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Contents

Federal Register

Vol. 65, No. 198

Thursday, October 12, 2000

African Development Foundation

NOTICES

Meetings; Sunshine Act, 60610

Agricultural Marketing Service

NOTICES

Agency information collection activities:
Proposed collection; comment request, 60610–60611

Agriculture Department

See Agricultural Marketing Service

See Commodity Credit Corporation

See Farm Service Agency

See Forest Service

Air Force Department

NOTICES

Meetings:
Air University Board of Visitors, 60652

Centers for Disease Control and Prevention

NOTICES

Committees; establishment, renewal, termination, etc.:
National Institute for Occupational Safety and Health,
Safety and Occupational Health Study Section, 60672

Meetings:
Guide to Community Preventive Services Task Force,
60672–60673
National Institute for Occupational Safety and Health—
Safety and Occupational Health Study Section, 60673

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

See Patent and Trademark Office

NOTICES

Agency information collection activities:
Submission for OMB review; comment request, 60612–
60613

Commission of Fine Arts

NOTICES

Meetings, 60619

Commodity Credit Corporation

NOTICES

Grants and cooperative agreements; availability, etc.:
North Carolina; hurricane damage relief on 1999 crop
loans, 60611–60612

Commodity Futures Trading Commission

NOTICES

Contract market proposals:
Chicago Board of Trade—
Corn and soybeans, 60619–60621

Copyright Office, Library of Congress

NOTICES

Cable royalty funds:
Phase II distribution of 1993-1997 funds; arbitration
period, 60690–60691

Defense Department

See Air Force Department

NOTICES

Agency information collection activities:
Proposed collection; comment request, 60621–60622
Arms sales notification; transmittal letter, etc., 60622–60651
Meetings:
Defense Partnership Council, 60651
Wage Committee, 60651–60652

Employment and Training Administration

NOTICES

Adjustment assistance:
Evy of California et al., 60689–60690
Wallowa Forest Products et al., 60687–60688
Adjustment assistance and NAFTA transitional adjustment
assistance:
General Motors Corp., 60685
Tini Industries, Inc., et al., 60685–60687
Agency information collection activities:
Proposed collection; comment request, 60688–60689
NAFTA transitional adjustment assistance:
Morton Forest Products, 60690

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Atomic energy agreements; subsequent arrangements, 60652
Powerplant and industrial fuel use; new electric
powerplant coal capability:
Self-certification filings—
Mesquite Power, LLC, et al., 60652–60653
Reports and guidance documents; availability, etc.:
Materials with residual radioactive contamination;
control of releases from DOE facilities; criteria,
60653–60655

Environmental Protection Agency

NOTICES

EPA information products; oversight and review analysis;
announcement, 60661–60662
Grants and cooperative agreements; availability, etc.:
Tribal Open Dump Cleanup Project, 60662
Meetings:
Science Advisory Board, 60662–60663
Water quality criteria:
Ambient water quality criteria—
Human health protection; arsenic, methylmercury, and
carbofuran; data availability, 60664–60665

Executive Office of the President

See Presidential Documents

Farm Service Agency

NOTICES

Grants and cooperative agreements; availability, etc.:
North Carolina; hurricane damage relief on 1999 crop
loans, 60611–60612

Federal Aviation Administration

PROPOSED RULES

Airworthiness directives:
Bombardier, 60595–60597

General Electric Co., 60597–60599
Gulfstream, 60591–60595
Raytheon, 60599–60602

NOTICES

Exemption petitions; summary and disposition, 60713–60714

Federal Communications Commission**RULES**

Radio stations; table of assignments:
Iowa and South Dakota, 60585–60586

PROPOSED RULES

Radio stations; table of assignments:
South Dakota and Wyoming, 60602

NOTICES

Agency information collection activities:
Reporting and recordkeeping requirements, 60665–60668
Rulemaking proceedings; petitions filed, granted, denied, etc., 60668

Federal Contract Compliance Programs Office**PROPOSED RULES**

Affirmative action and nondiscrimination obligations of contractors and subcontractors:
Compliance evaluations, 60815–60820

Federal Election Commission**NOTICES**

Meetings; Sunshine Act, 60668

Federal Emergency Management Agency**RULES**

Flood insurance program:
Insurance coverage and rates—
Standard Flood Insurance Policy; changes, 60757–60794

Federal Energy Regulatory Commission**NOTICES**

Electric rate and corporate regulation filings:
Connecticut Light & Power Co. et al., 60660
Hydroelectric applications, 60661
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 60655–60656
Columbia Gas Transmission Corp., 60656
Destin Pipeline Co., L.L.C., 60656
Distigas of Massachusetts LLC, 60656–60657
Kinder-Morgan Interstate Gas Transmission Co., 60657
Midwestern Gas Transmission Co., 60657
National Fuel Gas Supply Corp., 60657
Northwest Pipeline Corp.; correction, 60657–60658
PPL Electric Utilities Corp., 60658
Southern Company Services, Inc., 60658
Southern Natural Gas Co., 60658
Tennessee Gas Pipeline Co., 60658–60659
Transcontinental Gas Pipe Line Corp. et al., 60659

Federal Maritime Commission**NOTICES**

Agreements filed, etc., 60668
Ocean transportation intermediary licenses:
APC et al., 60668–60669
Bahaghari Express Cargo et al., 60669–60670
Helayel Inc., 60670

Federal Mine Safety and Health Review Commission**NOTICES**

Meetings; Sunshine Act, 60691

Federal Reserve System**RULES**

Practice and procedure:
Civil money penalties; inflation adjustment, 60583–60584

NOTICES

Banks and bank holding companies:
Change in bank control, 60670
Formations, acquisitions, and mergers, 60670–60671
Permissible nonbanking activities, 60671
Meetings; Sunshine Act, 60671–60672

Financial Management Service

See Fiscal Service

Fine Arts Commission

See Commission of Fine Arts

Fiscal Service**PROPOSED RULES**

Financial management services:
Federal-State funds transfers; rules and procedures, 60795–60814

Fish and Wildlife Service**PROPOSED RULES**

Endangered and threatened species:
Findings on petitions, etc.—
California spotted owl, 60605–60607
Mountain yellow-legged frog, 60603–60605
Yosemite toad, 60607–60609

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:
Sponsor name and address changes—
Akey, Inc., 60585

Forest Service**NOTICES**

Environmental statements; notice of intent:
Carson National Forest, NM, 60612

General Services Administration**NOTICES**

Senior Executive Service:
Performance Review Board; membership, 60672

Health and Human Services Department

See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Care Financing Administration

NOTICES

Meetings:
Vital and Health Statistics National Committee, 60672

Health Care Financing Administration**NOTICES**

Agency information collection activities:
Submission for OMB review; comment request, 60673–60674

Hearings and Appeals Office, Interior Department**PROPOSED RULES**

Hearings and appeals procedures:
Surface coal mining; award of costs and expenses; petitions, 60602

Housing and Urban Development Department**NOTICES**

Agency information collection activities:
Submission for OMB review; comment request, 60674

Immigration and Naturalization Service**NOTICES**

Environmental statements; availability, etc.:
Whatcom County, WA; remote video surveillance system;
installation, operation, and maintenance, 60684–
60685

Interior Department

See Fish and Wildlife Service
See Hearings and Appeals Office, Interior Department
See Land Management Bureau
See National Park Service

NOTICES

Meetings:
Alaska Land Managers Forum, 60674

Internal Revenue Service**RULES**

Income taxes:
Intangible property; amortization
Correction, 60585

PROPOSED RULES

Procedure and administration:
Pension and employee benefit trusts, and other trusts;
classification, 60821–60824

NOTICES

Agency information collection activities:
Proposed collection; comment request, 60715–60721
Meetings:
Citizen Advocacy Panels—
Brooklyn District, 60721
Pacific-Northwest District, 60721–60722
Privacy Act:
Computer matching programs, 60722–60723

International Trade Administration**NOTICES**

Antidumping:
Circular welded carbon steel pipes and tubes from—
Taiwan, 60613–60615
Clad steel plate from—
Japan, 60615
Polyvinyl alcohol from—
Taiwan, 60615–60617
Stainless steel bar from—
India, 60617

International Trade Commission**NOTICES**

Import investigations:
Synchronous dynamic random access memory devices
and modules and products containing same, 60683–
60684

Justice Department

See Immigration and Naturalization Service
See National Institute of Justice

Labor Department

See Employment and Training Administration
See Federal Contract Compliance Programs Office

Land Management Bureau**NOTICES**

Closure of public lands:
Fire restrictions—
South Dakota; rescinded, 60675
Coal leases, exploration licenses, etc.:
Oklahoma, 60675
Realty actions; sales, leases, etc.:
Nevada, 60675–60676
New Mexico, 60676
Survey plat filings:
Colorado, 60676–60677

Library of Congress

See Copyright Office, Library of Congress

Maritime Administration**NOTICES**

Agency information collection activities:
Proposed collection; comment request, 60714

Mine Safety and Health Federal Review Commission

See Federal Mine Safety and Health Review Commission

National Aeronautics and Space Administration**NOTICES**

Meetings:
Advisory Council
Space Science Advisory Committee, 60691–60692

National Archives and Records Administration**NOTICES**

Agency information collection activities:
Proposed collection; comment request, 60692

National Institute of Justice**NOTICES**

Meetings:
Future of DNA Evidence National Commission, 60685

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bering Sea and Aleutian Islands groundfish, 60587–
60590
Northeastern United States fisheries—
Atlantic surf clam and ocean quahog, 60586–60587
Scup, 60586

NOTICES

Meetings:
Pacific Fishery Management Council, 60617–60619

National Park Service**NOTICES**

Environmental statements; availability, etc.:
Channel Islands National Park, CA; Anacapa Island
restoration plan, 60677–60678
Padre Island National Seashore, TX, 60678–60681
Tallgrass Prairie National Preserve, KS, 60681
Native American human remains and associated funerary
objects:
American Museum of Natural History, NY—
Inventory from southern California, 60681–60683
Peabody Museum of Archaeology and Ethnology, MA—
Inventory from Klamath Reservation, OR, 60683

Nuclear Regulatory Commission**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 60692–60693

Meetings; Sunshine Act, 60694–60695

Regulatory agreements:

Oklahoma, 60695–60696

Applications, hearings, determinations, etc.:

Florida Power & Light Co., 60693–60694

Patent and Trademark Office**NOTICES**

Meetings:

National Intellectual Property Law Enforcement
Coordination Council, 60619

Personnel Management Office**NOTICES**

Excepted service:

Schedules A, B, and C; positions placed or revoked—
Consolidated list, 60725–60756

Presidential Documents**PROCLAMATIONS**

Special observances:

Afterschool Week (Proc. 7353), 60569–60570

Children's Day, National (Proc. 7356), 60575–60576

Columbus Day (Proc. 7357), 60577–60578

Fire Prevention Week (Proc. 7354), 60571–60572

Leif Erikson Day (Proc. 7358), 60579–60580

School Lunch Week, National (Proc. 7355), 60573–60574

EXECUTIVE ORDERS

Small business exporters and dislocated workers; assistance
(EO 13169), 60581–60582

Disadvantaged businesses, increasing opportunities and
access (EO 13170), 60825–60830

Public Debt Bureau

See Fiscal Service

Public Health Service

See Centers for Disease Control and Prevention

See Food and Drug Administration

Securities and Exchange Commission**NOTICES**

Investment Company Act of 1940:

Exemption applications—

First Allmerica Financial Life Insurance Co. et al.,
60700–60703

PADCO Advisors, Inc., et al., 60697–60700

Options Price Reporting Authority:

Professional subscriber information fees; increase, 60703–
60704

Self-regulatory organizations; proposed rule changes:

American Stock Exchange LLC, 60704

Boston Stock Exchange, Inc., 60705–60706

Chicago Board Options Exchange, Inc., 60706–60707

Cincinnati Stock Exchange, Inc., 60707–60710

Philadelphia Stock Exchange, Inc., 60710–60712

Applications, hearings, determinations, etc.:

Public utility holding company filings, 60696–60697

Social Security Administration**RULES**

Social security benefits and supplemental security income:

Mental disorders and traumatic brain injury in adults;
medical criteria; impairments listing

Correction, 60584–60585

NOTICES

Privacy Act:

Computer matching programs, 60712–60713

State Department**NOTICES**

Committees; establishment, renewal, termination, etc.:

International Economic Policy Advisory Committee,
60713

Surface Transportation Board**NOTICES**

Railroad operation, acquisition, construction, etc.:

Boston & Maine Corp., 60715

Claremont Concord Railroad Corp., 60715

Transportation Department

See Federal Aviation Administration

See Maritime Administration

See Surface Transportation Board

Treasury Department

See Fiscal Service

See Internal Revenue Service

Veterans Affairs Department**RULES**

Vocational rehabilitation and education:

Veterans training—

Subsistence allowance rates; correction, 60724

Separate Parts In This Issue**Part II**

Office of Personnel Management, 60725–60756

Part III

Federal Emergency Management Agency, 60757–60794

Part IV

Department of the Treasury, Fiscal Service, 60795–60814

Part V

Department of Labor, Federal Contract Compliance
Programs Office, 60815–60820

Part VI

Department of the Treasury, Internal Revenue Service,
60821–60824

Part VII

The President, 60825–60830

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR**Proclamations**

7353.....	60569
7354.....	60571
7355.....	60573
7356.....	60575
7357.....	60577
7358.....	60579

Executive Orders:

11625 (See 13170).....	60827
13169.....	60581
13170.....	60827

12 CFR

263.....	60583
----------	-------

14 CFR**Proposed Rules:**

39 (5 documents)	60591,
60593, 60595, 60597, 60599	

20 CFR

404.....	60584
416.....	60584

21 CFR

510.....	60585
----------	-------

26 CFR

1.....	60585
--------	-------

Proposed Rules:

301.....	60822
----------	-------

31 CFR**Proposed Rules:**

205.....	60796
----------	-------

38 CFR

21.....	60724
---------	-------

41 CFR**Proposed Rules:**

60-1.....	60816
60-250.....	60816
60-741.....	60816

43 CFR**Proposed Rules:**

4.....	60602
--------	-------

44 CFR

59.....	60758
61.....	60758

47 CFR

73.....	60585
---------	-------

Proposed Rules:

73.....	60602
---------	-------

50 CFR

648 (2 documents)	60586
679.....	60587

Proposed Rules:

17 (3 documents)	60603,
60605, 60607	

Presidential Documents

Title 3—

Proclamation 7353 of October 6, 2000

The President

Afterschool Week, 2000

By the President of the United States of America

A Proclamation

Each weekday afternoon in America, the ringing of school bells signals not just the end of the school day, but also the beginning of a period when 8 to 15 million of our children are home alone. These so-called “latchkey” children can be found in every American community, whether urban, suburban, or rural; they are the children of working parents who, for a variety of reasons, are unable to arrange or afford a better alternative. Not surprisingly, most juvenile crimes are committed and most children are likely to become victims of crime during the 5 or 6 hours immediately after the school day ends.

Providing appropriate supervision for children after school is one of the more difficult challenges that working parents face. Recognizing this, my Administration has worked hard to provide parents with alternative afternoon activities for their children. Through our 21st Century Community Learning Centers program, under the leadership of Education Secretary Richard Riley, we are providing schools and community organizations with funding to create and expand learning opportunities for children in a drug-free, supervised environment. This program enables schools to stay open longer so that students have places to do their homework, receive counseling about the dangers of substance abuse, and participate with mentors in a wide array of academic and recreational activities that challenge their imagination and broaden their horizons.

In the 4 years since we created the 21st Century Community Learning Centers program, hundreds of thousands of children across our country have enrolled in safe and smart afterschool programs. My proposed budget for fiscal 2001 will more than double the Federal commitment to this program, enabling us to reach as many as 2.5 million students next year. These community learning centers provide America’s parents with the comforting assurance that, while they are out earning a living, their children are participating in engaging and constructive afterschool activities.

To highlight the growing need for afterschool programs, the Afterschool Alliance—a partnership of public, private, and nonprofit organizations dedicated to raising awareness and expanding resources for afterschool programs—has announced a nationwide project called “Lights On Afterschool!” On October 12 of this year, schools, community centers, museums, libraries, and parks across the country will host activities to inform families about the places currently open to children after school and the need to provide additional centers where children can participate in engaging, stimulating activities until their parents return from work.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of October 8 to October 14, 2000, as Afterschool Week. I encourage parents, students, educators, community and business leaders, and concerned citizens to participate in “Lights On Afterschool!” activities on Thursday, October 12. I also urge all Americans to recognize the importance of providing afterschool

programs in their communities to promote the safety and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, stylized "W" and "C".

[FR Doc. 00-26391

Filed 10-11-00; 8:45 am]

Billing code 3195-01-P

Presidential Documents

Proclamation 7354 of October 6, 2000

Fire Prevention Week, 2000

By the President of the United States of America

A Proclamation

Each year, fire takes a heavy toll on the lives and property of thousands of Americans. Approximately 100 firefighters and 4,000 civilians die in fires annually; some 25,000 civilians sustain injuries and an average of \$8 billion in property is destroyed. Last year alone, America's fire departments responded to almost 2 million fires. Most of these fires occurred in homes, as did 80 percent of last year's fire fatalities. It is clear from these tragic statistics that if we can better educate Americans about fire safety and prevention, we can save thousands of lives every year.

The most important lesson we can teach about fire is how rapidly it can spread. From the time a smoke alarm sounds in a typical home, a family may have as little as 2 minutes to escape safely. Knowing how to use those minutes wisely is the key to survival. I urge every American to develop and practice regularly a home fire escape plan that identifies two ways out of each room and establishes a meeting place where household members can reunite outside the home. In addition, it is crucial that smoke alarms be installed and properly maintained on every level of the home.

To raise public awareness of the importance of home fire escape plans, the National Fire Protection Association, in partnership with the Federal Emergency Management Agency through its United States Fire Administration and America's fire departments, launched a 3-year program in 1998 called "Fire Drills: The Great Escape!" To date, this program is credited with saving at least 58 lives. In support of this program, on Wednesday, October 11, at 7:00 p.m. local time, fire departments in communities across America will sound the alarm signaling the start of "The Great Escape" fire drill to test the effectiveness of families' fire escape plans. I encourage all Americans to participate in this important and potentially lifesaving event.

As we observe this week, let us also express our pride in and gratitude for the devoted service of our Nation's firefighters and emergency response personnel. They uphold our country's finest values—commitment and community, teamwork and trust, courage and sacrifice. Day in and day out, these extraordinary men and women put their lives on the line to protect our families and our property from the devastating effects of fire, and many of them pay the ultimate price for their devotion. We will honor their memory on Sunday, October 8, 2000, at the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 8 through October 14, 2000, as Fire Prevention Week. I encourage the people of the United States to take an active role in fire prevention not only during this week, but also throughout the year. I call upon every citizen to pay tribute to our firefighters and emergency response personnel who have lost their lives or been injured in the line of duty and to those brave men and women who carry on their noble tradition of service.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

William Clinton

[FR Doc. 00-26392

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Presidential Documents

Proclamation 7355 of October 6, 2000

National School Lunch Week, 2000

By the President of the United States of America

A Proclamation

One of the best ways we can move forward as a society is to meet our obligations to our children. President Harry Truman recognized this profound responsibility when he signed the National School Lunch Act into law in 1946. The significance of this legislation went beyond the daily meal that children would receive; the National School Lunch Program firmly established the Federal Government's commitment to work in partnership with States, schools, and the agricultural community to administer a major program designed to improve children's diets and, in turn, their overall health and well-being.

Today, more than 96,000 schools serve lunches to over 27 million children every day—more than half of them for free or at a reduced price, so that no schoolchild in America, regardless of family income, need go hungry at lunchtime. We have also built on the program's success by establishing a number of child nutrition initiatives administered by the Department of Agriculture—from the School Breakfast Program, which helps ensure eligible children are ready to learn; to the Summer Food Service Program, which serves healthy meals and snacks to low-income children during long school vacations; to the Child and Adult Care Food Program, which provides nutritious meals and snacks to infants and young children in day care and to adults with physical or mental disabilities who are enrolled in adult day care. Most recently, we authorized funding through the Child Nutrition Reauthorization Act of 1998 to make snacks available to children and teenagers enrolled in after-school programs.

We can be proud that these school meal programs promote the well-being of some of our Nation's most vulnerable children by providing them with the nourishment they need to develop healthy bodies and sound minds. Nutritious meals help students reach their full potential by keeping them alert and attentive in the classroom. As both common sense and extensive scientific research confirm, a hungry child cannot focus on schoolwork as well as one who has been fed a nutritious meal.

The National School Lunch Program also offers us a valuable tool for identifying children who are eligible for health insurance under Medicaid or the State Children's Health Insurance Program. Since 60 percent of children who lack adequate health coverage participate in the school lunch program, sharing eligibility information can improve our outreach efforts and bring us closer to our goal of universal health care for all of America's children. My proposed budget for fiscal 2001 sets aside \$345 million over 10 years to help schools share information with Medicaid and the State Children's Health Insurance Program so that we can enhance our efforts to reach eligible children and their families. In addition, this summer I announced an initiative to expand the school lunch program to the developing world. This initiative will make school lunches and breakfasts available in the poorest countries for the poorest children, helping students whose deficiencies in nutrition affect their cognitive development and attracting children who otherwise might never attend school.

As we observe National School Lunch Week this year, let us pay tribute to the thousands of State and local school food service professionals across America whose hard work and dedication make these programs a reality for our children; and let us acknowledge the important role school lunches play in the healthy development of so many students.

In recognition of the contributions of the National School Lunch Program to the health, education, and well-being of our Nation's children, the Congress, by joint resolution of October 9, 1962 (Public Law 87-780), has designated the week beginning the second Sunday in October of each year as "National School Lunch Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 8 through October 14, 2000, as National School Lunch Week. I call upon all Americans to recognize those individuals whose efforts contribute so much to the success of our national child nutrition programs, whether at the Federal, State, or local level.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



Presidential Documents

Proclamation 7356 of October 6, 2000

National Children's Day, 2000

By the President of the United States of America

A Proclamation

Children hold a special place in our lives, and raising healthy, happy children is the greatest success any parent can hope to achieve; it should also be an important goal of every member of society, because children are profoundly influenced by the people and environment around them. The strongest influence, of course, is often child's family; but good schools and nurturing communities also play a vital role in helping children reach their full potential.

Over the past 7-1/2 years, my Administration has worked with families and communities across the country to meet the needs of America's children, and we can be proud of what we have accomplished together. We have made education one of our highest priorities, to ensure that every child is empowered with the knowledge and skills necessary to achieve personal fulfillment and success. By expanding Head Start and Early Head Start for preschoolers; promoting high academic standards, smaller class sizes, teacher quality, and charter schools for primary and secondary school students; and providing loans, scholarships, and tax credits so that millions of young Americans can attend college, we are building a world-class education system that will serve our children well.

We have achieved other important legislative victories for children and families, including a \$500 child tax credit, a \$1 per hour increase in the minimum wage, expanding the Earned Income Tax Credit, passing the Family and Medical Leave Act, enacting the largest expansion of health insurance for children ever, and creating incentives to move more children from foster care to safe, loving, and permanent homes. As a result of these victories, the child poverty rate in our country has dropped by 22 percent since 1993; millions of working parents have taken time off to care for a new child or sick relative; child immunization rates are at an all-time high, with 90 percent of toddlers receiving crucial vaccinations; and adoptions increased nearly 65 percent between 1996 and 1999.

We have shown our commitment to ensuring that every child grows up in a safe and nurturing environment through additional measures such as teen pregnancy prevention efforts, welfare reform that moves families from economic dependency to self-sufficiency, expanded access to affordable housing and homeownership, and responsible fatherhood initiatives to ensure that fathers provide both the financial and emotional support their children need. And, to help working families provide for their children, we are continuing our efforts to improve access to high-quality, safe, and affordable child care. We know that from infancy through adolescence, in child-care settings and after-school programs, children can learn and thrive with the right care, attention, and education. We owe them no less.

As we observe National Children's Day this year, let us recommit ourselves to using every resource in this time of unprecedented prosperity to build a bright future for all our children. Let us show our love for them not only through our words, but also by making the tough decisions and important investments necessary to give them the opportunity to achieve their dreams.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 8, 2000, as National Children's Day. I urge all Americans to express their love and appreciation for children on this day and every day throughout the year, and to work within their communities to nurture, love, and teach all our children. I invite Federal officials, State and local governments, and particularly all American families to join together in observing this day with appropriate programs, ceremonies, and activities to honor our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 00-26394

Filed 10-11-00; 8:45 am]

Billing code 3195-01-P

Presidential Documents

Proclamation 7357 of October 6, 2000

Columbus Day, 2000

By the President of the United States of America

A Proclamation

During this first year of the new century, the American people have devoted time and thought to the people and events of our Nation's past so that we might better prepare for the challenges of the future. While Christopher Columbus' epic voyage took place almost three centuries before the founding of our democracy, his journey helped shape our national experience and offers important lessons as we chart our own course for the 21st century.

One of the most valuable of those lessons is the importance of sustaining our spirit of adventure, our willingness to explore new concepts and new horizons. Columbus, after careful study and planning, rejected the conventional thinking of his time, sailed for the open seas, and succeeded in opening up a New World for the people of Europe. Like Columbus, our founders rejected the familiar paths of the past and ventured boldly to create a new form of government that has profoundly shaped world history. Explorers, pioneers, inventors, artists, entrepreneurs—all have found a refuge in America and a chance to achieve their dreams.

Today we have other worlds to explore—from the deepest oceans to the outermost reaches of space to the genetic code of human life. The same adventurous spirit that propelled Columbus' explorations will enable us to challenge old assumptions, acquire new knowledge, and broaden the horizons of humankind.

Columbus' story illustrates the importance of diversity. Columbus was born and raised in Italy; he learned much of his seafaring knowledge and experience from Portuguese sailors and navigators; and he put those skills in service to the King and Queen of Spain, who funded his explorations. By establishing a safe, reliable route between Europe and the New World, Columbus opened the door for subsequent explorers from Spain, France, and England and for the millions of immigrants who would be welcomed by America in later centuries. But the encounters between Columbus and other European explorers and the native peoples of the Western Hemisphere also underscore what can happen when cultures clash and when we are unable to understand and respect people who are different from us.

While more than 500 years have passed since Christopher Columbus first sailed to these shores, the lessons of his voyage are still with us. Brave, determined, open to new ideas and new experiences, in many ways he foreshadowed the character of the American people who honor him today.

