, and add a new program area for funding. Revisions to the original request for proposals made herein have been incorporated in full in the copy of the IFAFS request for proposals available on the CSREES website at www.reeusda.gov/IFAFS.

In General

Programs within IFAFS can bring the agricultural knowledge system to bear on issues impacting small- and mid-sized producers and land managers, enabling improvements in quality of life and community. Thus, applicants are encouraged to address issues impacting small and mid-sized operations in each IFAFS program area as appropriate. In support of the agency's goals to enhance the competitiveness and sustainability of U.S. agriculture, consideration also will be given to projects (with U.S. institutions as the lead) that incorporate an international dimension with demonstrable domestic benefits. Proposals should reflect substantial involvement of agricultural producers, nutrition and health professionals, individuals and groups concerned with the environment, or other stakeholders or their representative organizations, in project planning, design, and implementation.

In the Agricultural Genomics program area (10.0) of the request for proposals, emphasis was placed on research focusing on economically important species, genes, or traits. CSREES wishes to clarify that it will accept proposals related to all agriculturally important species, genes, or traits, regardless of their economic importance or value. Accordingly, the terms ''economic'' and ''economically'' have been stricken from the version of the request for proposals available on the CSREES website consistent with this statement as appropriate.

Revisions

In the notice of request for proposals for the IFAFS published on March 6, 2000 (65 FR 11838), make the following revisions.

On page 11839, in the third column, revise the definitions of ''Education activity'' and ''Extension activity'' to read as follows:

(7) *Education activity* means formal classroom instruction, laboratory instruction, and practicum experience in the food and agricultural sciences and other related matters such as faculty development, student recruitment and services, curriculum development, instructional materials and equipment, and innovative teaching methodologies.

(8) *Extension activity* means an act or process that delivers science-based knowledge and informal educational programs to people, enabling them to make practical decisions.

On page 11844, second column, under ''2. Agricultural Biotechnology (Program Area 11.0),'' revise the second and third full paragraphs to read as follows:

Successful application of this technology to food and agriculture requires a sufficient level of consumer acceptance of biotechnology-derived products to provide economic incentive to product developers. Consumer acceptance is currently affected by doubts about biotechnology in food and agriculture. Research and education focused on assessing and reducing present and predicted risks associated with agricultural biotechnology will aid in alleviating public concerns. For example, developing and implementing effective on-farm practices to address issues such as pest resistance and adverse non-target species impact (e.g. pollen drift concerns) will provide critical information to farmers and the general public. Mechanisms for increasing public awareness of the benefits, as well as the risks, of biotechnology-derived products are needed to provide consumers, farmers, regulators, and policymakers with the facts they need to make informed decisions about production, use, regulation and trade of biotechnology-derived foods and products.

This program area will support research, extension, and education that addresses public questions and concerns associated with agricultural biotechnology by assessing, reducing, and developing monitoring strategies for present and anticipated risks. The program will maximize knowledge and understanding of both risks and benefits accrued to the public from products derived through biotechnology.

On page 11844, third column, under ''11.1 Effects Agricultural Biotechnology on Human, Animal and Plant Health,'' first full paragraph:

(1) Revise the beginning of the paragraph to read: ''Research, extension, and education activities regarding the effects of genetically modified (GM) organisms and GM food on human, animal, and plant health, include but are not limited to:''; and

(2) Revise clause (f) to read as follows: ''techniques to minimize or eliminate potential negative impacts of GM products on non-target species, agricultural systems and the environment;''.

On page 11845, first column, third full paragraph, second sentence, add after ''public interest'': '', producer,''.

On page 11848, second column, first full paragraph, strike the parenthetical phrase referring to the Food Quality and Protection Act in clause (d).

New Program Sub-Area

CSREES adds a new program sub-area soliciting proposals related to Critical and Emerging Pest Management Challenges as follows.

On page 11847, in the second column:

(1) Revise the first heading in the column to read: ''5. Natural Resource Management, Including Precision Agriculture and Critical and Emerging Pest Management Challenges (Program Area 14.0)''; and

(2) Add before the period at the end of the second full paragraph under that

heading: ''and critical and emerging pest management challenges''.