In tribute to Columbus' many achievements, the Congress, by joint resolution of April 30, 1934 (48 Stat. 657), and an Act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 9, 2000, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

William Clinton

[FR Doc. 00-26395

Filed 10-11-00; 8:45 am]

Billing code 3195-01-P

Presidential Documents

Proclamation 7358 of October 6, 2000

Leif Erikson Day, 2000

By the President of the United States of America

A Proclamation

This year, as we mark the beginning of a new millennium, we also celebrate the 1000th anniversary of Europe's first contact with North America. At the turn of the last millennium, the legendary explorer Leif Erikson—son of Iceland, grandson of Norway—sailed across the cold waters of the Atlantic from his home in Greenland to the eastern coast of North America, completing the first documented voyage of Europeans to the New World.

In the ensuing centuries, millions of other men and women followed the lead of these brave Vikings—some seeking riches, some seeking adventure, all in search of a new and better life. Families from Denmark, Finland, Iceland, Sweden, and Norway would make their new homes in communities like New Sweden, Delaware; Oslo, Minnesota; and Denmark, Iowa, bringing with them a reverence for freedom and a deep love of democracy that stemmed from their own egalitarian traditions. More than 10 million Americans today can trace their roots to the Nordic countries, and their family ties, traditions, and values have strengthened the warm friendship our Nation has always enjoyed with the people of Scandinavia.

In celebration of this friendship and our shared pride in Leif Erikson's exploits, Americans have joined with the Nordic countries to commemorate this special anniversary. The Smithsonian Institution sponsored a traveling exhibit earlier this year to highlight the Viking explorations of North America; the Library of Congress hosted an international symposium on the ancient texts of the Icelandic Sagas, many of which were displayed in the United States for the first time; and we joined Iceland in creating our first jointly issued coin to commemorate Leif Erikson's historic voyage.

These cultural initiatives reflect the strong ties and long history between the United States and the Nordic countries, and we continue to cooperate on many mutual goals. The Nordic countries are our full partners in the Northern Europe Initiative (NEI), which we launched in 1997 to build on the dramatic progress toward a free Europe that occurred following the break-up of the Soviet Union. Through the NEI, we are working together to promote democracy, stability, and prosperity in the Baltic nations and northwest Russia, to facilitate their fuller integration into Western institutions, and to cooperate on such cross-border issues as energy, health, law enforcement, and the environment. In addition, many of the best and brightest entrepreneurs in America and the Nordic countries are collaborating to encourage trade and the spread of innovative ideas and technologies around the world. Americans and Nordics alike value courage, independence, energy, and resourcefulness; working together in this new millennium, we are charting a new course for our people just as exciting and full of promise as the one Leif Erikson traveled a thousand years ago.

In honor of Leif Erikson and of our Nordic American heritage, the Congress, by joint resolution (Public Law 88-566) approved on September 2, 1964, has authorized and requested the President to proclaim October 9 of each year as "Leif Erikson Day."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim Monday, October 9, 2000, as Leif Erikson

Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs to honor our rich Nordic American heritage.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fifth.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, stylized "W" and "C".

[FR Doc. 00-26396

Filed 10-11-00; 8:45 am]

Billing code 3195-01-P

Presidential Documents

Executive Order 13169 of October 6, 2000

Assistance to Small Business Exporters and Dislocated Workers

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act, 15 U.S.C. 631 *et seq.*, the Workforce Investment Act, 29 U.S.C. 2801 *et seq.*, and the Trade Act of 1974, 19 U.S.C. 2271 *et seq.*, and in order to assist small businesses, including businesses headed by underserved populations, in participating in the export of products, and to expedite the delivery of adjustment assistance to dislocated workers, it is hereby ordered as follows:

Section 1. Policy. By its accession to the World Trade Organization, the People's Republic of China will be required to open its markets to a wide range of products and services provided by Americans. In addition, the United States has recently enacted a new law to facilitate trade with the countries of Sub-Saharan Africa and the Caribbean Basin. Federal agencies should take steps to assist small businesses, including businesses headed by underserved populations, in capitalizing on these new opportunities. The agencies should also take steps to assist workers who lose their jobs as a result of competition from imports in their efforts to secure adjustment assistance benefits for which they are eligible.

Sec. 2. Interagency Task Force on Small Business Exports. (a) The Secretaries of Commerce and Labor, the Administrator of the Small Business Administration, the United States Trade Representative, and the Chairman of the Export-Import Bank shall, within 60 days from the date of this order, establish an interagency task force through the Trade Promotion Coordinating Committee (TPCC). The task force shall facilitate exports by United States small businesses, including businesses headed by underserved populations, particularly with respect to the People's Republic of China and the countries of Sub-Saharan Africa and the Caribbean Basin. The TPCC shall submit an annual report to the President on the functions carried out by this task force during the preceding year. As part of its work, the task force shall assess the extent to which the establishment of permanent normal trade relations with the People's Republic of China, and the United States enactment of the African Growth and Opportunity Act, 19 U.S.C.A. 3701 *et seq.*, and the United States-Caribbean Basin Trade Partnership Act, 19 U.S.C.A. 2701 note, may contribute to the creation of export opportunities for small businesses including businesses headed by underserved populations.

(b) For the purposes of this order, "businesses headed by underserved populations" means businesses headed by women or minorities, and/or located in rural communities.

Sec. 3. Expedited Response to Worker Dislocation. (a) The Secretary of Labor shall expedite the Federal response to worker dislocation through the Workforce Investment Act and the Trade Adjustment Assistance program by proactively seeking information, from a variety of sources, on actual or prospective layoffs, including the media and community and labor union members, and by sharing such information with appropriate state workforce officials. In addition, the Department of Labor (Labor) shall undertake a number of proactive steps to support public outreach activities aimed at workers, employers, the media, local officials, the community, and labor

organizations and their members to improve awareness of the adjustment assistance available through Labor programs, including, but not limited to:

- (1) developing a set of methods to inform employers of the services available through Labor workforce programs, which will explain the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 *et seq.*, and provide information on worker adjustment programs, including the Trade Adjustment Assistance and the basic dislocated worker programs, emphasizing the importance of early intervention to minimize the affects of work layoffs;
- (2) improving websites and other modes of communication to provide basic information on dislocated worker and Trade Adjustment Assistance program contacts at the State and local level;
- (3) developing a National Toll-Free Help Line to provide universal, accurate, and easy access to information about public workforce services to workers and employers;
- (4) providing on-site technical assistance, in partnership with other Federal agencies, when there are layoffs or closures with multi-State impact, or when there are dislocations with significant community impact (such as areas that have been affected by numerous layoffs of apparel and textile workers);
- (5) informing States directly when a secondary worker impact has been affirmed by Labor; and
- (6) to the extent permitted by law, and subject to the availability of appropriations, providing funding or an outreach campaign for secondary workers (i.e., individuals indirectly affected by increased imports from other countries).

(b) The Secretary of Labor, in consultation with the Secretary of Commerce and the United States Trade Representative, shall report annually on the employment effects of the establishment of permanent normal trade relations with the People's Republic of China.

Sec. 4. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers, its employees, or any other person.



THE WHITE HOUSE,
October 6, 2000.

Rules and Regulations

Federal Register

Vol. 65, No. 198

Thursday, October 12, 2000

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

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

FEDERAL RESERVE SYSTEM

12 CFR Part 263

[Docket No. R-1083]

Rules of Practice for Hearings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) is amending its rules of practice and procedure to adjust the maximum amount, as set by statute, of each civil money penalty (CMP) within its jurisdiction to account for inflation. This action is required under the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996.

EFFECTIVE DATE: October 12, 2000.

FOR FURTHER INFORMATION CONTACT: Katherine H. Wheatley, Assistant General Counsel (202/452-3779), Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, please contact Janice Simms (202/452-4984).

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 28 U.S.C. 2461 *note* (FCPIA Act), requires each Federal agency to adjust each CMP within its jurisdiction by a prescribed cost-of-living adjustment at least once every four years. This cost-of-living adjustment is based on the formula described in section 5(b) of the FCPIA Act. The Board made its last adjustment in October 1996 (see 61 FR 56407).

The required cost-of-living adjustment formula is based on the difference between the Consumer Price Index (CPI)

for June of the year preceding the adjustment (in this case, June 1999) and the CPI for June of the year when the CMP was last set or adjusted (generally, June 1996).¹ To calculate the adjustment, the Board used the Department of Labor, Bureau of Labor Statistics—All Urban Consumers tables, in which the period 1982–84 was equal to 100, to get the CPI values. In this case, the CPI was 156.7 for June 1996 and was 166.2 for June 1999, resulting in an increase of 6.1 percent.

Section 5 of the FCPIA Act provides that the adjustment amount must be rounded before adding it to the existing penalty amount. The rounding provision depends on the size of the penalty being adjusted. For example, if the penalty is greater than \$100 but less than or equal to \$1000, the increase is rounded to the nearest \$100; if it is greater than \$1000 but less than or equal to \$10,000, the increase is rounded to the nearest \$1000. Because of this rounding rule, several penalty amounts are not changing at this time. For example, because the Tier I penalty under 12 U.S.C. 1818(i)(2) is currently \$5,500, the 6.1 percent adjustment would be \$336. Rounding that increase to the nearest \$1000 results in an increase of \$0. The penalties that are not adjusted at this time because of this rounding formula will be adjusted at the next adjustment cycle to take account of the entire period between the time of their last adjustment (generally, 1996) and the next adjustment date. These unadjusted penalties are identified in the amended regulation at subparagraphs 263.65(b)(1)(ii), (b)(2)(i) and (ii), (b)(3), (b)(4), (b)(5)(ii), (b)(6), (b)(7), (b)(8)(i), and (b)(9)(i).

When the regulation was adopted in 1996, several statutory penalty provisions that should have been identified for adjustment were inadvertently omitted. Those provisions, which have maximum statutory penalties that are identical to provisions that were adjusted, are 12 U.S.C. 334, 374a, 3110(a), and 3110(c). In order to comply with the statutory intent and to provide for uniformity in penalty amounts for similar violations, the Board is treating those provisions as

though they had been previously adjusted in accordance with the FCPIA Act, and adjusting them for the second time in this cycle if such adjustment is warranted under the calculation called for by the FCPIA.

In addition, when the regulation was adopted in 1996, several penalty amounts did not change from their original statutory values because of the effect of the rounding rules in the FCPIA Act. Specifically, the penalty for inadvertently late or misleading reports under 12 U.S.C. 324, and the Tier I penalties under 12 U.S.C. 1847(d) and 3110(c), all of which were set by Congress in 1989 at \$2000, were unchanged in the initial FCPIA adjustment. Accordingly, these penalties must be adjusted in this cycle in a manner that captures inflation from 1989 to the present. The CPI increase between June 1989 and June 1999 was 33.9 percent, which when applied to the \$2000 penalty amount and rounded in accordance with the applicable rounding rule would result in an increase of \$1000. Because such an increase would exceed the 10 percent limit imposed by the statute for the initial increase in any penalty, these penalties were increased to \$2,200. The per-violation penalty under 42 U.S.C. 4012a(f)(5) was enacted in 1994 and was also not adjusted in 1996 due to the application of the rounding rule. The CPI increase of 12.3 percent from June 1994 to June 1999 was used to calculate the increase for this penalty; due to the rounding rules, the penalty was not adjusted in this cycle either, and remains \$350 for each violation.

In accordance with section 6 of the FCPIA Act, the increased penalties set forth in this amendment apply only to violations that occur after the date the increase takes effect.

Public Comment Not Required

This rule is not subject to the provisions of 5 U.S.C. 553 requiring notice, public participation, and deferred effective date. The FCPIA Act provides Federal agencies with no discretion in the adjustment of CMPs to the rate of inflation, and it also requires that adjustments be made at least every four years. Moreover, this regulation is ministerial and technical. For these reasons, the Board finds good cause to determine that public notice and comment for this new regulation is

¹ The 1996 adjustment was based on the June 1995 CPI. In calculating the new adjustments, the FCPIA Act requires us to use the 3-year period from June 1996 to June 1999 for those penalties that were adjusted in 1996.

unnecessary, impractical, and contrary to the public interest, pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B). These same reasons also provide the Board with good cause to adopt an effective date for this regulation that is less than 30 days after the date of publication in the **Federal Register**, pursuant to the APA, 5 U.S.C. 553(d).

Regulatory Flexibility Act: No significant impact.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 3506; 5 CFR Part 1320 Appendix A.1), the Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 12 CFR Part 263

Administrative practice and procedure, Claims, Crime, Equal Access to Justice, Federal Reserve System, Lawyers, Penalties.

For the reasons set forth in the preamble, the Board of Governors amends 12 CFR part 263 to read as follows:

PART 263—RULES OF PRACTICE FOR HEARINGS

1. The authority citation for part 263 continues to read as follows:

Authority: 5 U.S.C. 504; 12 U.S.C. 248, 324, 504, 505, 1817(j), 1818, 1828(c), 1831o, 1831p-1, 1847(b), 1847(d), 1884(b), 1972(2)(F), 3105, 3107, 3108, 3907, 3909; 15 U.S.C. 21, 78o-4, 78o-5, 78u-2; and 28 U.S.C. 2461 note.

2. Section 263.65 is revised to read as follows:

§ 263.65 Civil penalty inflation adjustments

(a) *Inflation adjustments.* In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note), the Board has set forth in paragraph (b) of this section adjusted maximum penalty amounts for each civil money penalty provided by law within its jurisdiction. The adjusted civil penalty amounts provided in paragraph (b) of this section replace only the amounts published in the statutes authorizing the assessment of penalties and the previously-adjusted amounts adopted as of October 24, 1996. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The increased penalty amounts apply only to violations occurring after the effective date of this rule.

(b) *Maximum civil money penalties.* The maximum civil money penalties as set forth in the referenced statutory sections are adjusted as follows:

- (1) 12 U.S.C. 324:
 - (i) Inadvertently late or misleading reports, *inter alia*—\$2200.
 - (ii) Other late or misleading reports, *inter alia*—\$22,000.
 - (iii) Knowingly or recklessly false or misleading reports, *inter alia*—\$1,175,000.
- (2) 12 U.S.C. 504, 505, 1817(j)(16), 1818(i)(2) and 1972(F):
 - (i) First tier—\$5,500.
 - (ii) Second tier—\$27,500.
 - (iii) Third tier—\$1,175,000.
- (3) 12 U.S.C. 1832(c)—\$1,100.
- (4) 12 U.S.C. 1847(b), 3110(a)—\$27,500.
- (5) 12 U.S.C. 1847(d), 3110(c):
 - (i) First tier—\$2,200.
 - (ii) Second tier—\$22,000.
 - (iii) Third tier—\$1,175,000.
- (6) 12 U.S.C. 334, 374a, 1884—\$110.
- (7) 12 U.S.C. 3909(d)—\$1,100.
- (8) 15 U.S.C. 78u-2:
 - (i) 15 U.S.C. 78u-2(b)(1)—\$5,500 for a natural person and \$60,000 for any other person.
 - (ii) 15 U.S.C. 78u-2(b)(2)—\$60,000 for a natural person and \$300,000 for any other person.
 - (iii) 15 U.S.C. 78u-2(b)(3)—\$120,000 for a natural person and \$575,000 for any other person.
- (9) 42 U.S.C. 4012a(f)(5):
 - (i) For each violation—\$350.
 - (ii) For the total amount of penalties assessed under 42 U.S.C. 4012a(f)(5) against an institution or enterprise during any calendar year—\$115,000.

By order of the Board of Governors of the Federal Reserve System, October 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-26080 Filed 10-11-00; 8:45 am]

BILLING CODE 6210-01-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

Revised Medical Criteria for Evaluating Mental Disorders and Traumatic Brain Injury; Correction

AGENCY: Social Security Administration.

ACTION: Final rules; correction.

SUMMARY: We published in the **Federal Register** of August 21, 2000, a document concerning revising our regulations for evaluating mental impairments. Inadvertently §§ 404.1520a and 416.920a each contains a word from the

prior rules that we had revised in the final rules. This document corrects that oversight.

DATES: Effective on September 20, 2000.

FOR FURTHER INFORMATION CONTACT:

Deborah Barnes, Social Insurance Specialist, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, deborah.barnes@ssa.gov, (410) 965-4171 or TTY (410) 966-5609 for information about these rules. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet web site, *SSA Online*, at www.ssa.gov.

SUPPLEMENTARY INFORMATION: We published a document in the **Federal Register** of July 18, 1991 (56 FR 33130), proposing revisions to §§ 404.1520a and 416.920a. In the final rules we published in the **Federal Register** of August 21, 2000 (65 FR 50746), we inadvertently used the word “slight” from the prior rules for the second point of the five-point scale in §§ 404.1520a(c)(4) and 416.920a(c)(4). We intended to use the word “mild,” as we had proposed. This correction makes §§ 404.1520a(c)(4) and 416.920a(c)(4) consistent with the remainder of the final rules.

In the **Federal Register** of August 21, 2000, make the following corrections. On page 50775, in the first column, in § 404.1520a(c)(4), the first sentence, correct “slight” to read “mild.” On page 50783, in the first column, in § 416.920a(c)(4), the first sentence, correct “slight” to read “mild.”

§ 404.1520a Evaluation of Mental Impairments.

* * * * *

(c) * * *

(4) When we rate the degree of limitation in the first three functional areas (activities of daily living; social functioning; and concentration, persistence, or pace), we will use the following five-point scale: None, mild, moderate, marked, and extreme. * * *

* * * * *

§ 416.920a Evaluation of Mental Impairments.

* * * * *

(c) * * *

(4) When we rate the degree of limitation in the first three functional areas (activities of daily living; social functioning; and concentration, persistence, or pace), we will use the following five-point scale: None, mild, moderate, marked, and extreme. * * *

* * * * *

Dated: September 25, 2000.

Georgia E. Myers,

SSA Regulations Officer.

[FR Doc. 00-26091 Filed 10-11-00; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Name

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name from Carl S. Akey, Inc., to Akey, Inc.

DATES: This rule is effective October 12, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV09102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-0213.

SUPPLEMENTARY INFORMATION: Carl S. Akey, Inc., P.O. Box 607, Lewisburg, OH 45338, has informed FDA of a change of sponsor's name to Akey, Inc. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor's name.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 80109808.

List of Subjects in 21 CFR Part 510

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

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

PART 510—NEW ANIMAL DRUGS

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

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

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of*

approved applications is amended in the table in paragraph (c)(1) in the entry for "Carl S. Akey, Inc." and in paragraph (c)(2) in the entry for "017790" by removing the sponsor's name and adding in its place "Akey, Inc.".

Dated: September 28, 2000.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Food Safety and Applied Nutrition.

[FR Doc. 00-26023 Filed 10-11-00; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8865]

RIN 1545-AS77

Amortization of Intangible Property; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to Treasury Decision 8865, which was published in the **Federal Register** on Tuesday, January 25, 2000 (65 FR 3820), and corrected on March 28, 2000 (65 FR 16318), relating to the amortization of certain intangible property.

DATES: This correction is effective January 25, 2000.

FOR FURTHER INFORMATION CONTACT: John Huffman at (202) 622-3110 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under sections 167 and 197 of the Internal Revenue Code.

Need for Correction

As published, TD 8865 contains an error which may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

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

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

§ 1.197-2 [Corrected]

Par. 2. Section 1.197-2(g)(3) is amended by revising the second sentence to read as follows:

§ 1.197-2 Amortization of goodwill and certain other intangibles.

* * * * *

(g) * * *

(3) * * * For purposes of determining the amortization period under section 197 with respect to the basis increase, the intangible is treated as having been acquired at the time of the transaction that causes the basis increase, except as provided in § 1.743-1(j)(4)(i)(B)(2).

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Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 00-25999 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-2226; MM Docket No. 96-66, RM-8729, RM-8821]

Radio Broadcasting Services; Sibley, IA, and Brandon, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a Petition for Reconsideration filed by 21st Century Radio Ventures, Inc. directed to the *Report and Order* in this proceeding which allotted Channel 261A to Brandon, South Dakota. See 63 FR 64876, November 24, 1998. With this action, the proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted September 27, 2000, and released September 29, 2000. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington,

DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW, Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00-26192 Filed 10-11-00; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000119014-0137-02; I.D. 100400D]

Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period

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

ACTION: Commercial quota harvest for Winter II period.

SUMMARY: NMFS announces that the Winter II period scup commercial fishery will close 0001 hours November 3, 2000. Federally permitted commercial vessels may not land scup in any state from Maine through North Carolina for the remainder of the 2000 Winter II quota period (through December 31, 2000). Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing for the remainder of the Winter II period.

DATES: Effective 0001 hours, November 3, 2000, through 2400 hours, December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Anderson, Fishery Management Specialist, (978) 281-9226.

SUPPLEMENTARY INFORMATION: Regulations governing the scup fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into three quota periods. The Winter II commercial quota (November through December) is distributed to the coastal states from Maine through North Carolina on a coastwide basis. The

process to set the annual commercial quota and the seasonal allocation is described in § 648.120.

The total commercial quota for scup for the 2000 calendar year was set at 2,534,160 lb (1,149,476 kg) (65 FR 33486; May 24, 2000). The Winter II period quota was initially set at 403,945 lb (183,226 kg). As specified in § 648.120, landings in excess of the commercial quota in the 1999 Winter II period were deducted from the Winter II period allocation this year, resulting in a final Winter II quota allocation of 70,356 lb (31,913 kg) (65 FR 50463).

Section 648.121 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota for a period has been harvested. NMFS is required to publish notification in the **Federal Register** advising that, effective upon a specific date, the scup commercial quota has been harvested, and notifying vessel and dealer permit holders that no commercial quota is available for landing scup for the remainder of the period. The Regional Administrator has determined, based on the limited Winter II quota allocation and historic landings information, that the scup commercial quota for the 2000 Winter II period will be harvested in 48 hours and that no further quota is available through December 31, 2000.

Section 648.4(b) provides that Federal scup moratorium permit holders agree as a condition of the permit not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for scup is available. Therefore, effective 0001 hours, November 3, 2000, further landings of scup by vessels holding Federal scup moratorium permits are prohibited through December 31, 2000. Should the Winter II quota not be harvested during the 48-hour opening, the fishery may reopen at a later time to allow attainment of the period's allocation. The Winter I period for commercial scup harvest will open on January 1, 2001. Effective 0001 hours, November 3, 2000, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Winter II period (through December 31, 2000).

Classification

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

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

Dated: October 5, 2000.

Bruce C. Morehead,

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

[FR Doc. 00-26187 Filed 10-6-00; 3:39 pm]

BILLING CODE: 3510-22 -S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 100400C]

Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Surf Clam Size for 2001

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

ACTION: Suspension of surf clam minimum size limit.

SUMMARY: NMFS suspends the minimum size limit of 4.75 inches (12.07 cm) for Atlantic surf clams for the 2001 fishing year. This action is taken under the authority of the implementing regulations for this fishery, which allow for the annual suspension of the minimum size limit based upon set criteria. The intended effect is to relieve the industry from a regulatory burden that is not necessary, as the majority of surf clams harvested are larger than the minimum size limit.

DATES: Effective January 1, 2001, through December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Anderson, Fishery Management Specialist, 978-281-9226.

SUPPLEMENTARY INFORMATION: Section 648.72(c) of the regulations implementing the Fishery Management Plan (FMP) for the Atlantic Surf Clam and Ocean Quahog Fisheries allows the Administrator, Northeast Region, NMFS (Regional Administrator) to suspend annually, by publication of a notification in the **Federal Register**, the minimum size limit for Atlantic surf clams. This action may be taken unless discard, catch, and survey data indicate that 30 percent of the Atlantic surf clam resource is smaller than 4.75 inches (12.07 cm) and the overall reduced size is not attributable to harvest from beds

where growth of the individual clams has been reduced because of density-dependent factors.

At its August meeting, the Mid-Atlantic Fishery Management Council (Council) voted to recommend that the Regional Administrator suspend the minimum size limit. Commercial surf clam shell length data for 2000 indicate that only 15.5 percent of the samples were composed of surf clams that were less than 4.75 inches (12.07 cm). Based on these data, the Regional Administrator adopts the Council's recommendation and suspends the minimum size limit for Atlantic surf clams from January 1, 2001, through December 31, 2001.

Classification

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

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

Dated: October 5, 2000.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 00-26218 Filed 10-12-00; 8:45 am]
BILLING CODE: 3510-22 -S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991210329-0273-02; I.D. 102699B]

RIN 0648-AM63

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Amendment 58 To Revise the Chinook Salmon Savings Areas

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 58 to the Fishery Management Plan (FMP) for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (BSAI). Amendment 58 established a framework to allow NMFS to reduce the annual trawl bycatch limit for chinook salmon and revised the Chinook Salmon Savings Area (CHSSA) in the BSAI. Pursuant to this framework authority, NMFS hereby reduces the annual trawl bycatch limit for chinook salmon. This action is necessary to reduce chinook

salmon bycatch and is intended to further the conservation and management objectives of the FMP.

DATES: Effective November 13, 2000.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; Attn: Lori Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228. Send any comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to the Regional Administrator, Alaska Region, NMFS, 709 West Ninth Street, Federal Office Building, Suite 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fisheries in the BSAI under the FMP. The FMP is implemented by regulations appearing at 50 CFR part 679 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). General regulations governing U.S. fisheries appear at 50 CFR part 600. The North Pacific Fishery Management Council (Council) prepared the FMP under authority of the Magnuson-Stevens Act.

Background

Trawl fisheries in the BSAI, particularly the midwater pollock fishery, incidentally catch chinook salmon. Salmon are a prohibited species in the BSAI groundfish fisheries. They cannot be retained and must be returned to the sea as soon as possible with a minimum of injury after they have been counted by a NMFS-certified observer. However, the mortality rate for salmon caught in trawl fisheries is 100 percent as salmon cannot survive interception by trawl gear. Final regulations published on November 29, 1995 (60 FR 61215), effective January 1996, established annual prohibited species catch (PSC) limits for chinook salmon and specific seasonal no-trawling zones in the CHSSA that are triggered when the limits are reached. These existing regulations prohibit trawling in the CHSSA through April 15 of each year once the bycatch limit of 48,000 chinook salmon, as specified in the FMP, is reached.

In 1999, the Council prepared Amendment 58 to the FMP to further reduce bycatch of chinook salmon by trawl fisheries in the BSAI. NMFS published a notice of availability (NOA) for this amendment in the **Federal**

Register at 64 FR 60157 on November 4, 1999. The public comment period on the NOA ended on January 3, 2000; NMFS approved Amendment 58 on February 2, 2000. NMFS published a proposed rule to implement Amendment 58 on December 21, 1999 (64 FR 71390). The comment period on the proposed rule ended on February 4, 2000. NMFS received two letters commenting on the proposed rule. Both letters expressed strong support for the adoption of the rule with no changes recommended. NMFS concurs and has made no changes to the final rule except that the starting year for the chinook salmon bycatch reductions will be 2001 rather than 2000, as stated in the proposed rule, because the effective date of this final rule will be too late to use 2000 as a starting year. Additional background information supporting Amendment 58 and its implementing rule was published in the **Federal Register** with the NOA and proposed rule.

Elements of Amendment 58

Amendment 58 and this final rule implement the following regulatory changes to trawl chinook salmon PSC limitations: (1) The chinook salmon bycatch limit is reduced from 48,000 to 29,000 chinook salmon over a 4-year period; (2) year-round accounting of chinook salmon bycatch is established for the pollock fishery, beginning on January 1 of each year; (3) the boundaries defining the CHSSA are revised; and (4) new CHSSA closure dates are established.

Chinook Salmon Savings Area

Amendment 58 redefines the CHSSA as two non-contiguous areas of the BSAI composed of eight geographic blocks, each defined by 1/2° latitude by 1° longitude. Based on historical observer data, this new definition better identifies areas of consistently high chinook salmon bycatch rates in the pollock fishery.

Progressive Reduction of the Chinook Salmon Bycatch Limit

This action prohibits directed fishing for pollock by vessels using trawl gear within the CHSSA when NMFS determines that the bycatch limit for chinook salmon in the BSAI pollock trawl fisheries has been attained for each year according to the following schedule:

Year	Chinook Salmon Limit
2001	41,000
2002	37,000
2003	33,000

Year	Chinook Salmon Limit
2004 and after	29,000

Accounting for the PSC limit begins on January 1 and continues throughout the fishing year. Non-pollock fisheries, which account for about 10 percent of the trawl chinook salmon bycatch, are exempt from the closure of the CHSSA, and any chinook salmon bycatch in those fisheries is not counted toward the PSC limit.

According to the bycatch data collected, chinook salmon are more likely to be caught in the CHSSA before April 15, and after September 1. Therefore, in the event the chinook salmon limit is triggered before April 15, the CHSSA would close immediately. The closure would be removed on April 15, but would be reinitiated on September 1 and continue through the end of the year. If the limit were reached after April 15, but before September 1, then the CHSSA would close on September 1. If the limit were reached after September 1, the CHSSA would close immediately and not reopen until the following year on January 1.

Classification

This action has been determined to be not significant under E.O. 12866. No new reporting, recordkeeping, or compliance requirements are imposed by this final rule.

NMFS has prepared an FRFA that describes the economic impact this action, if adopted, would have on small entities. A copy of this analysis is available from NMFS (see ADDRESSES). No comments were received on the Initial Regulatory Flexibility Analysis. A summary of the FRFA follows:

The final rule would apply to the 128 fishing vessels permitted in 2000 to fish in the pollock fishery (21 catcher/processor permits, 107 catcher vessel permits). In 1997, pollock vessels harvested about 1.15 million mt of pollock, an ex-vessel value of about \$227 million. Under the rule, if a chinook salmon PSC limit is attained, all vessels would be prohibited from directed fishing for pollock within the CHSSA. The rule would affect all 128 vessels, including CDQ vessels. However, the available pollock TAC would not be reduced; only the location of the catch would be restricted. Therefore, this action should not prevent these vessels' ability to harvest the entire amount, although pollock catch rates could decrease as a direct result of a CHSSA closure. During the summer months when chinook salmon bycatch has been historically very low, the CHSSA would be open to directed

fishing for pollock even if the PSC limit has been previously attained. This action specifically targets the pollock fishery, which is composed primarily of large entities, historically responsible for the vast majority of chinook salmon bycatch in the BSAI. All other fisheries in the BSAI, many of which have a higher number and percentage of small entity participation, are exempt from any trawling prohibitions that might result from attainment of a PSC limit under this action. Also, chinook salmon bycatch in these non-pollock fisheries would not be counted toward the cap under this action. These exemptions minimize the impacts on small entities while still achieving the objective of this action, which is an overall reduction in chinook bycatch. In addition, NMFS considered the alternative of maintaining the status quo, which could have minimized impacts on small entities. However, that alternative would not have achieved the objectives of this action. There are no projected recording, recordkeeping, or other compliance requirements in the rule.

The President has directed Federal agencies to use plain language in their communication with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from the language used in this final rule. Such comments should be sent to the Alaska Regional Administrator (see ADDRESSES).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: October 4, 2000.

William T. Hogarth, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et seq., 1801 et seq., and 3631 et seq.

2. In § 679.2, the definition for “Chinook Salmon Savings Area of the BSAI” is revised to read as follows:

§ 679.2 Definitions.

Chinook Salmon Savings Area of the BSAI (see § 679.21(e)(7)(viii)).

3. In § 679.7, paragraph (d)(9) is revised to read as follows:

§ 679.7 Prohibitions.

(d) * * *

(9) For the operator of an eligible vessel listed on an approved CDP, use trawl gear to harvest pollock CDQ in the Chinook Salmon Savings Area between January 1 and April 15, and between September 1 and December 31, after the CDQ group's chinook salmon PSQ is attained.

4. In § 679.21, paragraphs (e)(1)(vii) and (e)(7)(viii) are revised to read as follows:

§ 679.21 Prohibited species bycatch management.

(e) * * * (1) * * *

(vii) Chinook salmon. The trawl closures identified in paragraph (e)(7)(viii) of this section will take effect when the Regional Administrator determines that the PSC limit of chinook salmon caught while harvesting pollock in the BSAI between January 1 and December 31 is attained according to the following amounts identified for each year:

Year	Chinook Salmon Limit
2001	41,000
2002	37,000
2003	33,000
2004 and after	29,000

(7) * * *

(viii) Chinook salmon. (A) Closure. If, during the fishing year, the Regional Administrator determines that catch of chinook salmon, by vessels using trawl gear while directed fishing for pollock in the BSAI, will reach the annual limit, as identified in paragraph (e)(1)(vii) of this section, NMFS, by notification in the Federal Register will close the Chinook Salmon Savings Area, as defined in Figure 8 to this part, to directed fishing for pollock with trawl gear consistent with the following dates:

(1) From the effective date of the closure until April 15, and from September 1 through December 31, if the Regional Administrator determines that the annual limit of chinook salmon will be attained before April 15.

(2) From September 1 through December 31, if the Regional Administrator determines that the annual limit of chinook salmon will be attained after April 15.

5. In part 679, Figure 8 is revised to read as Figure 8a and Figure 8b:

Figure 8a to part 679. Chinook Salmon Savings Areas of the BSAI

a. Map

BILLING CODE 3510-22-S

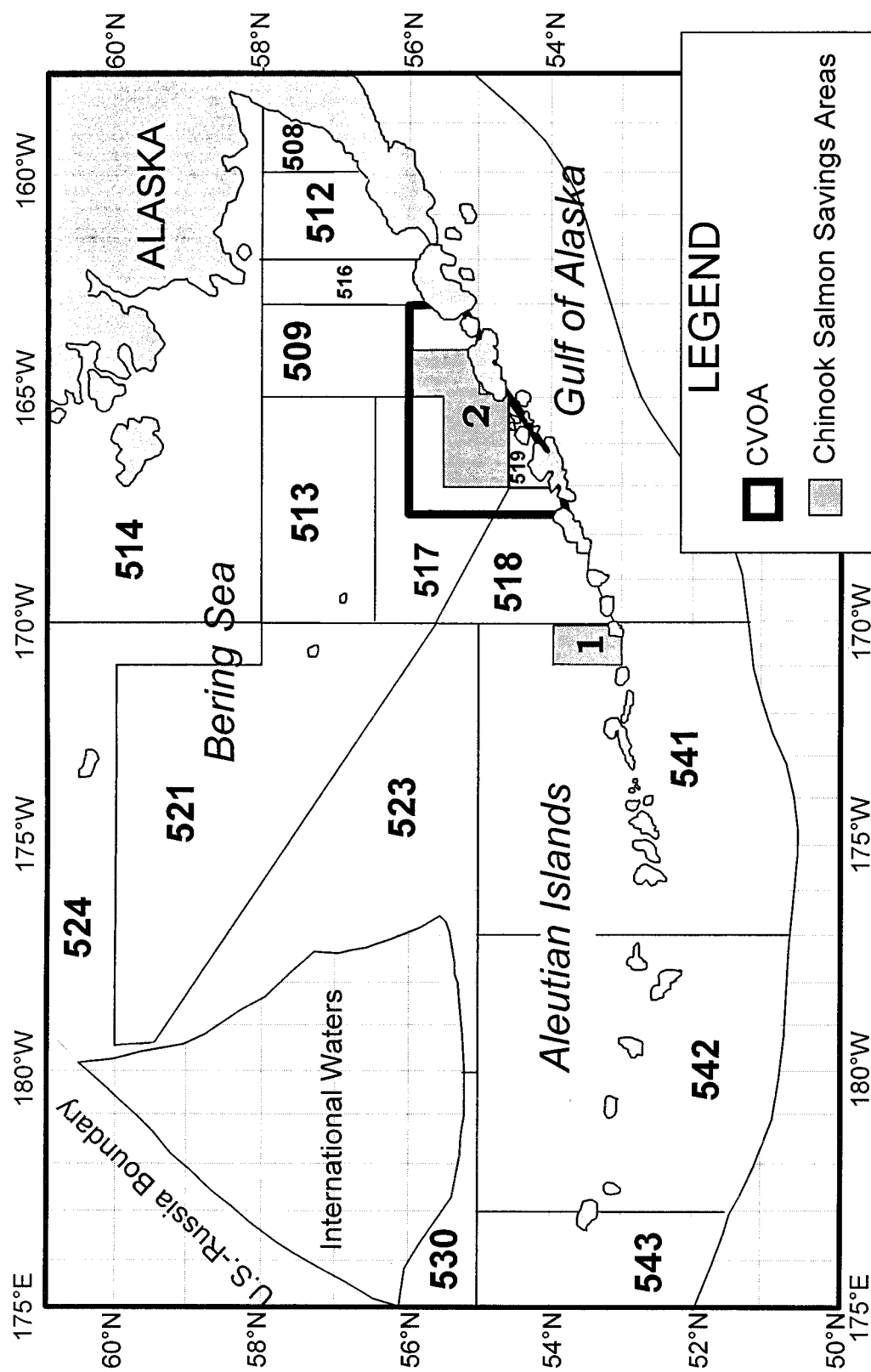


Figure 8 to Part 679. Chinook Salmon Savings Area of the BSAI.

**Figure 8b to part 679. Chinook Salmon
Savings Areas of the BSAI**

b. Coordinates

The Chinook Salmon Savings Area as defined in the following two areas of the BSAI:

b. Coordinates

(1) The area defined by straight lines connecting the following coordinates in the order listed:

54° 00' N., 171° 00' W.;
54° 00' N., 170° 00' W.;
53° 00' N., 170° 00' W.;
53° 00' N., 171° 00' W.; and
54° 00' N., 171° 00' W.

(2) The area defined by straight lines connecting the following coordinates in the order listed:

56° 00' N., 165° 00' W.;
56° 00' N., 164° 00' W.;
55° 00' N., 164° 00' W.;
55° 00' N., 165° 00' W.;
54° 30' N., 165° 00' W.;
54° 30' N., 167° 00' W.;
55° 30' N., 167° 00' W.;
55° 30' N., 165° 00' W.; and
56° 00' N., 165° 00' W.

Proposed Rules

Federal Register

Vol. 65, No. 198

Thursday, October 12, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-101-AD]

RIN 2120-AA64

Airworthiness Directives; Gulfstream Model G-IV Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Gulfstream Model G-IV series airplanes. For certain airplanes this proposal would require installation of an additional indicator located on the pilot's instrument panel in primary view of the flight crew. The indicator would inform the flight crew that the airplane main batteries are powering the direct current (DC) essential bus which supplies power to vital communication and navigation equipment. For certain other airplanes, this proposal would require the EICAS (Engine Instruments/ Caution Advisory System) to be used for this indication. This action is necessary to ensure that the flight crew is aware that an electrical system failure has occurred and that the airplane main batteries are powering the essential DC bus. If the flight crew is unaware of this situation, action to stop depletion of the airplane batteries will not be taken, and critical communications and navigation equipment could fail. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by November 27, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-101-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-101-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D-10, Savannah, Georgia 31402-9980. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Neil Berryman, Aerospace Engineer, ACE-116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6066; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-101-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-101-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The FAA has received a report of the loss of normal electrical power to the essential direct current (DC) bus going undetected by the flight crew. The bus provides power to vital systems, such as aircraft flight displays, communication and navigation equipment, the thrust reverser control, the auxiliary power unit, and fire extinguishing systems. In the event of a problem with the power supply, the bus will automatically switch to the airplane's main batteries to keep these vital systems operating. Operation on battery power is for a short time and is intended only to allow time to land the airplane.

Following a problem with the power supply to the DC essential bus, the flight crew may not be aware of the switch to battery power or the subsequent depletion of the batteries, because the relevant caution lights are located on the overhead instrument panel, rather than in the flight crew's primary line of sight.

This condition, if not corrected, could lead to the flight crew being unaware that depletion of the airplane batteries is occurring, which could result in failure

of the vital equipment normally powered by the DC essential bus.

Explanation of Relevant Service Information

The FAA has reviewed and approved Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; Gulfstream Aircraft Service Change No. 327B, dated January 26, 2000; and Aircraft Service Change No. 327B AM1 (Amendment 1), dated August 28, 2000, which describe procedures for modifications to inform the flight crew when the aircraft batteries are powering the essential (DC) bus.

For airplanes having SPZ 8400, the procedures describe modification of the EICAS (Engine Instruments/Caution Advisory System) to replace the existing

blue message with an amber indicating light. For airplanes not having the SPZ 8400, the procedures describe modification of the pilot's instrument panel to add an amber indicating light. All airplanes will also have an audible tone when the indicating system is activated. Accomplishment of the actions specified in the customer bulletin and aircraft service changes is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions

specified in the customer bulletin and aircraft service changes described previously.

Cost Impact

The FAA estimates that 292 airplanes of U.S. registry would be affected by this proposed AD and that the average labor rate is \$60 per work hour. There will be no charge for required parts for the modification. The cost impact of the proposed AD on U.S. operators depends upon whether the airplane has the SPZ 400, whether the airplane has the production equivalent of Aircraft Service Change No. 327, and whether the operator has performed earlier Aircraft Service Changes No. 327 or No. 327A, as shown in Table 1.

TABLE 1.—COST IMPACT OF PERFORMING AIRCRAFT SERVICE CHANGE NO. 327B OR NO. 327B AM1 (AMENDMENT 1)

	Airplane has the SPZ 8400	Airplane does not have the SPZ 8400
Airplane has production equivalent of Aircraft Service Change No. 327:		
Time (in work-hours)	36	68
Cost/airplane (in \$)	2,160	4,080
Operator has performed Aircraft Service Change No. 327		
Time (in work-hours)	24	28
Cost/airplane (in \$)	1,440	1,680
Operator has performed Aircraft Service Change No. 327A	No time estimate given	No time estimate given.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace Corporation: Docket 2000–NM–101–AD.

Applicability: Model G–IV series airplanes, serial numbers 1000 through 1359 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously. To ensure that the flight crew is aware that an electrical system failure may have occurred and that the main airplane batteries are powering the direct current (DC) essential bus, accomplish the following:

Modifications

(a) Within 12 months after the effective date if this AD, for airplanes equipped with the SPZ 8400: Perform paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) If the airplane has the production equivalent of Aircraft Service Change No. 327, install the new indicator light and the audible tone, in accordance with Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; and Modification Instructions A, J through L, and P of Gulfstream Aircraft Service Change No. 327B, dated January 26, 2000.

(2) If the operator has performed Gulfstream Aircraft Service Change No. 327 but not Gulfstream Aircraft Service Change No. 327A, install the new indicator light and the audible tone, in accordance with Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; Modification Instructions A through E of Gulfstream Aircraft Service Change No. 327B AM1, dated August 28, 2000; and Modification Instruction P of Gulfstream Aircraft Service Change No. 327B, dated January 26, 2000.

Note 2: Modification Instruction E in Gulfstream Aircraft Service Change No. 327B AM1 is the same as Modification Instruction P in Gulfstream Aircraft Service Change No. 327B.

(3) If the operator has performed Gulfstream Aircraft Service Change No. 327A, ensure that all ground wires from connectors 95A1P2B and 95A2P2B are removed or rerouted in accordance with Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; and Figure 6 of Gulfstream Aircraft Service Change No. 327B, dated January 26, 2000.

(b) Within 12 months after the effective date if this AD, for airplanes not equipped with the SPZ 400: Perform paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable.

(1) If the operator has not performed Gulfstream Aircraft Service Change No. 327, install the new indicator light and the audible tone, in accordance with Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; and Modification Instructions A, B through I, and P of Gulfstream Aircraft Service Change No. 327B, dated January 26, 2000.

(2) If the operator has performed Gulfstream Aircraft Service Change No. 327, install the new indicator light and the audible tone, in accordance with Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; and Modification Instructions A, M through O, and P of Gulfstream Aircraft Service Change No. 327B dated January 26, 2000.

(3) If the operator has performed Gulfstream Aircraft Service Change No. 27A, ensure that wire P9052C22 is rerouted and is connected in accordance with Gulfstream Customer Bulletin No. 102A, dated February 1, 2000; and Figure 7 of Gulfstream Aircraft Service Change No. 327B, dated January 26, 2000.

Note 3: Page 1 of Gulfstream Aircraft Service Change No. 327B incorrectly refers to Figure 5; Figure 7 is the correct figure.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA. 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

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

Issued in Renton, Washington, on October 4, 2000.

Donald L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-26095 Filed 10-11-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000-NM-144-AD]

RIN 2120-AA64

Airworthiness Directives; Gulfstream Model G-1159A (G-III) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Gulfstream Model G-1159A (G-III) series airplanes. This proposal would require modification of the master caution panel by installing an additional legend labeled "BATT ON BUS" and associated wiring to indicate when the airplane batteries are powering the direct current (DC) essential bus. This action is necessary to ensure that the flight crew is aware that an electrical system failure has occurred and that the main airplane batteries are powering the essential DC bus. If the flight crew is unaware of this situation, action to stop the depletion of the airplane batteries will not be taken and critical equipment, such as communications and navigation equipment, could fail. This action is

intended to address the identified unsafe condition.

DATES: Comments must be received by November 27, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-144-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-144-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D-10, Savannah, Georgia 31402-9980. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Neil Berryman, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6066; fax (770) 703-6097.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a

request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-144-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-144-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

Power to vital systems (such as aircraft flight displays, communication and navigation equipment, and fire extinguishing systems) is provided through the direct current (DC) essential bus. In the event of a problem with the power supply, the bus will automatically switch to battery power to keep these vital systems operating. Operation on battery power is for a short time and is intended only to allow time to land the airplane.

Following a problem with the power supply to the DC essential bus, the flight crew may not be aware of the switch to battery power or the subsequent depletion of the batteries, because the relevant caution lights are located on the overhead instrument panel and are not in the primary line-of-sight of the flight crew. The FAA has one report of a loss of electrical power to the DC essential bus being undetected by a Gulfstream G-IV flight crew, because they did not see the caution light. The DC essential bus on certain Model G-IV series airplanes is almost identical to that on the affected Model G-III series airplanes. Therefore, those Model G-III series airplanes may be subject to the

same unsafe condition revealed on the Model G-IV series airplanes.

If the flight crew could not see the caution light, the flight crew could be unaware that an electrical system failure has occurred and that the airplane main batteries were powering the essential DC bus. If the flight crew were unaware of this situation, action to stop the depletion of the airplane batteries would not be taken and critical equipment, such as communications and navigation equipment, could fail.

Explanation of Relevant Service Information

The FAA has reviewed and approved Gulfstream Customer Bulletin No. 149, dated March 23, 1999, which describes procedures for adding an additional legend to the master caution panel in the primary view of the flight crew to inform them when batteries are powering the DC essential bus. The customer bulletin also describes modification of wiring in the pilot's and copilot's junction boxes, the auxiliary power relay box, and the power distribution box. Gulfstream Customer Bulletin No. 149, dated March 23, 1999, references Gulfstream Aircraft Service Change No. 294, dated February 3, 1999, as the appropriate source of service information for accomplishment of the modification. Accomplishment of the actions specified in the customer bulletin and aircraft service change is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the Gulfstream customer bulletin and aircraft service change described previously, except as discussed below.

Differences Between the Proposal and the Customer Bulletin

Operators should note that, although Customer Bulletin No. 149 recommends accomplishing the modification within 24 months after the release of the customer bulletin, the FAA has determined that an interval of 24 months would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this proposed AD, the FAA considered not only the manufacturer's recommendation, but also the degree of urgency associated with addressing the subject unsafe condition and the average utilization of

the affected fleet. In light of these factors, the FAA finds a 12-month compliance time for initiating the proposed actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

There are approximately 198 airplanes of the affected design in the worldwide fleet. The FAA estimates that 144 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 55 work hours per airplane to accomplish the proposed modification, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$1,587 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$703,728, or \$4,887 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

location provided under the caption
ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace Corporation: Docket 2000–NM–144–AD.

Applicability: Model G–1159A (G–III) series airplanes, serial numbers 357 and 402 through 498 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the flight crew from being unaware that an electrical system failure has occurred and that the airplane main batteries are powering the direct current (DC) essential bus, accomplish the following:

(a) Within 12 months after the effective date of this AD, modify the wiring in the pilot's and co-pilot's junction boxes, the auxiliary power relay box, the power distribution box, and the master caution panel, in accordance with Gulfstream Customer Bulletin No. 149, dated March 23, 1999, and Gulfstream Aircraft Service Change No. 294, dated February 3, 1999.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA. 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 2: 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

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

Issued in Renton, Washington, on October 4, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–26094 Filed 10–11–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–181–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–7–100, –101, –102, and –103 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–7–100, –101, –102, and –103 series airplanes. This proposal would require inspecting the endcaps of the main landing gear selector valve for leaks of hydraulic oil and, if leaks are detected, replacing the leaking endcaps or the entire selector valve. This proposal would also require eventual replacement or rework of certain selector valves, which would terminate the repetitive inspections. This action is prompted by a report of the collapse of the main landing gear due to an external leak of hydraulic oil in the landing gear selector valve, resulting from a fracture of the endcap. This action is intended to prevent leaks of hydraulic oil from the main landing gear selector valve, which could result in the collapse of the main landing gear.

DATES: Comments must be received by November 13, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–181–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm–nprmcomment@faa.gov. Comments sent via fax or the Internet must contain “Docket No. 2000–NM–181–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centreville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: James E. Delisio, Aerospace Engineer, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7521; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic,

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2000-NM-181-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-181-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC-7-100, -101, -102, and -103 series airplanes. TCCA advises that an investigation of the collapse of the main landing gear of a Model DHC-8 series airplane identified the cause as an external hydraulic oil leak in the landing gear selector valve due to a fracture of the endcap. Model DHC-7 series airplanes have the same parts in their main landing gears.

TCCA further advises that inspection of main landing gear selector valves undergoing bench testing have revealed additional cases of fatigue failure in the endcaps. In addition, main landing gear selector valves which have not been upgraded to part number (P/N) 57420-5 configuration are more susceptible to internal leaks, and excessive internal leaks can also contribute to the collapse of the main landing gear. This condition, if not corrected, could result in leaks of hydraulic oil from the main landing gear selector valve, which could result in the collapse of the main landing gear.

Explanation of Relevant Service Information

Bombardier has issued Alert Service Bulletin A7-32-103, dated September 3, 1999, which describes procedures for repetitive visual inspection of the endcaps of the main landing gear selector valve for leaks of hydraulic oil

and replacement of the endcaps with new serviceable parts, if leaks are found. The service bulletin also describes procedures for rework or replacement of certain selector valves with new improved parts, which would eliminate the need for the repetitive inspections. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. TCCA classified this service bulletin as mandatory and issued Canadian airworthiness directive CF-99-31, dated December 21, 1999, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously. The FAA is also preparing a proposed AD, which will address a similar unsafe condition on Bombardier Model DHC-8-100, -200, and -300 series airplanes.

Cost Impact

The FAA estimates that 32 airplanes of U.S. registry would be affected by this proposed AD, that it would require 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be \$1,920, or \$60 per airplane.

The FAA also estimates that it would require 5 work hours per airplane to rework or replace the main landing gear selector valve and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed rework or replacement on U.S.

operators is estimated to be \$9,600 or \$300 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Should an operator elect to replace the endcaps and perform the optional repetitive inspections prior to replacing the main landing gear selector valve, it would take approximately 1 work hour per airplane to conduct each inspection. Based on these figures, the cost impact of the optional repetitive inspections is estimated to be \$60 per inspection per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 2000-NM-181-AD.

Applicability: Model DHC-7-100, -101, -102, and -103 series airplanes, serial numbers 003 through 113 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 the collapse of the main landing gear due to leaks of hydraulic oil from the main landing gear selector valve, accomplish the following:

Inspection

(a) Within 100 flight cycles after the effective date of this AD, perform a general visual inspection of both endcaps of the main landing gear selector valve for the presence of hydraulic oil, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A7-32-103, dated September 3, 1999. If no hydraulic oil is detected on either endcap, repeat the inspection at intervals not to exceed 400 flight hours until the requirements of paragraph (c) are accomplished.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

Replacement or Modification

(b) If any hydraulic oil is detected on either endcap: Prior to further flight, perform the actions specified in either paragraph (b)(1) or (b)(2) of this AD.

(1) Replace the existing aluminum endcaps, part number (P/N) 34629, with new stainless steel endcaps having P/N 52982, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A7-32-103, dated September 3, 1999.

(2) Replace the main landing gear selector valve with a valve having P/N 57420-5A, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A7-32-103, dated September 3, 1999.

Note 3: Use care when removing the endcaps, so that the internal components do not fall on the ground and get damaged.

(c) Within 12 months after the effective date of this AD: Perform the actions specified in either paragraph (c)(1) or (c)(2) of this AD, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A7-32-103, dated September 3, 1999. Accomplishment of either paragraph (c)(1) or (c)(2) terminates the repetitive inspection requirement of this AD.

(1) If a main landing gear selector valve having P/N 57420-1 or 57420-3 is installed, remove it and replace it with a valve having P/N 57420-5A.

(2) If a main landing gear selector valve having P/N 57420-5 is installed, remove it and replace it with a valve having P/N 57420-5A or modify the valve to the P/N 57420-5A configuration (Modification 7/2742).