On page 11849, second column, add the following new program sub-area before the heading, ''5. Farm Efficiency and Profitability,'' as follows:

14.5 Critical and Emerging Pest Management Challenges

(For clarification of this program area, contact the Program Director, Dennis Kopp, at (202) 401–6437; e-mail: dkopp@reeusda.gov.)

Recent, more stringent regulations, such as the Food Quality Protection Act (FQPA), new provisions of the Clean Air Act, and new pesticide re-registration actions under the Federal Insecticide, Fungicide and Rodenticide Act, will contribute to the loss or significant restriction of pesticides and pesticide uses. Commodities that are heavily consumed by infants and children and commodities that are reliant on a few classes of chemicals for pest control are particularly vulnerable. Problems related to the loss or restriction of current pest management tools are exacerbated by pest resistance, consumer demand for safer foods, and lack of effective alternatives. New conventional chemistries and biological, biotechnological and organic farming techniques offer the promise of new, safe and effective alternatives. New technologies, however, are more complex requiring a higher degree of management and may require a significant investment in user education and training. Therefore, comprehensive science-based approaches are needed for the development and implementation of new pest management technologies.

CSREES has or is initiating a number of programs to address the impact of FQPA on crops production systems. These programs include, the Pest Management Alternatives Program (PMAP), and the following programs in the new integrated Research, Education and Extension Competitive Grants Program: Crops at Risk from FQPA Implementation (CAR), Risk Avoidance and Mitigation Program (RAMP), and Methyl Bromide Transition (MBT). IFAFS provides an opportunity to bring together concepts from the above mentioned programs by supporting proposals that are more comprehensive in nature and have multi-tactical approaches to pest management systems.

Proposals are invited on broad systems that go beyond the scope of the Integrated and PMAP pest management programs. Proposals for this section should support integrated research, education and extension on regional or national systems and approaches that will provide pest management strategies for at-risk production systems. In addition, proposals should identify and assess ways to reduce actual or potential adverse human health, occupational and/or environmental effects. Wherever possible, proposals should include multi-state and multidisciplinary partnerships with producers, industry, other stakeholders groups and the research, education and extension community.

Done at Washington, D.C., this 28th day of March, 2000.

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00–8235 Filed 3–30–00; 8:45 am]

BILLING CODE 3410–22–P

Reader Aids

Federal Register

Vol. 65, No. 65

Tuesday, April 4, 2000

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT APRIL 4, 2000

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; published 2-4-00

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Wireless telecommunications services—

746-764 and 776-794 MHz guard bands; service rules; published 4-4-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; published 2-29-00

Dassault; published 2-29-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Plant variety protection office:

Fees revision; comments due by 4-14-00; published 3-15-00

Raisins produced from grapes grown in—

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AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Poultry products from Mexico transiting U.S.; comments due by 4-10-00; published 2-8-00

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meetings:

E. coli in beef products; risk assessment; policy and regulatory changes; comments due by 4-11-00; published 2-11-00

AGRICULTURE DEPARTMENT

Rural Utilities Service

Electric loans:

Minimum Times Interest Earned Ratio (TIER) requirements; reduction; comments due by 4-10-00; published 3-10-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Gulf of Maine; Atlantic salmon; comments due by 4-14-00; published 3-15-00

Marine and anadromous species—

West coast steelhead in California et al.; comments due by 4-11-00; published 2-11-00

DEFENSE DEPARTMENT

Acquisition regulations:

Contract drawings, maps, and specifications; comments due by 4-10-00; published 2-10-00

Mentor-protege program improvements; comments due by 4-10-00; published 2-10-00

ENERGY DEPARTMENT

Defense nuclear facilities; disposal of real property for economic development; comments due by 4-14-00; published 2-29-00

ENERGY DEPARTMENT

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Practice and procedure:

Well category determinations; comments due by 4-10-00; published 2-8-00

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 4-10-00; published 3-9-00

Connecticut and Rhode Island; comments due by 4-10-00; published 3-9-00

Delaware; comments due by 4-10-00; published 3-9-00

Georgia; comments due by 4-12-00; published 3-13-00

Kentucky; comments due by 4-10-00; published 3-10-00

FEDERAL COMMUNICATIONS COMMISSION

Practice and procedure:

Communication between applicants in spectrum auctions; comments due by 4-10-00; published 2-8-00

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