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, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

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

Note 5: The subject of this AD is addressed in Canadian airworthiness directive CF-99-31, dated December 21, 1999.

Issued in Renton, Washington, on October 4, 2000.

Donald L. Riggan,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00-26093 Filed 10-11-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-ANE-25-AD; Amendment No. 39-XXXXX]

RIN 2120-AA64

Airworthiness Directives; General Electric Company (GE) CF-645 and CF6-50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise an existing airworthiness directive (AD), applicable to certain GE turbofan engines. That AD currently requires initial and repetitive inspections of high pressure compressor (HPC) rear shafts and installation of a certain rear shaft flange bolt configuration. This action would add additional HPC rear shaft part numbers for reworked rear shafts to the AD. This proposal is prompted by the need to ensure that the additional HPC rear shafts listed in this proposed rule receive the same inspections as part numbers covered by the current amendment. The actions specified by the proposed AD are intended to detect and replace cracked HPC rear shafts, which, if not replaced, could lead to an uncontained engine failure.

DATES: Comments must be received by November 16, 2000.

ADDRESSES: Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 90-ANE-25-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be obtained from General Electric Company, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: (781) 238-7192; fax: (781) 238-7199.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 90-ANE-25-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 90-ANE-25-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

Discussion

On March 18, 1991, the FAA issued AD 91-10-03, Amendment 39-6956 (56 FR 19920, May 1, 1991), applicable to GE CF6-45 and CF6-50 turbofan engines, to require initial and repetitive inspections of HPC rear shafts and installation of a certain rear shaft flange bolt. That action was prompted by reports of 35 HPC rear shafts found cracked in the bolt hole area. The inspection requirements of that AD were intended to detect and replace cracked HPC rear shafts to prevent an HPC rear

shaft fracture, which could result in an uncontained engine failure. On April 4, 1995, the FAA issued AD 91-10-03 Revision 1, Amendment 39-9186 (60 FR 1879, May 13, 1995), applicable to GE CF6-45 and CF6-50 series turbofan engines. That action was prompted by an FAA determination that the Parts Manufacturer Approval (PMA) Production Approval Listing, Supplement No. 27, authorizes the use of Valley-Todeco (VT) bolts, part number (P/N) VCD0016, as an alternate to GE bolts, P/N 1375M69P01. The VT bolt is identical in design to the GE bolt and the amendment adds the VT bolt to the applicability. That amendment also clarifies that engines with one or more PMA bolts, P/N VCD0016 installed, must accomplish the inspection requirements of the original AD, and allow the installation of PMA bolts as alternates to the GE bolts. That AD Revision requires initial and repetitive inspections to detect and replace cracked HPC rear shafts to prevent an HPC rear shaft fracture, which could result in an uncontained engine failure.

New Information

Since that revision to the AD was issued, the FAA has become aware of HPC rear shaft rework P/N's that have been issued by the manufacturer that are not listed in AD 91-10-03, Revision 1 but should be inspected.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would revise AD 91-10-03 Revision 1 to add HPC rear shaft rework P/N's to the AD. The actions would be required to be accomplished in accordance with the SB's described previously.

Economic Impact

There are about 1,730 engines of the affected design in the worldwide fleet. The FAA estimates that 469 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take about 2 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required labor would cost about \$120.00 per engine. Based on these figures, the total labor cost impact of the proposed AD on U.S. operators is estimated to be \$56,280.

Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-9186 (60 FR 18729, April 13, 1995), and by adding a new airworthiness directive (AD), to read as follows:

General Electric Company: Docket No. 90-ANE-25-AD. Revises AD 91-10-03, Revision 1, Amendment 39-9186.

Applicability: General Electric Company (GE) CF6-45 and CF6-50 series turbofan engines installed on, but not limited to, McDonnell Douglas DC-10 series, Boeing 747 series, and Airbus A300 series airplanes.

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

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 a high pressure compressor (HPC) rear shaft fracture, which could result in an uncontained engine failure and/or in-flight engine shutdown, accomplish the following:

(a) Fluorescent-penetrant inspect HPC rear shafts having the part numbers (P/N's) in Table 1 below, in accordance with the Accomplishment Instructions of GE Service Bulletin (SB) No. 72-958, Revision 1, dated October 18, 1990 as follows:

TABLE 1

9127M58P03 9079M63P17 1999M25P02 1999M25P06	9079M63P12 9079M63P18 1999M25P03 1999M25P07	9079M63P15 9079M63P19 1999M25P04	9079M63P16 1999M25P01 1999M25P05
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(1) For HPC rear shafts currently installed with hook bolts, P/N 9012M99G10, 9114M95G07, and 9114M95G10, inspect in accordance with the following schedule:

(i) For shafts that have not been previously inspected and have 10,000 cycles since new (CSN) or more on the effective date of this AD, inspect within the next 1,500 cycles in service (CIS) after the effective date of this AD.

(ii) For shafts that have not been previously inspected and have fewer than 10,000 CSN on the effective date of this AD, inspect within the next 2,500 CIS from the effective date of this AD, or before accumulating 7,500 CSN, whichever occurs later. However, no shaft may exceed 11,500 CSN before inspection.

(iii) For shafts that have been previously inspected and have 3,000 cycles since last inspection (CSLI) or fewer on the effective date of this AD, inspect within 4,500 CSLI, or before accumulating 7,500 CSN, whichever occurs later.

(iv) For shafts that have been previously inspected and have greater than 3,000 CSLI on the effective date of this AD, inspect within the next 1,500 CIS from the effective date of this AD, or before accumulating 7,500 CSN, whichever occurs later.

(v) Remove from service HPC rear shaft hook bolts identified in (a)(1) of this AD after any inspection performed in accordance with paragraph (a)(1) of this AD and replace with new tapered turn-around bolts, P/N 1375M69P01 or VCD0016.

(2) For HPC rear shafts installed with turn-around bolts, P/N 9249M54P01, or tapered turn-around bolts, P/N 1375M69P01 or VCD0016, inspect in accordance with the following schedule:

(i) For shafts that have not been previously inspected and have 6,500 CSN or more on the effective date of this AD, inspect within the next 2,500 CIS after the effective date of this AD.

(ii) For shafts that have not been previously inspected and have fewer than 6,500 CSN on the effective date of this AD, inspect before accumulating 9,000 CSN.

(iii) For shafts that have been previously inspected and have 3,500 CSLI or fewer on the effective date of this AD, inspect within 6,000 CSLI, or before accumulating 9,000 CSN, whichever occurs later.

(iv) For shafts that have been previously inspected and have more than 3,500 CSLI on the effective date of this AD, inspect within the next 2,500 CIS after the effective date of

this AD, or before accumulating 9,000 CSN, whichever occurs later.

(v) Remove from service HPC rear shaft turn-around bolts identified in paragraph (a)(2) of this AD after any inspection performed in accordance with paragraph (a)(3) of this AD and replace with new tapered turn-around bolts, P/N 1375M69P01 or VCD0016.

Note 2. Information concerning the tapered turn-around bolt noted in paragraph (a) of this proposed AD can be found in GE SB No. 72-877.

(b) Remove from service, prior to further flight, any shafts found cracked at inspection.

(c) Thereafter, for shafts that have been inspected in accordance with paragraph (a) of this AD, reinspect in accordance with the Accomplishment Instructions of GE SB No. 72-958, Revision 1, dated October 18, 1990, at intervals not to exceed 6,000 CSLI.

(d) Compliance with paragraph (a) of AD 91-10-03, Revision 1 satisfies the corresponding requirements of paragraph (a) of this AD. For the purposes of this AD, the inspection cycle interval must be measured from the last HPC rear shaft bolt hole inspection, regardless of any rear shaft rework and re-identifying after inspection.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Burlington, Massachusetts, on October 5, 2000.

David A. Downey,

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

[FR Doc. 00-26141 Filed 10-11-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-CE-74-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 60, A60, and B60 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Aircraft Company (Raytheon) Beech Models 60, A60, and B60 airplanes. The proposed AD would require you to inspect for the existence of any lower forward wing bolts with the Mercury Aerospace trademark, and replace any such bolt with an FAA-approved bolt without this trademark. The proposed AD is the result of a report that wing bolts supplied by Mercury Aerospace may not meet the required Rockwell hardness specifications. The actions specified by the proposed AD are intended to detect and correct wing bolts that do not meet strength requirements. Continued airplane operation with such bolts could result in fatigue failure of the bolts with consequent separation of the wing from the airplane.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this rule on or before December 5, 2000.

ADDRESSES: Submit comments in triplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–74–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. T.N. Baktha, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4155; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on the proposed AD? The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule’s docket number and submit your comments in triplicate to the address specified under the caption

ADDRESSES. The FAA will consider all comments received on or before the closing date. We may amend the proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the proposed AD action and determining whether we need to take additional rulemaking action.

Are there any specific portions of the proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of the proposed rule that might suggest a need to modify the rule. You may examine all comments we receive before

and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each FAA contact with the public that concerns the substantive parts of the proposed AD.

The FAA is re-examining the writing style we currently use in regulatory documents, in response to the Presidential memorandum of June 1, 1998. That memorandum requires federal agencies to communicate more clearly with the public. We are interested in your comments on whether the style of this document is clearer, and any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at <http://www.plainlanguage.gov>.

How can I be sure FAA receives my comment? If you want us to acknowledge the receipt of your comments, you must include a self-addressed, stamped postcard. On the postcard, write “Comments to Docket No. 99–CE–74–AD.” We will date stamp and mail the postcard back to you.

Discussion

What events have caused this AD? The FAA has received a report indicating that about 70 lower forward wing bolts that Mercury Aerospace supplied for certain Raytheon Models 60, A60, and B60 airplanes may not meet Rockwell hardness specifications. The bolts were distributed between 1995 and 1996. An independent test lab has confirmed that the bolts do not meet the structural requirements for an MS21250–14034 bolt.

Specifically, these wing bolts are required to meet Rockwell hardness specifications of C39–C43. Laboratory tests indicate that bolts from this manufacturing batch are below these specifications.

What are the consequences if the condition is not corrected? Continued airplane operation with such bolts could result in fatigue failure of the bolts with

consequent separation of the wing from the airplane.

Relevant Service Information

Is there service information that applies to this subject? Raytheon has issued Mandatory Service Bulletin No. SB 57–3328, Issued: July, 1999.

What are the provisions of this service bulletin? The service bulletin includes procedures for:

- Inspecting all lower forward wing bolts for the Mercury Aerospace trademark; and
- Replacing any of these bolts, along with the nuts and washers.

The FAA’s Determination and an Explanation of the Provisions of the Proposed AD

What has FAA decided? After examining the circumstances and reviewing all available information related to the conditions described above, we have determined that:

- the unsafe condition referenced in this document exists or could develop on Raytheon Beech Models 60, A60, and B60 airplanes of the same type design;
- the actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

What does the proposed AD require? This proposed AD would require you to inspect for the existence of any lower forward wing bolt with the Mercury Aerospace trademark and replace such bolt with an FAA-approved bolt without this trademark.

Cost Impact

How many airplanes does the proposed AD impact? We estimate that the proposed AD affects 593 airplanes in the U.S. registry.

What is the cost impact of the proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
1 workhour × \$60 per hour = \$60	Not applicable	\$60 per airplane	\$35,580.

We estimate the following costs to accomplish any necessary replacements that would be required based on the

results of the proposed inspection. Based on manufacturer data from its warranty program, 10 bolts were

replaced, which leaves 60 suspect bolts still in the field.

Labor cost	Parts cost	Total cost per airplane
8 workhours × \$60 per hour = \$480	Approximately \$500 per airplane. NOTE: Warranty credit has expired.	\$980 per airplane.

Regulatory Impact

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

Does this proposed AD involve a significant rule or regulatory action? 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the

criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations 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. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company: Docket No. 99–CE–74–AD

(a) *What airplanes are affected by this AD?* This AD affects Beech Models 60, A60, and B60 airplanes, serial numbers P–4 through P–596, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes on the U.S. Register must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct wing bolts that do not meet strength requirements. Continued airplane operation with such bolts could result in fatigue failure of the bolts with consequent separation of the wing from the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Action	Compliance time	Procedures
(1) Inspect the lower forward wing bolts (left and right) for the Mercury Aerospace trademark.	Within the next 100 hours time-in-service (TIS) after the effective date of this AD.	Use the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin SB 57–3328, Issued: July, 1999.
(2) Replace any lower forward wing bolt that has the Mercury Aerospace trademark with an FAA-approved bolt that does not have this trademark. Replace the associated nuts and washers.	Prior to further flight after the inspection	Use the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service bulletin SB 57–3328, Issued: July, 1999, and the instructions in the applicable maintenance manual.
(3) Do not install, on any affected airplane, a forward wing bolt that has the Mercury Aerospace trademark.	As of the effective date of this AD	Not Applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: This AD applies to each airplane identified in paragraph (a) of this AD, 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 (e) 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Mr. T.N. Baktha, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4155; facsimile: (316) 946–4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may obtain copies of the documents referenced in this AD from Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. You may examine these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 5, 2000.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate,, Aircraft Certification Service.

[FR Doc. 00-26238 Filed 10-11-00; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

RIN 1090-AA74

Special Rules Applicable to Surface Coal Mining Hearings and Appeals; Petitions for Award of Costs and Expenses Under Section 525(e) of the SMCRA

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action extends the comment period an additional 30 days on the Department of the Interior's Office of Hearings and Appeals' proposal to amend its rules governing who may receive an award of costs and expenses, including attorney fees, under section 525(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment provides that an applicant for a permit may only receive an award from the Office of Surface Mining Reclamation and Enforcement (OSM), if OSM denies an application in bad faith and for the purpose of harassing or embarrassing the applicant.

EFFECTIVE DATE: Comments are due to the agency by November 13, 2000.

ADDRESSES: Send written comments to Robert L. Baum, Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Room 1111, Arlington, VA 22203. Phone: 703-235-3750. Comments received will be made available for public inspection and copying during regular business hours (9 a.m. to 5 p.m.) In the Office of Hearings and Appeals, Director's office, 11th floor, 4015 Wilson Boulevard, Arlington, VA 22203. Person wishing to inspect comments are requested to call in advance at 703-235-3810 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Will A. Irwin, Administrative Judge, Interior Board of Land Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Phone: 703-235-3750.

SUPPLEMENTARY INFORMATION: On July 28, 2000, the Office of Hearings and Appeals (OHA) published a proposed rule (65 FR 46389) amending 43 CFR 4.1294(b) and (c) to provide that an applicant for a permit from OSM is entitled to an award of costs and expenses from OSM only when circumstances demonstrate that OSM denied an application in bad faith and for the purpose of harassing or embarrassing the applicant. In a letter to the Director of OHA, dated August 15, 2000, the National Mining Association (NMA) requested a 45 day extension of the comment period for this proposed amendment because the existing comment period did not allow adequate opportunity to comment fully. The NMA also requested records related to the proposed amendment under the Freedom of Information Act. The FOIA response letter was issued on September 12, 2000.

The Director of OHA has determined that an extension of time to obtain the comments on the proposed rule is warranted and, therefore, a 30 day extension is granted. This notice announces that 30 day extension of the comment period.

Dated: October 4, 2000.

John Berry,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 00-26100 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-BK-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-2230, MM Docket No. 00-186, RM-9970]

Radio Broadcasting Services; Rapid City, South Dakota, Gillette, Wyoming

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Bethesda Christian Broadcasting, Inc. ("petitioner"), licensee of Station KLMP, Rapid City South Dakota, requesting the substitution of Channel 250C for 250C1 at Rapid City, and the modification of Station KLMP's license accordingly, and the substitution of Channel 282A for vacant Channel 249A at Gillette, Wyoming, to accommodate its upgrade. Channel 250C can be allotted at Rapid City, South Dakota, at coordinates 44-19-42 and 103-50-03.

Channel 282A can be allotted at Gillette, Wyoming at coordinates 44-17-36 and 105-30-06.

DATES: Comments must be filed on or before November 20, 2000, and reply comments on or before December 5, 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: Bethesda Christian Broadcasting, Inc. P.O. Box 168, Rapid City, SD 57709 (petitioner); J. Dominic Monahan, Luvaas, Cobb, Richards and Fraser, 300 Forum Building, 777 High Street, P.O. Box 10747, Eugene, OR 97401 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00-186, adopted September 20, 2000, and released September 29, 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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00-26191 Filed 10-11-00; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants: 90-Day Finding on a Petition To List the Mountain Yellow-legged Frog as Endangered**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to list the mountain yellow-legged frog (*Rana muscosa*) as endangered, under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). We believe that the petition presents substantial information indicating that listing the species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on October 5, 2000. To be considered in the 12-month finding for this petition, comments and information should be submitted to the Service by December 11, 2000.

ADDRESSES: Data, information, comments, or questions concerning this petition should be submitted to the Field Supervisor; Sacramento Fish and Wildlife Office; Sacramento Fish and Wildlife Office; 2800 Cottage Way, Room W-2605; Sacramento, California 95825. The petition finding, supporting data and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jason Davis or Maria Boroja at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section above), or at (916) 414-6600.

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service will commence a review of the status of the involved species. This

finding is based on information contained in the petition, supporting information submitted with the petition, and otherwise available to the Service at the time the finding was made.

The processing of this petition conforms with our final listing priority guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority (Priority 3) is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of critical habitat determinations (prudence and determinability decisions) and proposed or final designations of critical habitat will be funded separately from other section 4 listing actions and will no longer be subject to prioritization under the listing priority guidance. The processing of this petition finding is a Priority 4 action.

We have made a 90-day finding on a petition to list the mountain yellow-legged frog (*Rana muscosa*) as an endangered species. On February 10, 2000, we received a petition, dated February 8, 2000, to list the Sierra Nevada Mountain population of the mountain yellow-legged frog as an endangered species. The petition was submitted by the Center for Biological Diversity and Pacific Rivers Council. The letter clearly identified itself as a petition, and contained the names, signatures, and addresses of the two parties submitting the petition. The petitioners argued that the "Sierra Nevada population of the mountain yellow-legged frog" qualifies for listing under our Distinct Vertebrate Population Segment Policy (61 FR 4722). Included in the petition was supporting information relating to the species' taxonomy and ecology, adequacy of existing regulatory mechanisms for the species, and the historic and present distribution, current status, and potential causes of decline. This notice constitutes the 90-day finding for the February 10, 2000, petition.

On July 10, 1995, we were petitioned to list the southern California population of the mountain yellow-legged frog a distinct population

segment (DPS) of the mountain yellow-legged frog. The southern California population is isolated from the main part of the species' range, in the Sierra Nevada Mountains, by the Tehachapi Mountains and a distance of 225 kilometers (km) (140 miles(mi)). On December 22, 1999, we published a proposed rule to list the Southern California DPS of the mountain yellow-legged frog as an endangered species (64 FR 71714). In the proposed rule we recognized the southern population according to our policy on distinct vertebrate population segments (61 FR 4722). On March 20, 2000, we published a notice in the **Federal Register** to reopen the comment period on the proposal to list the southern California DPS of the mountain yellow-legged frog as endangered for a 30-day period.

As the present petition (and this finding) addresses the remainder of the species' range, in the Sierra Nevada from Tulare County, California, in the south to Plumas County, California, in the north, we find no reason to recognize mountain yellow-legged frogs that occur in the Sierra Nevada as a DPS. Throughout the rest of this finding we refer to the petitioned entity, all mountain yellow-legged frogs that occur north of the Tehachapi Mountains in the Sierra Nevada, as the mountain yellow-legged frog.

The petition and accompanying documentation state that the species qualifies for listing pursuant to the Act due to potential habitat destruction and modification, the presence of disease in combination with natural predation, the inadequacy of existing regulatory mechanisms, and other natural or human-caused factors affecting its continued existence. The petitioners contend that natural and human-induced changes to mountain yellow-legged frog habitats, including (1) non-native fish introductions, (2) contaminant introductions, (3) livestock grazing, (4) acidification from atmospheric deposition, (5) nitrate deposition, (6) ultraviolet radiation, (7) drought, and (8) other factors, separately and in combination are responsible for an estimated 70 to 90 percent decline in mountain yellow-legged frog populations throughout the historic range of the species in the Sierra Nevada Mountains.

The introduction of nonnative fish, including rainbow trout (*Oncorhynchus mykiss*), is one the best documented causes of decline of Sierra Nevada Mountain populations of mountain yellow-legged frogs. Careful study of the distributions of introduced trout and mountain yellow-legged frogs for several years has shown conclusively that

introduced trout have had negative impacts on mountain yellow-legged frogs over much of the Sierra Nevada Mountains (Bradford 1989; Knapp 1996). Bradford (1989) and Bradford *et al.* (1994) concluded that introduced trout have eliminated many populations of mountain yellow-legged frogs. In addition, the presence of trout in intervening streams sufficiently isolates other frog populations so recolonization after stochastic (random, naturally occurring) local extinctions is essentially impossible. This mechanism is sufficient to explain the elimination of mountain yellow-legged frogs from the majority of sites they once inhabited in the Sierra Nevada Mountains.

Several studies have shown that significant levels of contaminants have been deposited in high Sierran aquatic ecosystems from pesticide drift, acid precipitation, and smog drift (Seiber *et al.* 1998; Aston and Seiber 1997; Cahill *et al.* 1996; Miller 1996; Byron and Goldman 1991; Nikolaidis 1991; Laird *et al.* 1986). The petitioners present general evidence that the presence of contaminants in water, sediment, and aquatic vegetation can harm frog populations through lethal and sublethal effects including delayed metamorphosis, reduced breeding and feeding activity (Berrill *et al.* 1993, 1994, 1995, 1998; Boyer and Grue 1995; Beaties and Tyler-Jones 1992; Corn and Vertucci 1992; Hall and Henry 1992). In addition, contaminant introduction may weaken the immune systems of frogs rendering them more susceptible to disease such as chytrid fungus and red-legged disease (Carey *et al.* 1993, 1995, 1999; Jennings 1996; Drost and Fellers 1996; Sherman and Morton 1993). The petitioners cite recent work by Carlos Davidson (U.C. Davis, unpublished manuscript) that shows a positive relationship between amphibian declines in the Sierra Nevada Mountains that occur upwind from areas in California's Central Valley that apply large amounts of wind-borne agrochemicals. In particular, Davidson found agricultural land use to be twice as high downwind of sites where mountain yellow-legged frogs had disappeared compared to sites where the species is still present (Davidson, unpublished manuscript).

Livestock grazing can directly impact mountain yellow-legged frogs through trampling of individuals. Indirectly, livestock can have a significant effect on frog populations by: (1) Altering the hydrology and morphology of high mountain streams and ponds, (2) trampling of cover and vegetation along the periphery of wetland systems that are important egg laying and larval

rearing areas, and (3) introducing nitrates into breeding areas resulting in elevated levels of bacteria (Armour *et al.* 1994; Duff 1977; Bohn and Buckhouse 1985; Kauffman and Krueger 1984; Kauffman *et al.* 1983; Marlow and Pogacnik 1985; Meehan and Platts 1978; Stephenson and Street 1978; U.S. Forest Service 2000).

Acidification, nitrate deposition, and ultraviolet radiation have been implicated as other factors that may contribute to the range wide decline of mountain yellow-legged frogs. The petitioners state these factors may have negative effects on mountain yellow-legged frogs that include reduced growth rates, reduced feeding activity, disequilibrium, physical abnormalities, paralysis, embryonic failure, and even death among tadpoles and young frogs (Blaustein *et al.* 1994, Bradford and Gordon 1993, Carey *et al.* 1999, Clark and LaZerte 1985, Freda 1990, Marco *et al.* 1999, Marco and Blaustein 1999).

During periods of prolonged drought, amphibians find refugial habitat in deeper, permanent sources of water which are also suited for fish. These refugial habitats allow for repopulation of more peripheral areas during wetter years (Bradford *et al.* 1993; Knapp 1996; Drost and Fellers 1996). The presence of nonnative fish has eliminated many of the permanent sources of refugial habitat from the mountain yellow-legged frog, thus rendering frog populations more vulnerable to drought-related extinction events (Bradford *et al.* 1993; Knapp 1996; Drost and Fellers 1996).

The petitioners state that disease likely plays a significant role in the widespread decline of mountain yellow-legged frogs. Two diseases potentially affecting mountain yellow-legged frogs are red-legged disease (*Aeromonas hydrophila*), which is caused by a freshwater bacteria, and chytrid fungus. The petitioners cite an article by Bradford (1991) reporting the loss of a mountain yellow-legged frog population in the Sierra Nevada due to red-legged frog disease and predation by Brewer's blackbirds (*Euphagus cyanocephalus*). In addition, they cite studies reporting mortality of adult Yosemite toads (*Bufo canorus*) in the Sierra Nevada and boreal toads (*Bufo boreas boreas*) in the Rocky Mountains due to red-legged disease (Sherman and Morton 1993; Carey 1993). Chytrid fungus, an aquatic pathogen discovered after 1993, has led to the mortality of many amphibian species in the United States and worldwide. The chytrid fungus attacks the mouthparts of tadpoles affecting their ability to feed. Chytrids have recently been discovered in larval

mountain yellow-legged frogs in the Sierra Nevada (Gary Fellers, U.S. Geologic Survey, pers. comm. 1999). Roland Knapp (Sierra Nevada Aquatic Research Lab, pers. comm. 2000) reported a significant decline of mountain yellow-legged frogs at Dry Creek near Mono Lake, a site that had thriving population in 1998. He attributed the population crash to the chytrid fungus after detecting deformed mouthparts in several tadpoles at the site. The petitioners also cite a personal communication with Vance Vredenburg (University of California, Berkeley, Museum of Vertebrate Zoology, pers. comm. 2000) who reported the complete loss of another mountain yellow-legged frog population in the Emigrant Wilderness due to the chytrid fungus. There have been reports of chytrid fungus attacking other Sierra Nevada amphibians, including the Yosemite toad. An investigation of museum specimens of Yosemite toads collected by Sherman and Morton at Tioga Pass during a 1977–1978 die-off found those toads to be infected with chytrid fungus (Carey *et al.* 1999). The petitioners state that there is significant information yet to be discovered regarding aquatic pathogens and their relationship to the ecology of mountain yellow-legged frogs. Should evidence indicate that mountain yellow-legged frogs have evolved with aquatic pathogens, then other stressors including contaminant introductions and UV-radiation may be reducing the ability of frogs to fight off infection from these pathogens (Sherman and Morton 1993; Drost and Fellers 1996; Carey *et al.* 1993, 1995, 1999; Jennings 1996; Taylor *et al.* 1999).

Up to the 1960s, the mountain yellow-legged frog was widely distributed and abundant across the Sierra Nevada (Zwefel 1955; Cory *et al.* 1970, Jennings and Hayes 1994). Since then, however, the overall population has declined dramatically. The most pronounced declines have occurred within the northernmost 125 km (78 mi) of the range, north of Lake Tahoe, and the southernmost 50 km (31 mi) of the range, below Sequoia and Kings Canyon National Parks, where only a few populations remain (Jennings and Hayes 1994; Fellers 1999). Jennings and Hayes (1994) noted a 50 percent decline in the species across the Sierra Nevada based on sampling historic mountain yellow-legged frog locations conducted before the 1970s. Knapp and Matthews (2000) noted that the 50 percent decline may be conservative, as the sampling conducted by Jennings and Hayes took place in Sequoia and Kings Canyon National Parks, where mountain yellow-

legged frog populations are larger and more abundant compared to populations north of the Sierra National Forest.

However, even in the protected areas of Sequoia and Kings Canyon National Parks, mountain yellow-legged frog populations have undergone significant declines. Bradford *et al.* (1994) published results of two separate studies which resurveyed historic sites where mountain yellow-legged frogs were documented between 1959 and 1979 in Sequoia and Kings Canyon National Parks. They found mountain yellow-legged frogs at only 12 of 49 sites surveyed in 1989 and 1990. In addition, mountain yellow-legged frogs had disappeared from one of these 12 sites by 1991.

Outside of Sequoia and Kings Canyon National Parks, Bradford *et al.* (1994) reported the absence of mountain yellow-legged frogs at 21 of 24 historic sites. In another study, Drost and Fellers (1996) resurveyed 14 sites originally surveyed in 1915 by Grinnell and Storer (1924), and found only two now occupied by the mountain yellow-legged frog. These surveys all strongly suggest that the mountain yellow-legged frog has systematically declined throughout its range.

We have reviewed the petition and other information available in the Service's files. Based upon this review, we believe that substantial evidence exists that listing the mountain yellow-legged frog as endangered may be warranted. When we make a positive finding, we also are required to promptly commence a review of the status of the species. Based upon available and any newly obtained information, we will issue a 12-month finding as required by section 4(b)(3)(B) of the Act. Petitioners also requested that critical habitat be designated for the Sierra Nevada population of the mountain yellow-legged frog. The 12-month finding will address this issue.

Public Information Requested

The Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. We request any additional data, comments, and suggestions from the public, other concerned government agencies, the scientific community, industry, and any other interested parties concerning the status of the mountain yellow-legged frog. Of particular interest is information regarding: (1) The existence and status of additional subpopulations, (2) the impact of nonnative fish introductions, contaminants, livestock grazing, acidification from atmospheric

deposition, nitrate deposition, ultraviolet radiation, drought, disease, and other factors that may be responsible for the range-wide decline of the species, (3) the implementation of any actions that are benefitting the species, and (4) genetic variability in known subpopulations.

If you wish to comment, you may submit your comments and materials concerning this finding to the Field Supervisor, Sacramento Fish and Wildlife Office (see **ADDRESSES** section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold their home address, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

References Cited

A complete list of all references cited herein is available on request from the Sacramento Fish and Wildlife Office, (See **ADDRESSES** section).

Author: The primary author of this document is Jason Davis, Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 5, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00-26179 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-Day Finding on a Petition to List the California Spotted Owl as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the California spotted owl (*Strix occidentalis occidentalis*) as threatened or endangered, under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). We find that the petition presents substantial information indicating that listing the species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on October 5, 2000. To be considered in the 12-month finding for this petition, comments and information should be submitted to the Service by December 11, 2000.

ADDRESSES: Data, information, comments, or questions concerning this petition should be submitted to the Field Supervisor; Sacramento Fish and Wildlife Office; Sacramento Fish and Wildlife Office; 2800 Cottage Way, Room W-2605; Sacramento, California 95825. The petition finding, supporting literature, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Catherine Hibbard or Maria Boroja at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section above), or at (916) 414-6600.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the petitioned action may be warranted. This finding is based on information contained in the petition, supporting information submitted with the petition, and information otherwise available to us at the time we make the finding. To the maximum extent practicable, we make this finding within 90 days of the

receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If we find that substantial information was presented, we commence a review of the status of the involved species.

The processing of this petition conforms with the Service's final listing priority guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority (Priority 3) is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of critical habitat determinations (prudence and determinability decisions) and proposed or final designations of critical habitat will be funded separately from other section 4 listing actions and will no longer be subject to prioritization under the listing priority guidance. The processing of this petition finding is a Priority 4 action.

We have made a 90-day finding on a petition to list the California spotted owl as a threatened or endangered species. On April 3, 2000, we received a petition dated April 2000, to list the California spotted owl as a threatened or endangered species. The petition was submitted by the Center for Biological Diversity and the Sierra Nevada Forest Protection Campaign, who acted on the behalf of themselves and 14 other organizations. The letter clearly identified itself as a petition, and the names, signatures, and addresses of representatives of the two parties submitting the petition followed in a letter dated April 17, 2000. The petitioners requested the Service to designate critical habitat for the California spotted owl concurrent with listing, and also requested emergency listing and emergency critical habitat designation. The petition referenced supporting information on the subspecies' description, natural history, habitat, and population status. It also presented threats to the California spotted owl including present or threatened destruction, modification, or curtailment of the subspecies' habitat or range; other natural or manmade factors affecting the subspecies' continued existence; predation; and the

inadequacy of existing regulatory mechanisms to protect the subspecies. This notice constitutes the 90-day finding for the April 3, 2000, petition.

The California spotted owl is one of three recognized subspecies of spotted owls. The other subspecies, the northern spotted owl (*Strix occidentalis caurina*), and the Mexican spotted owl (*Strix occidentalis lucida*), were listed by the Service as threatened. The final rule to list the northern spotted owl was published in the **Federal Register** on June 26, 1990 (55 FR 26114–26194) and the final rule to list the Mexican spotted owl was published in the **Federal Register** on March 16, 1993 (58 FR 14248–14271). Genetic studies have found evidence of interbreeding between the northern and California subspecies (Barrowclough *et al.* 1999).

The California spotted owl occurs on the west side of the Sierra Nevada from Shasta County south to the Tehachapi Pass. It also occurs on the eastern side of the Sierra, in the central Coast Ranges at least as far north as Monterey County, and in all major mountains of Southern California including the San Bernardino, San Gabriel, Tehachapi, north and south Santa Lucia, Santa Ana, Liebre/Sawmill, San Diego, San Jacinto, and Los Padres ranges.

The petition and accompanying documentation state that the California spotted owl qualifies for listing under the Act due to potential habitat destruction and modification, predation, the inadequacy of existing regulatory mechanisms to protect the subspecies, and other natural or human-caused factors affecting its continued existence. The petitioners contend that the California spotted owl is threatened by destruction, modification, or curtailment of habitat or range by logging on public and private lands, urban development, livestock grazing, mining, recreation, and road construction. According to the petitioners, logging, livestock grazing, and fire suppression have altered fire regimes over the range of the California spotted owl, putting some owl habitat at risk to loss by catastrophic fire. They also assert that habitat loss and modification may increase predation or the negative effects of climate on California spotted owls. Finally, they cite existing regulations or guidelines to manage California spotted owl habitat on public and private lands as inadequate regulatory mechanisms to protect the owl and its habitat.

The distribution and abundance of California spotted owls before intensive surveys were initiated in the late 20th century is largely unknown. As summarized in the petition, recent

estimates of population change suggest populations of California spotted owls in the Lassen, Eldorado, and Sierra National Forests and in the San Bernardino Mountains of southern California have been significantly declining over the past several years, while a population of owls in the Sequoia/Kings Canyon National Park may be stable (Steger *et al.* 1999). These differences were attributed to higher rates of adult survival in the park (Steger *et al.* 1999).

Where owls are declining, modeled estimates indicate annual declines of 7–10 percent, but these estimates may not reflect true rates of declines for several reasons as discussed by Noon *et al.* (1992), Verner (1999) and USDA (2000). However, the declining trends of California spotted owls suggested by these models are generally corroborated by actual declines in occupied sites (Gordon Gould, California Department of Fish and Game, pers. comm., 2000). Most or all researchers studying the demography of California spotted owls agree that populations are declining, but uncertainty exists about the steepness of the decline (Verner 1999). For the Sierra Nevada, the Forest Service (USDA 2000) concluded "In summary, the demographic studies strongly suggest population declines in California spotted owls. The declines are sufficient to warrant concern, even in light of uncertainties in the magnitude of the declines."

No studies have been designed to test cause and effects of population declines of California spotted owls (Verner 1999). Gutierrez (1994) stated that logging has caused the greatest loss of habitat for all subspecies of spotted owls. California spotted owls in the Sierra Nevada may have undergone at least three periods of decline due to: (1) The elimination of prey species by intensive livestock grazing and burning in the 1800s; (2) logging beginning in the late 1800s, which removed basic elements of owl habitat; and (3) recent logging of regenerated stands (Gutierrez 1994).

We have reviewed the petition and other information available in our files. Based on this review, we find that listing the California spotted owl as threatened or endangered may be warranted. When we make a positive finding, we are also required to promptly commence a review of the status of the species. Based on available and any newly obtained information, we will issue a 12-month finding as required by section 4(b)(3)(B) of the Act.

The petitioners requested that critical habitat be designated for the California spotted owl and also requested emergency listing and emergency

designation of critical habitat. We note that emergency listing and designation of critical habitat are not petitionable actions under the Act. Based on the information presented in the petition, the habitat loss and other threats to the species have been long-standing and ongoing for many years. There are no imminent, devastating actions that could result in the extinction of the species. Therefore, we find that an emergency situation does not exist. The 12-month finding will address the issue of critical habitat.

Public Information Requested

The Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. We request additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties regarding the status of the California spotted owl. Of particular interest is information pertaining to the factors the Service uses to determine if a species is threatened or endangered: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; and (5) other natural or manmade factors affecting its continued existence.

If you wish to comment, you may submit your comments and materials concerning this finding to the Field Supervisor, Sacramento Fish and Wildlife Office (see **ADDRESSES** section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold their home address, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by

appointment, during normal business hours at the above address.

References Cited

You may request a complete list of all references we cited, as well as others, from the Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

Author: The primary author of this document is Catherine Hibbard, Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 5, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00-26181 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-day Finding on a Petition To List the Yosemite Toad as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to list the Yosemite toad (*Bufo canorus*) as endangered under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). We find that the petition presents substantial scientific or commercial information to indicate that listing the species may be warranted. Therefore, we are initiating a status review to determine if the petition action is warranted. To ensure that the review is comprehensive, we are asking for information and data regarding this species.

DATES: The finding announced in this document was made on October 5, 2000. To be considered in the 12-month finding for this petition, comments and information should be submitted to the Service by December 11, 2000.

ADDRESSES: Data, information, comments, or questions concerning this petition should be submitted to the Field Supervisor; Sacramento Fish and Wildlife Office; Sacramento Fish and Wildlife Office; 2800 Cottage Way, Room W-2065; Sacramento, California 95825. The petition finding, supporting

data and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jason Davis or Maria Boroja at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section above), or at (916-414-6600).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service will commence a review of the status of the involved species. This finding is based on information contained in the petition, supporting information submitted with the petition, and other information available to the Service at the time the finding was made.

The processing of this petition conforms with the Service's final listing priority guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority (Priority 3) is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority (Priority 4). The processing of critical habitat determinations (prudence and determinability decisions) and proposed or final designations of critical habitat will be funded separately from other section 4 listing actions and will no longer be subject to prioritization under the listing priority guidance. The processing of this petition finding is a Priority 4 action.

We have made a 90-day finding on a petition to list Yosemite toad (*Bufo canorus*) as an endangered species. On Monday, April 3, 2000, we received a

petition, dated February 28, 2000, to list the Yosemite toad as endangered. The petition was submitted by the Center for Biological Diversity and Pacific Rivers Council. The letter clearly identified itself as a petition and contained the names, signatures, and addresses of the petitioners. Included in the petition was supporting information relating to the species' taxonomy and ecology, adequacy of existing regulatory mechanisms for the species, and the historic and present distribution, current status, and potential cause of decline. This notice constitutes the 90-day finding for the February 28, 2000, petition.

The Yosemite toad is a high elevation species that occurs in the central Sierra Nevada Mountains of California (Stebbins 1985). The range of the Yosemite toad extends from Ebbetts Pass, Alpine County, to south of Kaiser Pass and Evolution Lake, Fresno County (Stebbins 1966, Karlstrom 1962, 1973). According to the petition, the Yosemite toad commonly occurs at elevation between 2,438 and 3,047 meters (8,000 and 10,000 feet), with an overall elevation range of 1,950 to 3,500 meters (6,400 to 11,300 feet).

The Yosemite toad is a member of the *Boreas-canorus* group, the most primitive of three evolutionary lines of North American *Bufo* (Camp 1917, Karlstrom 1962). According to Camp (1916), the Yosemite toad has long been recognized as a distinct species. The Yosemite toad is a close relative of three toad species, the western toad (*Bufo boreas*), black toad (*Bufo exsul*), and Amargosa toad (*Bufo nelsoni*) (Blair 1972, Stebbins 1985). The petitioners state that Yosemite/western toad hybridization occurs in the northern portion of the Yosemite toad's range in the Blue Lake region of the Carson-Iceberg Wilderness, just southeast of Carson Pass in Alpine County (Karlstrom 1973, Stebbins 1966).

The petition and accompanying documentation state that the species qualifies for listing pursuant to the Act due to potential habitat destruction and modification, the presence of disease in combination with natural predation, the inadequacy of existing regulatory mechanisms, and other natural or human-caused factors affecting its continued existence. The petitioners contend that natural and human-induced changes to Yosemite toad habitats, including (1) livestock grazing, (2) contaminant introductions, (3) non-native fish introductions, (4) disease (5) ultraviolet radiation, (6) climate change, (7) acid deposition, (8) drought, and (9) other factors, separately and in

combination, are responsible for the range-wide decline of the species.

There have been few if any studies to date on the direct effect of contaminant introductions on Yosemite toad populations. However, several studies show that significant levels of contaminants have been deposited in high Sierran aquatic ecosystems from pesticide drift, acid precipitation, and smog drift (Seiber *et al.* 1998, Aston and Seiber 1997, Cahill *et al.* 1996, Miller 1996, Byron 1991, Nikolaidis 1991, Laird *et al.* 1986). The petitioners believe that contaminant introductions can harm toad populations through lethal and sublethal effects including delayed metamorphosis, reduced breeding and feeding activity (Berrill *et al.* 1993, 1994, 1995, 1998, Boyer and Grue 1995, Beaties and Tyler-Jones 1992, Corn and Vertucci 1992, Hall and Henry 1992). In addition, contaminant introduction may weaken the immune systems of toads rendering them more susceptible to disease such as chytrid fungus and red-legged disease (*Aeromonas hydrophila*) (Carey *et al.* 1993, 1995, 1999, Jennings 1996, Drost and Fellers 1996, Sherman and Morton 1993).

There is ample evidence to suggest that Yosemite toads cannot coexist with introduced fish. In addition, there are strong indications that nonnative fish introductions have contributed to the decline of the toad. Not only do nonnative fish prey upon adult, juvenile and larval toads, they also alter the food chain of high Sierran aquatic ecosystems (Knapp 1996, Jennings 1996, Bradford 1989, 1993). The petitioners state that the most significant effect of nonnative fish on Yosemite toads is that they preclude the use of the deeper and more permanent water bodies that provide refuge for toads during periods of prolonged drought. The loss of higher quality, permanent breeding habitats for Yosemite toads disrupts their ability to recolonize peripheral areas after long periods of drought, and renders them more susceptible to localized extinctions (Knapp 1996, Drost and Fellers 1994, 1996, Bradford *et al.* 1993).

The petitioners state that disease likely plays a significant role in the widespread decline of Yosemite toad populations. Two diseases that may affect Yosemite toads are red-legged disease, which is caused by a freshwater bacteria, and chytrid fungus. Sherman and Morton (1984, 1993) noted the mortality of adult Yosemite toads due to red-legged disease at Tioga Pass during the 1970's. Chytrid fungus, an aquatic pathogen discovered after 1993, has caused mortality in many amphibian species in the United States and

worldwide. An investigation of museum specimens of Yosemite toads collected by Sherman and Morton at Tioga Pass during a die-off in 1977–1978 found those toads to be infected with chytrid fungus (Carey *et al.* 1999). The petitioners state that there is significant information yet to be discovered regarding aquatic pathogens and their relationship to the ecology of Yosemite toads. Should evidence indicate that Yosemite toads have evolved with aquatic pathogens, then other stressors including contaminant introductions and UV-radiation may be reducing the ability of toads to fight off infection from these pathogens (Sherman and Norton 1993, Drost and Fellers 1996, Carey *et al.* 1993, 1995, 1999, Jennings 1996, Taylor *et al.* 1999).

The petitioners state that there are other natural and anthropogenic factors that may be negatively affecting the Yosemite toad, including (1) airborne contamination, (2) ultraviolet radiation, and (3) climate change. However, there are significant gaps in the extent of the information regarding effects of airborne contaminants on Yosemite toads. The affect of UV-radiation and global warming on Yosemite toad populations is also lacking at this time. These factors may provide additional stresses on toad populations that are already being assaulted by nonnative fish, livestock grazing, drought, and disease. Combinations of stresses may explain the significant declines of Yosemite toads recorded over the past few decades.

Several studies and observations made within the first half of the twentieth century report that Yosemite toads were abundant throughout their range, especially within Yosemite National Park (Grinnell and Storer 1924, Karlstrom 1962, Mullally 1953, Mullally and Cunningham 1956, Yosemite National Park Office 1999). More recent studies indicated that Yosemite toads have suffered significant declines in both abundance and distribution throughout their range. Jennings and Hayes (1994) reported that, even though Yosemite toads occur in areas that are free from physical disturbance, the species has declined or disappeared from 50 percent of known historic sites.

Within Yosemite National Park, the heart of the Yosemite toad's range, there are several documented declines in the distribution and abundance of Yosemite toad populations. Drost and Fellers (1994, 1996) resurveyed areas within the park that were originally surveyed in the first quarter of last century by the U.C. Berkeley survey team lead by Grinnell and Storer. By the 1990s, Yosemite toads only occupied 50

percent of these sites. The petitioners note that in a subsequent amphibian survey within Yosemite National Park, Fellers (1997) found 5 locations occupied by Yosemite toads out of 260 survey sites. The petitioners do not report whether these 260 survey locations were historically occupied by Yosemite toads. Additionally, several other sites that once supported abundant Yosemite toad populations including Tioga Pass, Sylvester Meadows, and several nearby sites have shown complete disappearances of toads in recent years (Karlstrom 1962, Sherman and Morton 1993). Sherman and Morton (1993) further documented significant declines in toad populations at their Tioga Pass Meadow study area. They counted an average of 257 toads annually during the period of 1974–1978 at Tioga Pass Meadow. By 1982, toad populations had declined to 28 individuals and in 1990, only one female, two males, and 4 to 6 egg masses. In 1991, these researchers noted only two egg masses and a single calling male. Other researchers have corroborated this decline (Drost and Fellers 1994). Additional population declines of Yosemite toads were observed at Saddlebag Lake, Frog Lake, Hoover Lake, and Mildred Lake (Sherman and Morton 1993).

The trend of populations declines also holds true for sites outside of Yosemite National Park. Bradford and Gordon (1992) conducted a survey of 235 randomly selected sites in potential Yosemite toad habitat above 2,625 meters (8,000 feet) and found only 17 sites occupied. In addition, the petitioners cite a survey conducted by David Martin (1990) that found of 75 historic localities surveyed throughout the high Sierra, only 40 were occupied. During his survey, Martin (1990) found no toads at historic locations at elevations below 2,461 meters (7,500 feet). Furthermore, Martin (1990) reported that of the 40 sites with toads present, he found an average of 5.75 individuals. The petition cites a personal communication with David

Martin (San Jose State University, pers. comm. 2000), indicating that historically, Yosemite toad numbers were estimated to be over 100 individuals per site at each of these 75 locations. Additional toad declines have been reported by Martin (1992) at Emigrant Meadow and Lunch Meadow in the Emigrant Wilderness, Stanislaus National Forest, and around Sonora Pass, where toad populations that had once been abundant are now small or undetectable. This trend appears to hold for toad populations on the El Dorado and Sequoia National Forests (Stebbins 1966).

We have reviewed the petition and other information available in our files. Based upon this review, we believe that substantial evidence exists that listing of this species as endangered may be warranted. When we make a positive finding, we also are required to promptly commence a review of the status of the species. Based upon available and any newly obtained information, we will issue a 12-month finding as required by section 4(b)(3)(B) of the Act. Petitioners also requested that critical habitat be designated for the Yosemite toad; the 12-month finding will address this issue.

Public Information Requested

The Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. We request any additional data, comments, and suggestions from the public, other concerned government agencies, the scientific community, industry, or any other interested parties concerning the status of the Yosemite toad. Of particular interest is information regarding: (1) The existence and status of additional populations, (2) the implementation of any actions that are benefitting the species, and (3) the impact of livestock grazing, contaminant introductions, non-native fish introductions, disease, ultraviolet radiation, climate change, drought, and other factors that may be responsible for the range-wide decline of the species.

If you wish to comment, you may submit your comments and materials concerning this finding to the Field Supervisor, Sacramento Fish and Wildlife Office (see **ADDRESSES** section). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Respondents may request that we withhold their home address, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

References Cited

You may request a complete list of all references we cited, as well as others, from the Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

Author: The primary author of this document is Jason Davis, Sacramento Fish and Wildlife Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 5, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–26180 Filed 10–11–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 65, No. 198

Thursday, October 12, 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.

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting; Sunshine Act

TIME: 9 a.m. to 1 p.m.

PLACE: ADF Headquarters.

DATE: Friday, October 13, 2000.

STATUS: Open.

Agenda

9:00 a.m.—Chairman's Report

9:30 a.m.—President's Report

10:30 a.m.—New Business

11:00 a.m.—Executive Session (Closed)

1:00 p.m.—Adjournment

If you have any questions or comments, please direct them to Dick Day, Coordinator, Office of Policy, Planning and Outreach, who can be reached at (202) 673-3916.

Nathaniel Fields,

President.

[FR Doc. 00-26351 Filed 10-10-00; 1:17 pm]

BILLING CODE 6116-01-U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. L.S.-00-09]

Notice of Request for Extension and Revision of Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for the Seed Service Testing Program.

DATES: Comments on this notice must be received by December 11, 2000 to be assured of consideration.

Additional Information or Comments:

Richard C. Payne, Chief, Seed Regulatory and Testing Branch (SRTB), Livestock and Seed Program, AMS, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325, telephone (301) 504-9430, Fax (301) 504-8098.

SUPPLEMENTARY INFORMATION:

Title: Seed Service Testing Program.

OMB Number: 0581-0140.

Expiration Date of Approval: July 31, 2001.

Type of Request: Extension and revision of currently approved information collection.

Abstract: This information collection is necessary to conduct voluntary seed testing on a fee for service basis. The AMA of 1946, as amended, 7 U.S.C. 1621 *et seq.* authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of service rendered.

The purpose of the voluntary program is to promote efficient, orderly marketing of seeds, and assist in the development of new and expanding markets. Under the program, samples of agricultural and vegetable seeds submitted to the Agricultural Marketing Service are tested for factors such as purity and germination at the request of the applicant for the service. In addition, grain samples, submitted at the applicant's request, by the Grain Inspection, Packers and Stockyards Administration are examined for the presence of certain weed and crop seed. A Federal Seed Analysis Certificate is issued giving the test results. Most of the seed tested under this program is scheduled for export. Many importing countries require a Federal Seed Analysis Certificate on U.S. seed.

The only information collected is information needed to provide the service requested by the applicant. This includes information to identify the seed being tested, the seed treatment (if treated with a pesticide), the tests to be performed, and any other appropriate information required by the applicant to be on the Federal Seed Analysis Certificate.

The number of seed companies applying for the seed testing service has decreased from 92 to 65 during the past

3 years due to consolidation of the seed industry. Even though the number of seed companies applying for the service has decreased, the number of samples received for testing has increased slightly. Therefore, the average burden for information collection has increased for seed companies applying for the service.

The information in this collection is used only by authorized AMS employees to track, test, and report test results to the applicant.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hours per response.

Respondents: Applicants for seed testing service.

Estimated Number of Respondents: 65.

Estimated Number of Responses per Respondent: 24.1.

Estimated Total Annual Burden on Respondents: 392 hours.

Comments are invited on: (1) 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) 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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Comments may be sent to Richard C. Payne, Chief, Seed Regulatory and Testing Branch, L.S., AMS, USDA, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325 or by E-mail to richard.payne2@usda.gov. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: October 4, 2000.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 00-26107 Filed 10-11-00; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. LS-00-08]

Notice of Request for Extension and Revision of Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for the Federal Seed Act Labeling and Enforcement.

DATES: Comments on this notice must be received by December 11, 2000 to be assured of consideration.

Additional Information or Comments: Richard C. Payne, Chief, Seed Regulatory and Testing Branch (SRTB), Livestock and Seed Program, AMS, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325, telephone (301) 504-9430, Fax (301) 504-8098.

SUPPLEMENTARY INFORMATION:

Title: Federal Seed Act Program.

OMB Number: 0581-0026.

Expiration Date of Approval: July 30, 2001.

Type of Request: Extension and revision of currently approved information collection.

Abstract: This information collection and recordkeeping requirements are necessary to conduct the FSA (7 U.S.C. 1551, *et seq.*) program with respect to certain testing, labeling, and recordkeeping requirements of agricultural and vegetable seeds in interstate commerce.

The FSA, Title II, is a truth-in-labeling law that regulates agricultural and vegetable planting seed in interstate commerce. Seed subject to the FSA must be labeled with certain quality information and it requires information to be truthful. The Act prohibits the interstate shipment of falsely advertised seed and seed containing noxious-weed seeds that are prohibited from sale in

the State into which the seed is being shipped.

Besides providing farmers and other seed buyers with information necessary to make an informed choice and protect the buyer from buying mislabeled seed, the FSA promotes fair competition within the seed industry. It also encourages uniformity in labeling, aiding the movement of seed between the States. Because seed moving in interstate commerce must be labeled according to the FSA, most State laws have seed labeling requirements similar to those of the FSA, causing more uniformity of State laws.

Although anyone can submit a complaint to the SRTB, the FSA is primarily enforced through cooperative agreements with the States. State seed inspectors inspect and sample seed where it is being sold. They send a sample of the seed and a copy of the labeling to the State seed laboratory where the sample is tested and the analysis compared with the label. When violations are found, State personnel may take corrective action such as issuing a stop sale order to keep the seed from being sold until it is correctly labeled or otherwise disposed of. They may also take action against the shipper or labeler of the seed. The action a State may take against a shipper in another State is limited. Therefore, violations involving interstate shipments may be turned over to AMS for Federal action.

AMS investigates the complaints. The investigation normally involves check testing the State's official sample and possibly the shipper's file sample at the Testing Section. The shipper's records are checked to establish that there was a violation of the FSA, responsibility for the violation, and the cause of the mislabeling, if possible. The investigation will help the shipper find and correct the problem causing the violation and help AMS to determine the appropriate regulatory action.

No unique forms are required for this information collection. The FSA requires seed in interstate commerce to be tested and labeled. Once in a State, seed must comply with the testing and labeling requirements of the State seed law. The same test and labeling required by the FSA nearly always satisfies the State's testing and labeling requirements. Also the receiving, sales, cleaning, testing, and labeling records required by the FSA, are records that the shipper would normally keep in good business practice.

The information obtained under this information collection is the minimum information necessary to effectively carry out the enforcement of the FSA.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.08 hours per response.

Respondents: Interstate shippers and labelers of seed.

Estimated Number of Respondents: 2,997.

Estimated Number of Responses per Respondent: 5.90.

Estimated Total Annual Burden on Respondents: 37,215 hours.

Comments are invited on: (1) Whether the proposed collections of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Richard C. Payne, Chief, Seed Regulatory and Testing Branch, LS, AMS, USDA, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325 or by E-mail to richard.payne2@usda.gov. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: October 4, 2000.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 00-26108 Filed 10-11-00; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation and Farm Service Agency

Hurricane Damage Assistance for 1999 Crop

AGENCIES: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Notice of relief available to reduce the amount of loan indebtedness on certain 1999-crop loans.

SUMMARY: This notice announces the intent of the Secretary of Agriculture,

pursuant to new legislation, to release up to \$81 million of loan indebtedness for certain 1999 crop loans made in North Carolina by the Commodity Credit Corporation where the collateral was destroyed or damaged by Hurricanes Dennis, Floyd or Irene. To assure all are given a chance to be heard, this notice sets out the statute and invites all persons who believe that they may be entitled to relief under the terms of the statute as well as all other interested persons to comment or suggest how eligibility for relief should be determined and how such relief should be administered.

DATES: Comments with respect to this notice must be received by October 27, 2000 to be assured of consideration.

ADDRESSES: Comments should be filed by the date set in this notice with Larry W. Mitchell, Deputy Administrator for Farm Programs, STOP 0510, 1400 Independence Avenue, SW, Washington, DC 20250-0510.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, telephone (202) 720-0156.

SUPPLEMENTARY INFORMATION: Section 2101 of Chapter 5 of the Fiscal Year 2001 Military Construction Appropriations (Pub. L. 106-246) provides in connection with North Carolina hurricane losses for up to \$81 million for relief in connection with the 1999 crop year loans made by the Commodity Credit Corporation (CCC).

The entire Section reads as follows:

Sec. 2101. With respect to any 1999 crop year loan made by the Commodity Credit Corporation to a cooperative marketing association established under the laws of North Carolina, and to any person or entity in North Carolina obtaining a 1999 crop upland cotton marketing assistance loan, the Corporation shall reduce the amount of such outstanding loan indebtedness in an amount up to 75 percent of the amount of the loan applicable to any collateral (in the case of cooperative marketing associations of upland cotton producers and upland cotton producers, not to exceed \$5,000,000 for benefits to such associations and such producers for up to 75 percent of the loss incurred by such associations and such producers with respect to upland cotton that had been placed under loan) that was produced in a county in which either the Secretary of Agriculture or the President of the United States declared a major disaster or emergency due to the occurrence of Hurricane Dennis, Floyd, or Irene if the Corporation determines that such collateral suffered any quality loss as a result of said hurricane: *Provided*, That if a person or entity obtains a benefit under this section with respect to a quantity of a commodity, no marketing loan gain or loan deficiency payment shall be made available under the Federal Agricultural Improvement and Reform Act of 1996 with respect to such

quantity: *Provided further*, That no more than \$81,000,000 of the funds of the Corporation shall be available to carry out this section: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$81,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

This notice is intended to provide an opportunity for any person who believes that they are entitled to relief to provide comments on how the statutes eligibility provisions should be construed. Such comments should be addressed to Larry W. Mitchell, Deputy Administrator for Farm Programs, STOP 0510, 1400 Independence Avenue, SW, Washington, DC 20250-0510.

Following such comment, the Deputy Administrator will take such action as may be warranted taking into account, the comments and any other new information as may be relevant, including new legislation as may related to the use of such funds.

Signed at Washington, D.C., on October 4, 2000.

Keith Kelly,

Administrator, Farm Service Agency and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 00-26106 Filed 10-11-00; 8:45 am]

BILLING CODE 3410-05-P

DEPARTMENT OF AGRICULTURE

Forest Service

Southwestern Region, Arizona, New Mexico, West Texas and Oklahoma; Proposed 115KV Transmission Line Project on the Tres Piedras Ranger District, Carson National Forest, Taos County, NM

AGENCY: Forest Service, USDA.

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

SUMMARY: Based on a request made by the Kit Carson Electric Cooperative, the Carson National Forest is preparing an environmental impact statement (EIS) to analyze the effects of a proposal to authorize Kit Carson Cooperative to construct, operate and maintain a new 115 KV electric transmission line and fiber optic system on National Forest Lands from the existing Ojo to Taos 115 KV line to Ojo Caliente, New Mexico. The proposal also includes construction, operation and

maintenance of a substation in Ojo Caliente.

The proposal has several parts, most of which pertain directly to National Forest lands and for which the USDA Forest Service will make the decision. Other portions pertain to Bureau of Land Management administered lands including the proposed substation location, for which the responsible line officer in the Bureau of Land Management will be the deciding official. If any alternative should be selected that might include private holdings, Kit Carson Electric Cooperative will negotiate for approval. The purpose of the project is to improve existing service by reducing voltage fluctuations and the number of outages. It is also to provide fiber optic capabilities to a number of small communities in the area.

DATES: The proposed action is currently available for review and comment. It is estimated that the draft environmental impact statement (DEIS) will be completed and distributed for comments by the end of January, 2000. A 45 day comment period will follow. The final environmental impact statement and a record of decision is estimated to be released by the end of July 2001.

ADDRESSES: Copies of the proposed action and DEIS will be available upon request from the Carson Forest Supervisor's Office, 208 Cruz Alta Road, Taos, NM 87571, Attn: Power Line Analysis Team. Comments related to the DEIS can be sent to the same address.

Responsible Official: The Forest Supervisor, Carson National Forest, is the responsible official and will decide whether or not the project will be implemented on Forest Service lands. If so, the Forest Supervisor will decide where, how and when they will be implemented.

FOR FURTHER INFORMATION CONTACT: Power Line Team Leader, Carson Forest Supervisor's Office, (505) 758-6200.

40 CFR 1501.7

Dated: September 27, 2000.

Gilbert Vigil,

Forest Supervisor, Carson National Forest.

[FR Doc. 00-26097 Filed 10-11-00; 8:45 am]

BILLING CODE 3410-11-U

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for

clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: License Exception TMP: Special Requirements.

Agency Form Number: None.

OMB Approval Number: 0694-0029.

Type of Request: Extension of a currently approved collection of information.

Burden: 1 hour.

Average Time Per Response: 20 minutes per response.

Number of Respondents: 2 respondents.

Needs and Uses: If commodities shipped under License Exception TMP are for news-gathering purposes, the exporter must send BXA a copy of the notification. Also, a TMP exporter must send BXA an explanatory letter if commodities shipped must be detained abroad beyond the 12 month limit. The information is used to determine whether or not an extension should be granted. This collection of information is necessary to identify original export licenses of respondents who request duplicate export licenses for lost or destroyed licenses.

Affected Public: Individuals, businesses or other for-profit institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: David Rostker.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton (202) 482-3129, Management Analyst, Office of the Chief Information Officer, Department of Commerce, Room 6066, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20230.

Dated: October 6, 2000.

Madeleine Clayton,

Departmental Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00-26195 Filed 10-11-00; 8:45 am]

BILLING CODE 3510-DT-U

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for

clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis (BEA).

Title: Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets of a U.S. Business Enterprise, Including Real Estate (BE-13) and Report by a U.S. Person Who Assists or Intervenes in the Acquisition of a U.S. Business Enterprise by, or Who Enters Into a Joint Venture With, a Foreign Person (BE-14).

Form Number(s): BE-13 and BE-14.

Agency Approval Number: 0608-0035.

Type of Request: Extension of a currently approved collection without any change in the substance or in the method of collection.

Burden: 1,800 hours.

Number of Respondents: 1,200.

Avg Hours Per Response: 1.5 hours.

Needs and Uses: The U.S.

Government requires data from the BE-13 and BE-14 surveys to measure the amount of new foreign direct investment in the United States, monitor changes in such investment, assess its impact on the U.S. economy, and based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States. State governments use the data to assess the impact of foreign direct investment on individual States, in advising foreign investors seeking to invest in the United States, and in developing State policies related to foreign direct investment. The data are also used to update data on the universe of foreign-owned U.S. affiliates on a continuous basis to ensure that it is complete, and to determine whether new affiliates exceed the exemption criteria required for reporting in related benchmark surveys, and annual and quarterly cut-off sample surveys of foreign direct investment conducted by BEA.

The data from the BE-13 survey complement data from BEA's other ongoing surveys of foreign direct investment in the United States, namely the BE-605 and BE-605 Bank quarterly surveys of transactions of U.S. affiliates with their foreign parents, and the BE-12 (benchmark) and BE-15 (annual) surveys, which provide data on the overall operations of U.S. affiliates.

Affected Public: U.S. businesses or other for-profit institutions.

Frequency: One-time survey.

Respondent's Obligation: Mandatory.

Legal Authority: Title 22 U.S.C., 3101-3108, as amended.

OMB Desk Officer: Paul Bugg, (202) 395-3093.

You may obtain copies of the above information collection proposal by calling or writing Madeleine Clayton, Departmental Forms Clearance Officer, Office of the Chief Information Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Send comments on the proposed information collection within 30 days of publication of this notice to Paul Bugg, OMB Desk Officer, Room 10201, New Executive Office Building, Washington, DC 20503.

Dated: October 6, 2000.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00-26196 Filed 10-12-00; 8:45 am]

BILLING CODE 3510-06-U

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-008]

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On June 7, 2000, the Department of Commerce (the Department) published the preliminary results of review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan (65 FR 36110). The review covers one manufacturer/exporter of the subject merchandise to the United States and the period May 1, 1998 through April 30, 1999. The manufacturer covered is Yieh Hsing Enterprise Co. Ltd. (Yieh Hsing). This review originally covered seven firms; however, we rescinded the review with respect to six of these companies at the preliminary results. Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: October 12, 2000.

FOR FURTHER INFORMATION CONTACT:
Thomas Killiam or Robert James, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-5222 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (1999).

Background

On June 7, 2000 the Department published the preliminary results of this administrative review, and rescinded the review with respect to Far East Machinery Co., Ltd., Sheng Yu Steel Co., Ltd., Tai Feng Industries Ltd., Kao Hsing Chang Iron & Steel Corporation, Yu Din Steel Co., Ltd., and Yieh Loong Co., Ltd. See Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review (65 FR 36110) (Preliminary Results). We received comments on the Preliminary Results from respondent Yieh Hsing. We received no rebuttal comments from the petitioners.¹ The Department has now completed this review in accordance with section 751 of the Tariff Act.

Scope of the Review

Imports covered by this review are shipments of certain circular welded carbon steel pipes and tubes. The Department defines such merchandise

as welded carbon steel pipes and tubes of circular cross section, with walls not thinner than 0.065 inch and 0.375 inch or more but not over 4½ inches in outside diameter. These products are commonly referred to in the industry as standard pipe and are produced to various American Society for Testing and Materials specifications, most notably A-53, A-120, or A-135. Standard pipe is currently classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7306.30.5025, 7306.30.5032, 7306.30.5040, and 7306.30.5055. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive.

Methodology

Except for the corrections of clerical errors discussed below we did not change our method of analysis from the preliminary results. Thus, we applied the same methods with regard to price and cost of production, and observed the requirements of section 773(a)(1)(B)(i) of the Tariff Act concerning our level-of-trade analysis.

Comment 1: Model Match Characteristics

Yieh Hsing argues that the Department mistakenly included the product characteristic of thickness twice to create its concordance for U.S. sales in its model matching program. Because of this error, Yieh Hsing asserts, the product characteristic of specification was excluded from the concordance with respect to U.S. sales, and a U.S. sale was improperly matched with non-identical or non-similar home market sales to calculate Yieh Hsing's dumping margin.

Department's Position

We agree with Yieh Hsing that in the model match program the characteristic

measuring pipe wall thickness was not properly referenced when matching U.S. sales to home market sales, and we have adjusted our final results accordingly (See Analysis Memorandum).

Comment 2: Matching Sales in the Same Month

Yieh Hsing argues that the number code that the Department assigned to U.S. sales for a particular month in its margin calculation program was not identical to the number code assigned to home market sales sold in the same month in its model matching program. Yieh Hsing asserts this error resulted in comparison of U.S. sales of a month with home market sales in the wrong months.

Department's Position

We agree that the number codes for the months in the model matching program were incorrect and have corrected those typographical errors (See Analysis Memorandum).

Comment 3: Improper Coding of Sales Months

Yieh Hsing further claims that the Department assigned two different number codes to January 1998 in its model matching program and margin program. Because of these errors, Yieh Hsing argues, the margin calculation program failed to compare U.S. sales to the correct contemporaneous home market sales.

Department's Position

We agree that the number codes for the months in the model matching program and margin program were incorrect and have corrected those typographical errors (See Analysis Memorandum).

Final Results of Review

As a result of this review, we determine that the following weighted-average margin exists:

Manufacturer/exporter	Period of review	Margin (percent)
Yieh Hsing	5/1/1998-4/30/1999	0.17

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department shall issue appraisement instructions directly to the Customs Service. For assessment purposes, the Department has calculated

importer-specific assessment rates by dividing the total antidumping duties calculated for the subject merchandise examined by the entered value of such merchandise. The Department will direct the Customs Service to assess antidumping duties on appropriate

entries by applying the assessment rate to the entered value of the merchandise entered during the POR, except where the assessment rate is zero or *de minimis* (see 19 CFR 351.106(c)(2)).

Furthermore, the following deposit requirements will be effective for all

¹ Allied Tube & Conduit Corp., Wheatland Tube Company, and the Sawhill Tubular Division of Armco Inc.

shipments of certain circular welded carbon steel pipes and tubes from Taiwan entered, or withdrawn from the warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Yieh Hsing will be zero, in light of its *de minimis* weighted-average margin; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, the cash deposit rate will be 9.70 percent. This rate is the "all others" rate from the amended final determination in the LTFV investigation.

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with sections 351.305 and 351.306 of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.221.

Dated: October 5, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00-26243 Filed 10-11-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-838]

Clad Steel Plate From Japan: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: In response to notification by Dana Glacier Daido America LLC that it is not an interested party in this proceeding, we are rescinding the 1999-2000 administrative review of clad steel plate from Japan.

EFFECTIVE DATE: October 12, 2000.

FOR FURTHER INFORMATION CONTACT: James Nunno or Christopher Priddy, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-0783 or (202) 482-1130, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1999).

Background

On July 31, 2000, Dana Glacier Daido America LLC (Dana), requested that the Department conduct an administrative review of the antidumping duty order on stainless steel sheet and strip in coils from Japan for subject merchandise produced and exported by Daido Metal Corp. (Daido) during the period January 4, 1999, through June 30, 2000. On August 3, 2000, and August 9, 2000, Dana revised this request to correct and clarify the case name and number for which it requested an administrative review (*i.e.*, Dana intended to request a review of clad steel plate from Japan produced and/or exported by Daido to the United States). On August 31, 2000, Dana informed the Department that the merchandise that it imported is not subject to the antidumping duty order on clad steel plate from Japan, and withdrew its request for an administrative review. On September 6, 2000, the Department published in the

Federal Register a notice of initiation of administrative review with respect to Daido. See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part; 65 FR 53980 (Sept. 6, 2000).

Rescission of Review

Pursuant to 19 CFR 351.213(b)(3), the Department will initiate an administrative review based on a request from an importer of the subject merchandise. Given that Dana withdrew its request for review, notified the Department that it was not an importer of the subject merchandise during the period of review, and that no other party requested a review of this order, we are rescinding this review.

This rescission of the administrative review and notice are in accordance with section 751 of the Act and 19 CFR 351.213(d).

Dated: October 2, 2000.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 00-26242 Filed 10-11-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-583-824]

Polyvinyl Alcohol From Taiwan: Final Results of Third Antidumping Duty Administrative Review and Determination Not To Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of third antidumping duty administrative review and determination not to revoke order in part.

SUMMARY: On June 6, 2000, the Department of Commerce published the preliminary results in the third administrative review of the antidumping duty order on polyvinyl alcohol from Taiwan and intent not to revoke the order in part. The review covers Chang Chun Petrochemical Co., Ltd., a manufacturer/exporter of the subject merchandise. The period of review is May 1, 1998, through April 30, 1999.

Based on our analysis of the comments received, we have made one change in the margin calculations to correct a ministerial error. However, the final results do not differ from the preliminary results as a result of that change. The final weighted-average

dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: October 12, 2000.

FOR FURTHER INFORMATION CONTACT: Brian Ledgerwood or Brian Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-3836 or (202) 482-1766, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR part 351 (April 1999).

Background

The review covers one manufacturer/exporter, Chang Chun Petrochemical Co., Ltd. ("Chang Chun"). The period of review ("POR") is May 1, 1998, through April 30, 1999.

On June 6, 2000, the Department published in the **Federal Register** the preliminary results in the third administrative review of the antidumping duty order on polyvinyl alcohol from Taiwan and intent not to revoke the order in part (65 FR 35896). On July 6, 2000, Chang Chun requested a hearing.

We invited parties to comment on the preliminary results of review. Parties filed case and rebuttal briefs on July 6 and 13, 2000, respectively. A public hearing was held on July 20, 2000. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

The product covered by this review is PVA. PVA is a dry, white to cream-colored, water-soluble synthetic polymer. This product consists of polyvinyl alcohols hydrolyzed in excess of 85 percent, whether or not mixed or diluted with defoamer or boric acid. Excluded from this review are PVAs covalently bonded with acetoacetylate, carboxylic acid, or sulfonic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, and PVAs covalently bonded with silane uniformly present on all polymer chains in a concentration equal to or greater than one-tenth of one mole percent.

PVA in fiber form is not included in the scope of this review.

The merchandise under review is currently classifiable under subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping duty administrative review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum") from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated October 4, 2000, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at ia.ita.doc.gov. The paper copy and electronic version of the Decision Memorandum are identical in content.

Determination Not To Revoke Order

For the reasons outlined in the Decision Memorandum, we have determined not to revoke the antidumping duty order with respect to subject merchandise produced and also exported by Chang Chun Petrochemical Co., Ltd. because its sales were not made in commercial quantities in accordance with 19 CFR 351.222(e).

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made one change in the margin calculations. For a discussion of this change, see the "Margin Calculations" section of the Decision Memorandum.

Final Results of Review

We determine that the following weighted-average margin percentage exists for Chang Chun for the period May 1, 1998, through April 30, 1999:

Manufacturer/exporter	Margin (percent)
Chang Chun Petrochemical Co., Ltd	0.00

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., at or above 0.50 percent). If no importer-specific assessment rate is at or above *de minimis*, we shall instruct the Customs Service to liquidate all appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of the administrative review for all shipments of PVA from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) No cash deposit rate for Chang Chun will be required for PVA from Taiwan that is produced and exported by Chang Chun; (2) for exporters not covered in this review, but covered in the less-than-fair-value ("LTFV") investigation or prior reviews, the cash deposit rate will continue to be the company-specific rate from the LTFV investigation or the prior review; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.21 percent. This rate is the "All Others" rate from the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the

subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections section 751(a)(1) and 777(i) of the Act.

Dated: October 4, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix—List of Issues

1. Commercial Quantities:
 - a. Applicability of the Commercial Quantities Regulation to Chang Chun's U.S. Sales of Subject Merchandise
 - b. Application of the Commercial Quantities Requirement and the Positive Evidence Rule
 - c. Other Commercial-Quantity-Related Issues
2. Positive Evidence Rule and Factors to Consider in Revoking the Order
3. Ministerial Error

[FR Doc. 00-26241 Filed 10-11-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-810]

Stainless Steel Bar From India; Notice of Extension of Time Limit for Preliminary Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of administrative review.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the fifth administrative review of the antidumping duty order on stainless steel bar from India. The period of review is February 1, 1999, through January 31, 2000. This extension is made pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: October 12, 2000.

FOR FURTHER INFORMATION CONTACT:

Ryan Langan or Blanche Ziv, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-1279 or 482-4207, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations refer to 19 CFR Part 351, April 1999.

Extension of Time Limit for Preliminary Results

Due to the delayed initiation of the Department's cost of production investigation and the additional time required to collect and analyze cost of production data, it is not practicable to complete this review within the time limit currently mandated by section 751(a)(3)(A) (i.e., October 31, 2000). Therefore, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department is extending the time limit for completion of the preliminary results by 90 days (i.e., until January 29, 2001).

Dated: October 5, 2000.

Louis Apple,

Acting Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 00-26244 Filed 10-11-00; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100400A]

Pacific 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 Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council and its advisory entities will meet October 30-November

3, 2000. The Council meeting will begin on Tuesday, October 31, at 8 a.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held from 8 a.m. until 9 a.m. on Wednesday, November 1 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings will be held at the Red Lion Hotel at the Quay, 100 Columbia Street, Vancouver, WA 98660; telephone: (360) 694-8341.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The following items are on the Council agenda, but not necessarily in this order:

A. Call to Order

1. Opening Remarks, Introductions
2. Roll Call
3. Executive Director's Report
4. Report on Federal Regulation Implementation
5. Approve Agenda

B. Salmon Management

1. Sequence of Events and Status of Fisheries in 2000
2. Results of Scientific and Statistical Committee Methodology Review
3. Final Report of the Oregon Coastal Natural Coho Work Group
4. Progress Report on Review of Queets Wild Coho Status
5. Salmon Option Hearing Sites

C. Groundfish Management

1. Rebuilding Plans for Cowcod and Canary Rockfish
2. Apportionment of Sablefish Discard Estimates for 2001
3. Final Harvest Levels for 2001
4. Status of NMFS Research Programs and Other Non-regulatory Activities
5. Update on American Fisheries Act Measures
6. Exempted Fishing Permit Applications
7. 2001 Groundfish Management Process and Schedule
8. Sablefish Permit Stacking
9. Management Measures for 2001
10. Permit Transfer Regulatory Amendment
11. Status of Fisheries and Inseason Adjustments

D. Pacific Halibut Management

1. Estimate of Bycatch in 1999
2. Changes to Catch Sharing Plan and Regulations for 2001

E. Coastal Pelagic Species Management

1. Limited Entry Fishery - Capacity Goal and Other Issues
2. Pacific Sardine Harvest Guideline
3. Pacific Sardine Suballocation

F. Habitat Issues

Ongoing and New Habitat Issues

G. Highly Migratory Species Management

1. Update on Fishery Management Plan Development

H. Administrative and Other Matters

1. Report of the Budget Committee
2. Status of Legislation

3. Research and Data Needs and Economic Data Plan

4. Appointments to Advisory Bodies for 2001 Through 2003

5. Draft Agenda Ideas for March 2001

SCHEDULE OF ANCILLARY MEETINGS

DATE	TIME	ROOM NAME
SUNDAY, OCTOBER 29, 2000		
Groundfish Management Team Scientific and Statistical	1 p.m.	Quay Side
Committee Salmon Subcommittee Scientific and Statistical	1 p.m.	Quarterdeck
Committee Groundfish Subcommittee	1 p.m.	Chart
MONDAY, OCTOBER 30, 2000		
Council Secretariat	7 a.m.	Pool Side
Groundfish Management Team	8 a.m.	Quay Side
Salmon Technical Team	8 a.m.	West River I
Scientific and Statistical	8 a.m.	East River I
Groundfish Advisory Subpanel	10:30 a.m.	East River II
Salmon Advisory Subpanel	1 p.m.	West River II
Budget Committee	2 p.m.	After Deck
TUESDAY, OCTOBER 31, 2000		
Council Secretariat	7 a.m.	Pool Side
California State Delegation	7 a.m.	East River I
Oregon State Delegation	7 a.m.	East River II
Washington State Delegation	7 a.m.	Quay Side
Groundfish Advisory Subpanel	8 a.m.	East River II
Salmon Advisory Subpanel	8 a.m.	West River II
Salmon Technical Team	8 a.m.	West River I
Scientific and Statistical SSC/GMT/GAP Joint Meeting on Groundfish Stock Assessment Process	8 a.m.	East River I
Enforcement Consultants	10 a.m.	East River II
Groundfish Management Team	5:30 p.m.	After Deck
	As Needed	Quay Side
WEDNESDAY, NOVEMBER 1, 2000		
Council Secretariat	7 a.m.	Pool Side
California State Delegation	7 a.m.	East River I
Oregon State Delegation	7 a.m.	East River II
Washington State Delegation	7 a.m.	Quay Side
Groundfish Advisory Subpanel	8 a.m.	East River II
Habitat Steering Group	9 a.m.	East River I
Enforcement Consultants	As Needed	After Dock
Groundfish Management Team	As Needed	Quay Side
THURSDAY NOVEMBER 2, 2000		
Council Secretariat	7 a.m.	Pool Side
California State Delegation	7 a.m.	East River I
Oregon State Delegation	7 a.m.	East River II
Washington State Delegation	7 a.m.	Quay Side
Ad Hoc Marine Reserves	8 a.m.	East River I
Enforcement Consultants	As Needed	After Deck
Groundfish Advisory Subpanel	As Needed	East River II
Groundfish Management Team	As Needed	Quay Side
FRIDAY, NOVEMBER 3, 2000		
Council Secretariat	7 a.m.	Pool Side
California State Delegation	7 a.m.	East River I
Oregon State Delegation	7 a.m.	East River II
Washington State Delegation	7 a.m.	Quay Side

Although non-emergency issue 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: October 4, 2000.

Richard W. Surdi,

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

[FR Doc. 00-26219 Filed 10-11-00; 8:45 am]

BILLING CODE: 3510-22-S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Notice of Meeting of the National Intellectual Property Law Enforcement Coordination Council

AGENCY: United States Patent and Trademark Office, Commerce Department.

ACTION: Notice of meeting.

SUMMARY: The National Intellectual Property Law Enforcement Coordination Council (Council) will be holding a public meeting. Interested members of the public are invited to attend the meeting.

DATES: The public meeting will be held on Monday, November 27, 2000, beginning at noon and ending no later than 2 P.M. Those wishing to attend the meeting must pre-register by close of business on Friday, November 16, 2000.

ADDRESSES: The November 27, 2000, meeting will be held in the Main Auditorium at the U.S. Department of Commerce, Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC. Those interested in attending should pre-register by submitting their name and telephone contact number either by electronic mail through the Internet to elizabeth.shaw2@uspto.gov or by facsimile sent to the attention of Elizabeth Shaw at 703-305-7575.

Transcripts of the meeting will be available after January 5, 2001, and will be maintained for public inspection in the Executive Library of the USPTO, Crystal Park Two, Room 900A, 2121 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Elizabeth Shaw by telephone at 703-305-1033; by facsimile at 703-305-7575; by electronic mail at elizabeth.shaw2@uspto.gov; or by mail addressed to Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Box 4, United States Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: On Monday, June 5, 2000, the Council published a Notice of Request for Public Comments (65 FR 35611 (2000)) regarding issues related to the Council's

policies and agenda. The November 27, 2000, meeting will introduce the Council to the public and give those who submitted comments (respondent industry speakers) regarding the issues identified in the notice an opportunity to elaborate on their responses.

I. Issues To Be Discussed

Respondent industry speakers have been invited to address the Council regarding law enforcement and policy issues related to the Council's mission and how the Council and the intellectual property industries can work together to improve intellectual property law enforcement in the U.S. and abroad.

The Government speakers will discuss the Council's activities and the individual agencies' current and future intellectual property law enforcement-related activities.

II. Meeting Format

The Council will provide a brief overview of its activities and introduce its Members and other affiliated agencies. Each agency will then have an opportunity to make a brief presentation on its law enforcement-related efforts. Respondent industry speakers will be given up to fifteen (15) minutes to present their remarks. The exact duration of each presentation will depend upon the final number of speakers. A question and answer session will follow the final industry presentation. The public is invited to be present for the entire program; however, only Council Members and respondent industry speakers may participate orally in the program. Industry speakers may provide a written copy of their testimony for inclusion in the record of the proceedings. These remarks should be provided in electronic format no later than November 27, 2000. A schedule providing the approximate starting time for each Government and industry speaker will be distributed the morning of the day of the hearing. Speakers are advised that the schedule for testimony will be subject to change during the course of the hearing. Information that is provided pursuant to this notice will be made part of a public record and may be available via the Internet. In view of this, parties should not submit information that they do not wish to be publicly disclosed or made electronically accessible. Parties who would like to rely on confidential information to illustrate a point are requested to summarize or otherwise submit the information in a way that will permit its public disclosure.

Dated: October 5, 2000.

Q. Todd Dickinson,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 00-26182 Filed 10-11-00; 8:45 am]

BILLING CODE 3510-16-P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for October 19, 2000, at 10 a.m., in the Commission's offices at the National Building Museum (Pension Building), Suite 312, Judiciary Square, 441 F Street, NW., Washington, DC, 20001-2728. Items of discussion will include designs for projects affecting the appearance of Washington, DC, including buildings and parks.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, October 2, 2000.

Charles H. Atherton,

Secretary.

[FR Doc. 00-26098 Filed 10-11-00; 8:45 am]

BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade: Proposed Amendments to the Chicago Board of Trade Corn and Soybeans Futures Contracts, Increasing the Maximum Daily Premium Charge, Decreasing the Maximum Number of Shipping Certificates Issuable, and Modifying Certain Loading Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed amendments to contract terms and conditions.

SUMMARY: The Chicago Board of Trade (CBOT or Exchange) has submitted proposed amendments to its corn and soybeans futures contracts which would increase the maximum daily premium charge, decrease the maximum number of shipping certificates issuable, and modify certain loading requirements. The CBT's proposals are described in detail below. The proposed amendments were submitted under the

Commission's 45-day Fast Track procedures which provide that, absent any contrary action by the Commission, the proposed amendments may be deemed approved on November 20—45 days after the Commission's receipt of the proposals. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposed amendments is in the public interest and will assist the Commission in considering the views of interested persons.

DATES: Comments must be received on or before November 13, 2000.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street, NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418-5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the proposed amendments to the CBOT's maximum permissible premium charge, maximum number of

shipping certificates issuable, and certain loading requirements.

FOR FURTHER INFORMATION CONTACT: Please contact Martin Murray of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581, telephone (202) 418-5276. Facsimile number: (202) 418-5527. Electronic mail: mmurray@cftc.gov

SUPPLEMENTARY INFORMATION: The CBT's proposed amendments are summarized in the table below.

Item	Current terms	Proposed terms
1. Increase the daily premium charge on outstanding shipping certificates.	12/100 cent/bu/day at Chicago, 10/100 cent/bu/day at all other locations.	15/100 cent/bu/day at all locations on all outstanding shipping certificates, effective November 1, 2001.
2. Decrease the maximum number of shipping certificates operators of delivery facilities are allowed to issue.	Maximum certificates issuable limited to the storage capacity of delivery facilities in Chicago, and 30 times the delivery facility's registered daily rate of loading at facilities on the Illinois Waterway and St. Louis.	Maximum certificates issuable limited to the storage capacity in Chicago, and 20 times the delivery facility's registered daily rate of loading at facilities on the Illinois Waterway and St. Louis.
3. Rescind the cessation of premium charges while transportation is constructively placed.	Premium charges stop 10 days after transportation is constructively placed, or load-out is completed, whichever is earlier.	Premium charges stop after load-out is completed.
4. Include the stevedoring costs in barge load-out charge.	Certificate owner pays for stevedoring costs for barge load-out.	Certificate issuer pays for stevedoring costs for barge load-out.
5. Extend the responsibility of the certificate owner to reimburse the certificate issuer's expense for making grain available at the delivery location.	Certificate owner must reimburse certificate issuer if owner fails to place barge within 10 days of scheduled loading date.	Certificate owner must reimburse certificate issuer if owner fails to place barge within 10 days of scheduled loading date or cancels loading orders and requires shipping certificates to be reissued.
6. Eliminate the requirement that shipping certificates be delivered in multiples of 55,000 bushels.	Delivery facilities on the Illinois Waterway must make initial deliveries in multiples of 55,000 bushels.	Delivery facilities on the Illinois Waterway must make initial deliveries in multiples of 5,000 bushels.
7. Improve merchantability of shipping certificates at shipping stations with less than eleven outstanding at a delivery facility, the owner of all such outstanding shipping certificates.	(No current provision.) In the event less than eleven shipping certificates are outstanding at a delivery facility, the owner of all such outstanding shipping certificates may cancel the shipping certificates and obligate the certificate issuer to provide a market value at which the issuer will either buy back all the canceled shipping certificates or sell the balance needed to complete a barge loading of at least 55,000 bushels, taker's preference.	

The Exchange intends to make the proposed amendments effective on November 1, 2001, for all existing and newly listed contract months beginning with the November 2001 contract month. The proposed changes will apply to all shipping certificates that are outstanding on the effective date. Shipping certificates issued prior to November 1, 2001 or shipping certificates that are returned to the shipper, or his agent, for reissuance prior to November 1, 2000 may indicate two premium charges, one for the period through October 31, 2001 and other commencing on November 1, 2001.

In support of the proposed amendments, the Exchange provides the following justification:

- Increase in the maximum premium charge. The CBT indicates that the proposed charge better reflects commercial charges in the delivery

territory during periods of high crop surplus, such as currently exist. Thus, the CBT believes that the proposal will improve convergence between cash and futures prices.

- Reduction in the maximum number of shipping certificates issuable to 20 times the daily rate of load-out. The CBT believes that the proposal will provide more timely load-out to receivers by reducing the potential delivery lineup to 20 business days from 30. The Exchange further notes that "only about 20 percent of the [current] maximum number of shipping certificates have been registered at one time." Consequently, it believes that this proposal would not reduce substantively "the effective deliverable supply."

- Receiver must pay premium charges through completion of loading, rather than through the earlier of ten business days following constructive placement

of barges or completion of loading. The CBT indicates that the proposal "would compensate the maker for securing grain in preparation for load-out." The Exchange also notes that the receiver is protected from unnecessary delays in loading (and consequent increased premium charges) by the contracts' existing preferential treatment of shipping certificate holders over all other receivers, as well as the proposed reduction in the potential delivery lineup to 20 days, as indicated above.

- Stevedoring fees for loading grain into barges are to be paid by the certificate issuer. The CBT indicates that this reflects customary cash market practice, and "will standardize the load-out charges at all shipping stations for barges."

- Clarification that receiver must compensate deliverer for costs incurred when loading orders are canceled. The CBT notes that the proposal merely

"clarifies that the taker must reimburse the maker for expenses for making the grain available for load-out when loading and shipping instructions are canceled prior to load-out."

- Permit delivery in minimum increments of 5,000 bushels, rather than 55,000 bushels. The CBT states that, "If the taker can issue shipping certificates in any multiple of 5,000 bushels and not be restricted to making initial deliveries in multiples of 55,000 bushels, the delivery process will be simplified and made more flexible." Furthermore, the "concern that less than barge load quantities would be left outstanding is minimized" by the proposed requirement that a shipper with fewer than a barge-load quantity of certificates outstanding must quote a market rate for buying back the certificates or selling a sufficient quantity of certificates to make up a barge load.

- New requirement that shippers provide a market quote for buying or selling shipping certificates should the number of shipping certificates at the shipping station fall below eleven certificates (55,000 bushels or one barge load). The CBT states that the proposal "increases merchandising opportunities of outstanding shipping certificates for the taker." The CBT also notes that, "if the shipper does not wish to be obligated to buy back shipping certificates or provide the balance for loadout, he may decide to maintain at least eleven shipping certificates outstanding at a shipping station."

The Commission is requesting comments on the proposed amendments. In particular, the Commission requests that commenters address the extent to which the proposals reflect commercial practices, and their potential impact on deliverable supplies for the corn and soybeans futures contracts.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581. Copies of the proposed amendments can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418-5100, or via the Internet at secretary@cftc.gov.

Other materials submitted by the Exchange in support of the proposal may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials

should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the Exchange, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on October 6, 2000.

Richard Shilts,

Acting Director.

[FR Doc. 00-26221 Filed 10-11-00; 8:45 am]

BILLING CODE 6351-01-M

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 Assistant Secretary of Defense (Force Management Policy) announces the following proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 11, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Defense Manpower Data Center (Personnel Testing Division), ATTN: Dr. Harley Baker, 400 Gigling Road, Seaside, CA 93955.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (831) 583-2400.

Title, Associated Form, and OMB Control Number: High School Career Development Questionnaire, 0704—[To be determined]

Needs and Uses: This information collection requirement is necessary to increase the utilization of the ASVAB Career Exploration Program (CEP) in the nation's high schools. At no cost to the schools, the CEP provides age-appropriate materials to support high school career counseling and aids in the process of identifying interested students who meet the qualifications for entrance into the nation's Armed Forces. While the CEP is utilized in about 14,000 schools nationwide serving about 850,000 students, this represents only about 13% of the school population. This brief questionnaire study will provide the information needed to modify the CEP to make it more useful both for the schools and the students they serve and for DoD recruiting efforts.

Affected public: Not-for-profit educational institutions.

Annual burden hours: 722.

Number of respondents: 2,166.

Responses per respondent: 1.

Average burden per response: 20 minutes.

Frequency: Other: One-time.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This one-time study will employ a brief questionnaire to help document why schools elect to participate in the ASVAB program. The questionnaire will be sent to approximately 3,050 schools, with an expected response rate of about 70%. This study will employ the sampling plan developed by the National Center for Education Statistics (NCES) for their School and Staffing Survey. The information is needed to determine what changes could be made in the ASVAB program to increase its effectiveness in high school career counseling and thus increase its utilization in the schools. The questionnaire focuses on several issues, such as the types of career development programs used in the schools, their strengths and weaknesses, barriers to wider implementation of these programs, and the career development needs of high school students. For those schools that use the CEP, we will ask questions about why they elect to use the ASVAB program, whether

participation could be increased among college-bound students, potential ASVAB internet administration, and whether ASVAB personnel negatively affect participation. For nonparticipating schools, we will also ask why they elect not to use the ASVAB program, and to what extent logistical problems, anti-military sentiment, poor fit with school goals, and poor fit with student goals have influenced their decision not to use the ASVAB program. Results will be merged with data collected as part of the NCES School and Staffing Survey to provide a more complete understanding of the reasons schools elect to participate in the CEP. The results of this study will be reported internally to the ASVAB Career Exploration Program and to the appropriate DoD committees and agencies, as well as to the Congressionally-mandated oversight committee. It is anticipated that the

results will be of primary interest to those involved in the marketing of the ASVAB program, as well as members of the recruiting community. Only aggregated data will be reported; no individual or school names will be included in the results.

Dated: October 5, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-26166 Filed 10-11-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00-68]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-68 with attached transmittal and policy justification.

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000

In reply refer to:
I-00/008889

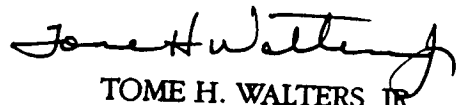
Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6801

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-68 and under separate cover the classified offset certificate thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost \$513 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,


TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Separate Cover:
Offset certificate

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-68

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Taipei Economic and Cultural Representative Office in the United States pursuant to P.L. 96-8

- (ii) **Total Estimated Value:**

Major Defense Equipment*	\$ 0 million
Other	<u>\$ 513 million</u>
TOTAL	\$ 513 million

- (iii) **Description of Articles or Services Offered:** This purchase is for the continued Improved Mobile Subscriber Equipment (IMSE) communication system, spare and repair parts, test equipment, publications and technical documentation, personnel training and training equipment, Quality Assurance Team, U.S. Government and contractor technical support and other related elements of logistics support.

- (iv) **Military Department:** Army (YVT and YVV)

- (v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

- (vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

- (vii) **Date Report Delivered to Congress:** 27 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - Improved Mobile Subscriber Equipment Communication System

The Taipei Economic and Cultural Representative Office in the United States has requested possible purchase for the continued Improved Mobile Subscriber Equipment (IMSE) communication system, spare and repair parts, test equipment, publications and technical documentation, personnel training and training equipment, Quality Assurance Team, U.S. Government and contractor technical support and other related elements of logistics support. The estimated cost is \$513 million.

This sale is consistent with United States law and policy as expressed in Public Law 96-8.

The recipient will use this equipment to continue upgrade of their current tactical communications capability by providing secure tactical voice and data communications service to all echelons of its field military forces. The purchaser will have no difficulty absorbing this additional equipment into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be General Dynamics Communications Systems of Taunton, Massachusetts. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will require the assignment of 18 U.S. Government and 35 contractor representatives for periods ranging from one month to three years. There will be a U.S. Government Quality Assurance Team for one week to inspect the equipment.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00-26169 Filed 10-11-00; 8:45 am]
BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00-69]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-69 with attached transmittal and policy justification.

Dated: October 5, 2000.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000

In reply refer to:
I-00/008890

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-69, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost \$405 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

A handwritten signature in black ink, reading "Tome H. Walters, Jr.", is positioned above the typed name.

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-69

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Taipei Economic and Cultural Representative Office in the United States pursuant to P.L. 96-8

- (ii) **Total Estimated Value:**
Major Defense Equipment* \$ 298 million
Other \$ 107 million
TOTAL \$ 405 million

- (iii) **Description of Articles or Services Offered:** One hundred forty-six M109A5 155mm self-propelled howitzers, 79 M2 machine gun, six M88A2 recovery vehicles, 160 AN/PVS-7B Night Vision Goggles, 146 AN/VRC-87E and six AN/VRC-90E SINCGARS, Advanced Field Artillery Technical Data Systems and software, trainers, machine guns, radio, receiver transmitter modules, mount machine guns, radar chronograph sets, tripods, machine guns, radios, installation kits, simulators, launcher grenades, spare and repair parts, test equipment, publications and technical documentation, personnel training and training equipment, Quality Assurance Team, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support.

- (iv) **Military Department:** Army (YVU)

- (v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

- (vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

- (vii) **Date Report Delivered to Congress:** 27 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - M109A5 155mm Self-propelled Howitzers

The Taipei Economic and Cultural Representative Office in the United States has requested possible sale of 146 M109A5 155mm self-propelled howitzers, 79 M2 machine gun, six M88A2 recovery vehicles, 160 AN/PVS-7B Night Vision Goggles, 146 AN/VRC-87E and six AN/VRC-90E SINGARS, Advanced Field Artillery Technical Data Systems and software, trainers, machine guns, radio, receiver transmitter modules, mount machine guns, radar chronograph sets, tripods, machine guns, radios, installation kits, simulators, launcher grenades, spare and repair parts, test equipment, publications and technical documentation, personnel training and training equipment, Quality Assurance Team, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support. The estimated cost is \$405 million.

This sale is consistent with United States law and policy as expressed in Public Law 96-8.

The recipient requires these various munitions to improve their current fleet of ground defense equipment. The purchaser will have no difficulty absorbing this additional equipment into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be United Defense, Limited Partnership of York, Pennsylvania. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of nine U.S. Government and seven contractor representatives for periods ranging from one month to six months. There will be a U.S. Government Quality Assurance Team for three weeks intervals quarterly to participate in program management and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00-26170 Filed 10-11-00; 8:45 am]

BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00-70]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-70 with attached transmittal, policy justification, and Sensitivity of Technology.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000

In reply refer to:
I-00/008891

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-7001

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-70 and under separate cover the classified offset certificate thereto. This Transmittal concerns the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost \$240 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

A handwritten signature in black ink, reading "Tome H. Walters, Jr.", is positioned above the typed name.

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Separate Cover:
Offset certificate

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-70

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Taipei Economic and Cultural Representative Office in the United States pursuant to P.L. 96-8
- (ii) **Total Estimated Value:**

Major Defense Equipment*	\$ 184 million
Other	\$ <u>56 million</u>
TOTAL	\$ 240 million
- (iii) **Description of Articles or Services Offered:** Seventy-one RGM-84L HARPOON missiles, six HARPOON training missiles, 10 HARPOON Shipboard Launcher Command Launch Control Set, missile containers, spare and repair parts, support and test equipment, supply and software support, maintenance training, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics support.
- (iv) **Military Department:** Navy (LGI and LGJ)
- (v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none
- (vii) **Date Report Delivered to Congress:** 27 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - HARPOON Missiles

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 71 RGM-84L HARPOON missiles, six HARPOON training missiles, 10 HARPOON Shipboard Launcher Command Launch Control Set, missile containers, spare and repair parts, support and test equipment, supply and software support, maintenance training, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is \$240 million.

This sale is consistent with United States law and policy as expressed in Public Law 96-8.

The recipient will use these HARPOON missiles as armament for their PFG-2 to maintain an anti-ship defensive capability. The recipient, which already air and surface-launch HARPOON missiles in its inventory, will have no difficulty absorbing these missiles.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Boeing Company of St. Louis, Missouri. One or more offset agreements may be related to this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government personnel in recipient; however, it is estimated that approximately two years of contractor technical support will be required in recipient following delivery of the missiles.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 00-70**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act****Classified Annex
Item No. vi****(vi) Sensitivity of Technology:**

1. The RGM-84L Block II HARPOON missile, excluding a land strike capability (coastal target suppression), provides a Global Positioning System/Inertial Navigation System capability with improved Anti-Surface Warfare against ships in the open ocean and littoral waters. The HARPOON missile contains sensitive technology and has the following classified components, including applicable technical and equipment documentation and manuals:

a. Guidance Section Components

- (1) radar seeker (C)**
- (2) guidance control unit (C)**
- (3) radar altimeter (C)**

b. AN/SWG-1A(V) Command Launch System

- (1) HARPOON control console (C)**
- (2) fault isolation kit (C)**
- (3) HSCLCS embedded trainer (C)**

c. Missile Subsystem Test Set Upgrade Kit

- (1) disk assembly (C)**

d. Missile Characteristics and Performance Data

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

DEPARTMENT OF DEFENSE**Office of the Secretary****[Transmittal No. 00-71]****36(b)(1) Arms Sales Notification****AGENCY:** Department of Defense, Defense Security Cooperation Agency.**ACTION:** Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-71 with attached transmittal and policy justification.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000**In reply refer to:
I-00/007627**

**Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6801**

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-71 and under separate cover, the classified documents thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost \$150 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

A handwritten signature in black ink, appearing to read "Tome H. Walters, Jr.", is located below the word "Sincerely,".

**TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR**

Attachments

**Separate Cover:
Classified Annex
Offset certificate**

**Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations**

Transmittal No. 00-71

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Taipei Economic and Cultural Representative Office in the United States pursuant to P.L. 96-8
- (ii) **Total Estimated Value:**
 - Major Defense Equipment* \$ 102 million
 - Other \$ 48 million
 - TOTAL \$ 150 million
- (iii) **Description of Articles or Services Offered:** Two hundred AIM-120C Advanced Medium Range Air-to-Air Missiles (AMRAAM), 292 LAU-129 Missile Launchers, missile containers, aircraft modification and integration, spare and repair parts, support and test equipment, software support, maintenance and pilot training, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics support.
- (iv) **Military Department:** Air Force (SKA, Amendment 13)
- (v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex under separate cover
- (vii) **Date Report Delivered to Congress:** 27 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION**Taipei Economic and Cultural Representative Office in the United States - AIM-120C Advanced Medium Range Air-to-Air Missiles**

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 200 AIM-120C Advanced Medium Range Air-to-Air Missiles (AMRAAM), 292 LAU-129 Missile Launchers, missile containers, aircraft modification and integration, spare and repair parts, support and test equipment, software support, maintenance and pilot training, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is \$150 million.

This sale is consistent with United States law and policy as expressed in Public Law 96-8.

The recipient will use these missiles to augment and enhance their F-16 air defense and aircraft survivability. These missiles will allow the recipient F-16 aircraft to protect and defend their air space. The recipient will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems Corporation of Tucson, Arizona. One or more offset agreements may be related to this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00-26172 Filed 10-11-00; 8:45 am]
BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 00-72]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-72 with attached transmittal and policy justification.

Dated: October 5, 2000.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000

In reply refer to:
I-00/007833

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-72 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services estimated to cost \$85 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

A handwritten signature in cursive script, reading "Tome H. Walters, Jr.", is positioned above the typed name.

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Separate Cover:
Classified Annex

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-72

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Singapore
- (ii) **Total Estimated Value:**
 - Major Defense Equipment* \$ 70 million
 - Other \$ 15 million
 - TOTAL \$ 85 million
- (iii) **Description of Articles or Services Offered:** Up to 100 AIM-120C Advanced Medium Range Air-to-Air Missiles, 60 LAU-129A/A missile launcher, two Captive Air Training Missiles, missile containers, aircraft modification and integration, spare and repair parts, support and test equipment, software support, publications and technical documentation, maintenance and pilot training, contractor support and other related elements of logistics support.
- (iv) **Military Department:** Air Force (YAD)
- (v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex under separate cover
- (vii) **Date Report Delivered to Congress:** 27 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Singapore - AIM-120C Advanced Medium Range Air-to-Air Missiles

The Government of Singapore has requested a possible sale of up to 100 AIM-120C Advanced Medium Range Air-to-Air Missiles (AMRAAM), 60 LAU-129A/A missile launcher, two Captive Air Training Missiles, missile containers, spare and repair parts, support and test equipment, software support, publications and technical documentation, maintenance and pilot training, contractor support and other related elements of logistics support. The estimated cost is \$85 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Southeast Asia.

Singapore needs these missiles to enhance the air-to-air self-defense capability of its F-16 aircraft and provide for increase interoperability with U.S. forces. Singapore will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be Raytheon Missile Systems Corporation of Tucson, Arizona and Lockheed Martin Aeronautics Company of Ft. Worth, Texas. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Singapore.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00-26173 Filed 10-11-00; 8:45 am]
BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00-75]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-75 with attached transmittal, policy justification and Sensitivity of Technology.

Dated: October 5, 2000.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

25 SEP 2000**In reply refer to:
I-00/007597**

**Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6801**

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-75 and under separate cover the classified offset certificate thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services estimated to cost \$509 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

A handwritten signature in black ink, reading "Tome H. Walters, Jr.", is positioned above the typed name.

**TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR**

Attachments

**Separate Cover:
Offset certificate**

**Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations**

Transmittal No. 00-75

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Israel
- (ii) **Total Estimated Value:**
 - Major Defense Equipment* \$ 396 million
 - Other \$ 113 million
 - TOTAL \$ 509 million
- (iii) **Description of Articles or Services Offered:** Eight AH-64D APACHE attack helicopters, 10 AN/APG-78 AH-64D Longbow Fire Control Radar, configuration of 70 M272 HELLFIRE missile launchers to M299 HELLFIRE missile launchers, spare and repair parts, communications equipment, support equipment, tools and test sets, chaff dispensers, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical support and other related elements of logistics support.
- (iv) **Military Department:** Army (YUM, Amendment 2)
- (v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none
- (vii) **Date Report Delivered to Congress:** 25 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel - AH-64D APAHCE Attack Helicopters

The Government of Israel has requested a possible sale of eight AH-64D APACHE attack helicopters, 10 AN/APG-78 AH-64D Longbow Fire Control Radar, configuration of 70 M272 HELLFIRE missile launchers to M299 HELLFIRE missile launchers, spare and repair parts, communications equipment, support equipment, tools and test sets, chaff dispensers, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical support and other related elements of logistics support. The estimated cost is \$509 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Middle East.

Israel desires these articles to fulfill their strategic commitments for self-defense and self-reliance. The proposed sale will upgrade its anti-armor day/night missile capability, provide for the defense of vital installations and provide close air support for the military ground forces. Israel, which already has APACHE helicopters in its inventory, will have no difficulty absorbing these helicopters.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Boeing Company of Mesa, Arizona; Lockheed Martin Electronics and Missiles, Orlando, Florida; Lockheed Martin Federal Systems, Owego, New York; General Electric, Lynn, Massachusetts; and Longbow LLC, Orlando, Florida. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 00-75**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act****Annex
Item No. vi****(vi) Sensitivity of Technology:**

1. The AH-64D APACHE Attack Helicopter includes the following classified or sensitive components:

a. AN/APG-78 AH-64D Longbow Fire Control Radar (FCR) is an active fire control radar system providing detection, location, classification and prioritization of targets to be prosecuted by the Longbow HELLFIRE Modular Missile System or handed over to other on-board sensor systems. This enables the APACHE helicopter to detect and fire upon targets in visual conditions which preclude the use of visual or infrared imaging systems. Hardware is Unclassified; releasable technical manuals for operation and organic level maintenance are Unclassified. The AH-64D Longbow critical system information is stored in the FCR in the form of mission source codes, target detection, classification algorithms, and coded threat parametrics; all classified Secret. The data, including operational software, proposed for release will not, in itself, facilitate reverse engineering.

b. The AN/APR-48A Radar Frequency Interferometer (RFI) is part of the AN/APR-78 FCR. It passively detects, locates in azimuth, and identifies radar emitters and sends the emitter identification, and location to either the FCR or to the APACHE Weapons Processor for display to the aircrew. Emitter information can also be used for prioritization. Hardware is classified Secret when the User Data Module (UDM) is attached to the RFI Processor Assembly; Unclassified when the UDM is absent. Releasable technical manuals for operation and organic level maintenance are Unclassified. The data, including operational software, proposed for release will not facilitate reverse engineering.

c. The Target Acquisition and Designation Sight/Pilot Night Vision Sensor (TADS/PNVS) with Optical Improvements (OIP) system provides day, night, limited adverse weather target information, as well as night navigation capabilities. The PNVS provides thermal imaging that permits nap-of-the-earth flight to, from, and within the battle area, while TADS provides the co-pilot gunner with search, detection, recognition, and designation by means of Direct View Optics (DVO), television, and Forward Looking Infrared (FLIR) sighting systems that may be used singularly or in combinations. Hardware is Unclassified. Technical manuals for authorized maintenance levels are Unclassified. Reverse engineering is not a major concern.

d. The AGM-114L3 HELLFIRE missiles with containers, hardware, and documentation are Unclassified. The Longbow HELLFIRE missile guidance section and the guidance algorithms (source codes) contain classified technical data and design information. This design information is classified Secret and the warhead performance is classified Confidential. Sensitive software algorithms are contained within the system, but the L-3 version contains several software security capabilities. Also, the missile source code is not releasable. This protects the sensitive software information from being compromised. The Longbow seeker contains critical components, but the technical data package will not be released.

e. AN/ALQ-144A(V)3 Infrared Countermeasure Set - an active, continuous operating, omni-directional, electrically fired infrared jammer system designed to confuse or decoy threat IR missile systems, in conjunction with low reflective paint and engine suppressors. Hardware is classified Confidential. Technical manuals for authorized maintenance levels are classified Secret. Reverse engineering and development of counter-countermeasures are concerns if the hardware and releasable technical data were compromised.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Israel can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 00-26174 Filed 10-11-00; 8:45 am]
BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00-76]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-76 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000

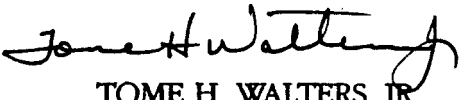
In reply refer to:
I-00/011149

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-76, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services estimated to cost \$780 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,


TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

POLICY JUSTIFICATION

Italy - F-16A Block 10 OCU Aircraft

The Government of Italy has requested a possible sale of four F-16A Block 10 operational capabilities upgrade (OCU) aircraft for cannibalization, four Pratt and Whitney F-100-PW-200 spare engines, four AN/APG-66 radar sets, spare and repair parts, devices, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics support. The estimated cost is \$780 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Italy and further weapon system standardization and interoperability with U.S. forces.

Italy will use the F-16A Block 10 OCU aircraft to maintain a continuous air defense capability and upgrade/modernize their current fleet. This proposed sale will support a potential lease of F-16A/B aircraft that will provide the capability Italy requires to perform its air defense mission and be a viable air defense provider for their NATO commitments. The Italian Air Force has chosen the F-16A aircraft as their choice to provide this capability until they make a decision on a defense platform to modernize their force. Italy will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors will be Lockheed Martin of Fort Worth, Texas and Pratt and Whitney of East Hartford, Connecticut. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two U.S. Government and 117 contractor representatives for five years to Italy.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 00-76**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act****Annex
Item No. vi****(vi) Sensitivity of Technology:**

1. The F-16A Block 10 operational capability upgrade aircraft and Pratt and Whitney F-100-PW-200 engine are unclassified. The aircraft does not contain state-of-the-art technology.

2. The F-100 engine and the associated component parts used in F-16A aircraft are unclassified. However, several manufacturing processes, design practices, and metallurgical fabrication techniques used are advanced technology methods found only with the U.S. propulsion industry. The sale of F-100 engines to Italy will not include the transfer of sensitive technology as the sale does not include sensitive manufacturing, design, or metallurgical processes or information.

3. If a technologically advanced adversary were to obtain knowledge of the above systems, such knowledge could be used in an attempt to develop component countermeasures or systems with similar or advanced capabilities.

4. A determination has been made that Italy can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 00-26175 Filed 10-11-00; 8:45 am]
BILLING CODE 5001-10-C

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Transmittal No. 00-77]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00-77 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 5, 2000.

L.M. Bynum,
*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

27 SEP 2000

In reply refer to:
I-00/011352

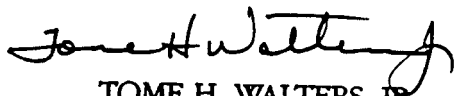
Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-7701

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-77 and under separate cover the classified offset certificate thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services estimated to cost \$525 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended by Section 1245 of H.R. 3427 enacted by P.L. 106-113 dated November 29, 1999, requires a description of any offset agreement with respect to this proposed sale. Section 36(b)(1)(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,


TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Separate Cover:
Offset certificate

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-77

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

- (i) Prospective Purchaser: Israel
- (ii) Total Estimated Value:
 - Major Defense Equipment* \$ 400 million
 - Other \$ 125 million
 - TOTAL \$ 525 million
- (iii) Description of Articles or Services Offered: Thirty-five UH-60L BLACKHAWK helicopters, 70 T700-GE-701C turbine engines, 29 spare T700-GE-701C turbine engines with containers, external rescue hoist provisions, rotor brake system, spare and repair parts, tools and support equipment, publications and technical data, personnel training and training equipment, U.S. Government Quality Assurance Team, contractor engineering and technical support services and other related elements of logistics support.
- (iv) Military Department: Army (YWV)
- (v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none
- (vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached
- (vii) Date Report Delivered to Congress: 27 SEP 2000

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel - UH-60L BLACKHAWK Helicopters

The Government of Israel has requested the purchase of 35 UH-60L BLACKHAWK helicopters, 70 T700-GE-701C turbine engines, 29 spare T700-GE-701C turbine engines with containers, external rescue hoist provisions, rotor brake system, spare and repair parts, tools and support equipment, publications and technical data, personnel training and training equipment, U.S. Government Quality Assurance Team (QAT), contractor engineering and technical support services and other related elements of logistics support. The estimated cost is \$525 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale will enhance their current helicopter fleet and provide combat service support for Israeli Defense personnel. Israel, which already has BLACKHAWK helicopters in its inventory, will have no difficulty absorbing the additional helicopters.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors participating in the program will be Sikorsky Aircraft Company of Stratford, Connecticut and General Electric of Lynn, Massachusetts. One or more proposed offset agreements may be related to this proposed sale.

A United States Government QAT will be required for a minimum of one week during the delivery and initial operation of the helicopters. An U.S. contractor field service representative will also be required in-country for a period of three years to support the new helicopters.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

Transmittal No. 00-77**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act****Annex
Item No. vi****(vi) Sensitivity of Technology:**

1. The UH-60L BLACKHAWK helicopter is Unclassified. The highest level of classified information required to be released for training, operation and maintenance of the BLACKHAWK is Confidential. The highest level which could be revealed through reverse engineering or testing of the end item is Confidential. This information includes Confidential reports and test data, as well as performance and capability data, classified Confidential/Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware in this sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Israel can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

DEPARTMENT OF DEFENSE**Office of the Secretary****Defense Partnership Council Meeting**

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense (DoD) announces a meeting of the Defense Partnership Council. Notice of this meeting is required under the Federal Advisory Committee Act. This meeting is open to the public. The agenda will include: an update on the Blue Collar Wage Setting project and other topics related to the enhancement of Labor-Management partnerships throughout DoD.

DATES: The meeting is to be held on November 9, 2000, in room 1E801, Conference Room 7, the Pentagon, from 1 p.m. until 3 p.m. Comments should be received by November 1, 2000, in order to be considered at the November 9 meeting.

ADDRESSES: We invite persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Ben James at the address shown below. Seating is limited and available on a first-come, first-serve basis. Individuals wishing to attend who do not possess an appropriate Pentagon building pass should call the below listed telephone number to obtain instructions for entry into the Pentagon. Handicapped individuals wishing to attend should also call the below listed telephone number to obtain appropriate accommodations.

FOR FURTHER INFORMATION CONTACT: Ben James, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Blvd., Suite B-200, Arlington, VA 22209-5144, (703) 696-6301, ext. 730.

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-26168 Filed 10-11-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE**Office of the Secretary of Defense****Department of Defense Wage Committee; Notice of Closed Meetings**

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the

Department of Defense Wage Committee will be held on November 7, 2000; November 14, 2000; November 21, 2000; and November 28, 2000, at 10 a.m. in Room A105, The Nash Building, 1400 Key Boulevard, Rosslyn, Virginia.

Under the provisions of section 10(d) of Public Law 92-463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301-4000.

Dated: October 5, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00-26167 Filed 10-11-00; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE**Department of the Air Force****Air University Board of Visitors Meeting**

The Air University Board of Visitors will hold an open meeting on November 12-15, 2000, with the first business session beginning at 8 a.m. in the Air University Conference Room at Headquarters Air University, Maxwell Air Force Base, Alabama (five seats are available).

The purpose of the meeting is to give the board an opportunity to review Air University educational programs and to present to the Commander, a report of their findings and recommendations concerning these programs.

For further information on this meeting, contact Dr. Dorothy Reed, Chief of Academic Affairs, Air University Headquarters, Maxwell Air Force Base, Alabama 36112-6335, telephone (334) 953-5159.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 00-26099 Filed 10-11-00; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF ENERGY**Office of Arms Control and Nonproliferation; Proposed Subsequent arrangement**

AGENCY: Department of Energy.

ACTION: Subsequent arrangement.

SUMMARY: This notice has been issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States and the European Atomic Energy Community (EURATOM).

This subsequent arrangement concerns the addition of Brazil, Kazakhstan, Romania and Ukraine to the list of countries referred to in paragraph 2 of the Agreed Minute to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, listing countries eligible to receive retransfers under Article 8.1(C)(i) of the Agreement of low enriched uranium, non-nuclear material, equipment and source material transferred under the Agreement, or receive retransfers of low enriched uranium produced through the use of nuclear material or equipment transferred under the Agreement, for nuclear fuel cycle activities other than the production of high enriched uranium.

The United States has brought into force new Agreements for Cooperation in the Peaceful Uses of Nuclear Energy, under the authority of Section 123 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), with Brazil, Kazakhstan, Romania and Ukraine. These four countries have also made effective non-proliferation commitments as prescribed in paragraph 2 of the Agreed Minute to the U.S.-EURATOM Agreement. Accordingly, they are eligible third countries to which retransfers may be made.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Andrew Bieniawski,

Acting Director, Office of International Policy and Analysis, for Arms Control and Nonproliferation, Office of Defense Nuclear Nonproliferation.

[FR Doc. 00-26153 Filed 10-11-00; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 00-19, C&E 00-20, C&E 00-21, C&E 00-22 and C&E 00-23 Certification Notice—190]

Office of Fossil Energy; Notice of Filings of Coal Capability of Mesquite Power, LLC, GenPower McAdams, LLC, GenPower Dell, LLC, GenPower Kelley, LLC and SRW Cogen. Ltd. Partnership Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Mesquite Power, LLC, GenPower McAdams, LLC, GenPower Dell, LLC, GenPower Kelley, LLC and SRW Cogen. Ltd. Partnership submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G-039, FE-27, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586-9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the

proposed new baseload powerplants have filed a self-certification in accordance with section 201(d).

Owner: Mesquite Power, LLC (C&E 00-19).

Operator: Mesquite Power, LLC.

Location: Maricopa County, AZ.

Plant Configuration: Combined-cycle.

Capacity: 1,000 MW.

Fuel: Natural gas.

Purchasing Entities: Sold into the wholesale power market.

In-Service Date: Second quarter of 2003.

Owner: GenPower McAdams, LLC (C&E 00-20).

Operator: General Electric International, Inc.

Location: Attala County, Sallis, MS.

Plant Configuration: Combined-cycle.

Capacity: 640 MW.

Fuel: Natural gas

Purchasing Entities: Sold into the wholesale power market.

In-Service Date: June 2002.

Owner: GenPower Dell, LLC (C&E 00-21).

Operator: General Electric International, Inc.

Location: Mississippi County, Dell, AR.

Plant Configuration: Combined-cycle.

Capacity: 600 MW.

Fuel: Natural gas.

Purchasing Entities: Sold into the wholesale power market.

In-Service Date: June 2002.

Owner: GenPower Kelley, LLC (C&E 00-22).

Operator: General Electric International, Inc.

Location: Flat Creek Road, Quinton, AL.

Plant Configuration: Combined-cycle.

Capacity: 1,086 MW.

Fuel: Natural gas.

Purchasing Entities: Sold into the wholesale power market.

In-Service Date: Summer 2003.

Owner: SRW Cogeneration Limited Partnership (C&E 00-23).

Operator: DuPont de Nemours and Company.

Location: Orange, TX.

Plant Configuration: Combined-cycle.

Capacity: 421 MW.

Fuel: Natural gas.

Purchasing Entities: 50 MW by E.I. DuPont de Nemours, and 250 MW by PG&E Energy Trading-Power, L.P. The balance (approx. 121 MW) will be sold at market.

In-Service Date: August 2001.

Issued in Washington, D.C., October 5, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00-26154 Filed 10-11-00; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Control of Releases of Materials with Residual Radioactive Contamination from DOE Facilities

AGENCY: U.S. Department of Energy, DOE.

ACTION: Notice of availability and opportunity for public comment.

SUMMARY: In July 2000, DOE suspended the unrestricted release of scrap metal for recycling from radiological areas within DOE facilities until improvements in release criteria have been developed and implemented. DOE is proposing criteria for controlling the release of materials with residual radioactive contamination and procedures for better management of information concerning these releases. The proposed criteria for the release of scrap metal for recycling would require that no radioactivity be detectable above background using DOE-approved measurement protocols prior to the release from a DOE site.

DATES: The comment period will end on December 4, 2000.

ADDRESSES: The proposed changes, the January 12, 2000 memorandum, the July 13, 2000 memoranda, and other relevant information will be available on the World-Wide Web at <http://tis.eh.doe.gov/portal> or at <http://www.eh.doe.gov/oepa> under "Focus Areas," then select "DOE Directives Development Initiative for the Management and Release of Surplus Materials," and then "Public Documents." Hard copies are also available from the persons listed below under information contacts. You may examine written comments between 9 AM and 4 PM at the U.S. Department of Energy Freedom of Information Public Reading Room, Room 1E-190, 1000 Independence Avenue, SW, Washington, DC, 202-586-3142.

TO PROVIDE COMMENTS AND FOR FURTHER INFORMATION CONTACT: Comments and inquiries may be addressed to: Harold T. Peterson, Jr., Tele. (202) 586-9640, harold.peterson@hq.doe.gov or Stephen L. Domotor, stephen.domotor@hq.doe.gov, Tele. (202) 586-0871.

Air, Water and Radiation Division, Office of Environmental Policy and Guidance, U.S. Department of Energy (EH-41), 1000 Independence Avenue, SW, Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Atomic Energy Act of 1954, 42 U.S.C. 2201, *et seq.*, and other law, the Department conducts atomic energy defense and research and development activities at various sites around the Nation. These activities are carried out by prime contractors who manage and operate the sites pursuant to DOE policies enforceable under the provisions of the contracts and under the oversight of DOE employees. A standard provision of these prime contracts is the Laws, Regulations and Directives Clause which is set forth in DOE's Acquisition Regulation at title 48 of the Code of Federal Regulations. The clause provides for an appendix which, among other things, lists the DOE administrative directives, including DOE Orders, that are enforceable under the contracts. DOE Order 5400.5, Radiation Protection of the Public and Environment, is one of those directives. Today DOE is making available for public comment proposed revisions to that Order.

On January 12, 2000, the Secretary of Energy issued a moratorium on the Department's release of volumetrically-contaminated metals pending a decision by the Nuclear Regulatory Commission (NRC) whether to establish national standards. The NRC continues to review the issue and the moratorium remains in effect. At that time, the Secretary created a task force to review the Department's policy on releasing materials from DOE sites. The task force reviewed past practices and made recommendations for improving monitoring, documentation, reporting and coordination.

On July 13, 2000, the Secretary of Energy issued a memorandum directing the Assistant Secretary for Environment, Safety and Health to revise DOE directives and associated guidance documents applicable to scrap metal releases. The Secretary's memorandum directed action in four areas: (1) Improvement of the Department's release criteria and monitoring practices; (2) expansion of efforts to promote reuse and recycling within the complex of DOE facilities; (3) improvement of the Department's management of information about material inventories and releases; and (4) the accelerated recovery of sealed sources. The July 13th memorandum also suspended the unrestricted release

for recycling of scrap metal from radiological areas within DOE facilities. This suspension will remain in effect until improvements in DOE release criteria and information management have been developed and implemented. The Secretary stated that DOE would not allow the release of scrap metals for recycling if contamination from DOE operations is detected using appropriate, commercially-available monitoring equipment and approved procedures.

The purpose of this notice is to solicit public comment on two new chapters (Chapters V and VI) to DOE Order 5400.5 that DOE developed to implement this policy.

II. Questions and Answers Regarding the Changes to the DOE Order 5400.5

A. What requirements did DOE Order 5400.5 place on releasing materials that may have small quantities of radioactive materials?

The current DOE policy for controlling the release of materials is set forth in the existing Order DOE 5400.5. The Order requires, and will continue to require in the proposed changes, the establishment of DOE-approved authorized limits for releases based on the ALARA ("As Low as is Reasonably Achievable") process. For surface activity, the radioactive materials can be measured by conventional radiation monitoring instruments and the levels must be less than the Surface Activity Guidelines in Figure IV.1 of DOE Order 5400.5 (reprinted as Table 1 in a November 17, 1995 guidance memorandum). The latter document, as well as the full DOE Order 5400.5, is available on the Office of Environmental Policy and Guidance's website: <http://www.eh.doe.gov/oeпа> under "Policy and Guidance." Select "Radiation Protection (Atomic Energy Act)" from the subject area listing. The existing Order 5400.5 is item 20 and the November 17, 1995 guidance memorandum is item 8. For new information supporting the revised policy, such as the implementation guidance, go to: "Focus Areas" and "DOE Directive Development Initiative for the Management and Release of Surplus Materials."

Under the current Order, authorized limits for releases of surface contaminated materials that conform to these Surface Activity Guidelines can be approved by a DOE Field Office. Contractors develop these Authorized Limits for DOE approval by following the DOE ALARA process. The current Order permits use of alternative limits in place of these Surface Activity

Guidelines if they are reviewed and approved by the Assistant Secretary for Environment, Safety and Health.

In contrast to surface contamination, property that contains radioactive materials distributed throughout its volume is generally more difficult to measure and evaluate. In some cases, samples of materials have to be taken for laboratory analysis. DOE does not have numerical guidelines on concentrations of volumetrically-distributed radioactive material that can be released. Under DOE Order 5400.5, release of these volumetrically contaminated materials would require a case-by-case review and approval by the Assistant Secretary for Environment, Safety and Health. However, under the moratorium of January 12, 2000, volumetrically-contaminated metals cannot be released until the moratorium is lifted by DOE. The surface guideline values are repeated in the Table VI-1 in the proposed changes.

B. What does the Secretary's new policy require as reflected in the proposed change to the DOE Order 5400.5?

The Secretary's memorandum requires improvements in the collection, maintenance, reporting of information associated with releases of surplus equipment, scrap metals and other excess personal property. The revised release policy reflected in the proposed change to the Order primarily affects one class of materials—scrap metals that were in a radiological area and are intended to be recycled into general commerce. The proposed change would require that these metals exhibit no detectable radioactivity content above background prior to their release from a DOE site (i.e., any residual radioactivity cannot be detected above background using DOE-approved measurement protocols. DOE is preparing new guidance to specify how to perform the measurements necessary to demonstrate "no detectable activity."

C. Are the proposed changes new requirements?

The proposed changes are generally consistent with the existing version of the Order as well as guidance and implementation practices. This notice reflects DOE's intent to add two chapters to Order 5400.5: (1) Chapter V, Control and Release of Personal Property Including Metals for Recycling, contains requirements for personal property management and specifically addresses the Secretary's policy to limit the release of scrap metal for recycling to metal that has no detectable residual radioactive contamination and (2) Chapter VI, General Requirements for

the Release of Property, which contains DOE's general requirements for controlling the release of property. Chapter VI also includes existing practices currently set forth in guidance and proposed improvements in monitoring, documentation and information management.

The two new chapters place additional emphasis on the public availability of information, record-keeping requirements and procedures for implementing the additional constraints established for recycled metal. The major refinement contained in the new chapters is the requirement to base authorized limits for scrap metals to be recycled on whether radioactivity can be detected above background using approved measurement protocols.

III. Questions and Answers Concerning Recycling of Metals

A. Can metal or equipment from a radiological area be released for reuse under the proposed restrictions?

Yes, in some cases. Equipment from a radiological area may be released and reused for its intended purpose or released through current property management systems for reuse. For example, a machine tool may be reused or sold for reuse as a tool as long as it meets current surface release limits for radiological materials as defined in Order DOE 5400.5 and associated guidance. Similarly, metal items may be surveyed and released as long as they are used in their present form. Both the existing Order and the proposed changes allow these results (so long as it does not violate the moratorium).

Under the proposed changes, the key factor in determining what is permissible is whether the metal will be melted and re-fabricated into new products. All cases that involve remelting and remanufacturing of scrap metal released from radiological areas are considered to be recycling and would have to conform to the new proposed standard on non-detectable activity above background prior to release, unless the new product is to be used within the DOE complex or under an NRC or NRC Agreement State license.

B. What will DOE's responsibility be to assure that material or equipment sold is used for its intended purpose and not remelted as scrap?

The proposed changes allow scrap metal that does not meet the non-detectable release criterion to be released only for restricted recycling with a designated use (such as waste

containers), if the scrap metal meets approved authorized limits and there is reasonable assurance that the property will not be recycled into general commerce. Extensive documentation is required including a description of any restrictions on use or disposition of the property and the specific process or means that provide a reasonable expectation that the restrictions or controls will be implemented.

C. May a DOE contractor release radioactive contaminated scrap metal to an NRC licensee?

DOE contractors may not transfer scrap metal to an NRC (or Agreement State) licensee or to another DOE facility for the purpose of releasing the metal for recycling into commerce by the licensee unless that scrap metal meets the zero-detectable activity release criterion at the time that it is released from the DOE site.

D. May a DOE contractor transfer suspect contaminated materials to an NRC (or Agreement State) licensee for a purpose other than recycling into general commerce?

Materials and equipment may be transferred to an NRC (or Agreement State) licensee in accordance with any license provisions. Metal may be transferred to an NRC or Agreement State licensee for use other than recycling if the material is properly surveyed and it meets the applicable DOE authorized release limit. If the material is not going to be recycled into general commerce and it will be used within the licensee's facility, then it has to meet any possession limits placed on the recipient by the NRC or an NRC Agreement State, but is not required to meet the non-detectable release criterion.

E. What effect does the January 12, 2000 moratorium on the release of volumetrically contaminated metals have on the proposed changes?

On January 12, 2000, the Secretary issued a moratorium prohibiting the Department's release of volumetrically contaminated metals pending a decision by the NRC whether to establish national standards. The NRC continues to review the issue and the moratorium remains in effect. While the proposed changes to the Order continue to allow the release of DOE materials under various criteria, DOE may not release volumetrically contaminated metals under either the proposed changes or the current Order until the ban is lifted.

F. What effect do the proposed changes have on the July 13, 2000 suspension of release of recycled scrap metal?

On July 13, 2000, the Secretary suspended the unrestricted release of scrap metals for recycling from radiation areas within DOE facilities until improvements in DOE release criteria and information management have been developed and implemented. The Secretary stated that upon certification that each DOE site has met all the requirements of the revised order and has a local public participation program, sites may resume unrestricted release of scrap metals for recycling. Adoption of the proposed changes is an essential element in satisfying the criteria for lifting the suspension.

IV. What New Implementation Programs and Procedures are Required?

DOE's Office of Environment, Safety and Health, through its Office of Environmental Policy and Guidance (EH-41) has developed these additional chapters and modifications to Order DOE 5400.5 to implement the Secretary's policy. The proposed changes would require contractors operating DOE facilities to have a program and procedures in place to ensure that: (1) Metal released for recycling contains no detectable residual radioactive contamination, (2) the release of all property from DOE control meets DOE radiation protection requirements, and (3) releases of surplus equipment, scrap metal and other excess personal property are appropriately documented, reported, certified and verified so that the public has full access to information relating to such releases.

A. How is DOE improving release criteria and monitoring?

Although these concepts were implicitly part of the existing release clearance process, they would become explicitly part of the new procedures in the proposed Chapter VI. This more clearly presents the process and criteria for establishing authorized limits and provides more specific guidance on survey and monitoring procedures. Information on responsibilities for surveying, certifying and carrying out independent verification is also contained in the proposed new chapters. The procedures in the proposed new chapters would require more detailed documentation of the establishment of authorized limits, survey and verification measurements and the certification of releases.

B. How will the new procedures improve information management?

Chapter V would require that the process of implementing these new requirements be coordinated with the public and that this coordination be integrated into existing site public advisory and coordination activities. Although public information programs have been in existence for some time at DOE sites, these new requirements would require that this information be available to the public. DOE proposes to make available an annual summary report of property released under these requirements at each site. DOE is also proposing to require that the authorized limits used for materials releases, the quantities released, and summaries of the certification and verification information be summarized in the annual site environmental reports (ASERs).

V. Topics on Which Public Comment is Sought

1. Comments are sought on how the economic value of the metal should be factored into a decision regarding its disposition?

2. Comments are solicited on both on the desirable and attainable sensitivity of radiation monitoring devices including survey meters, portable spectrometers, bulk measurement detectors, and truckload monitors. Information on the cost of monitors would also be useful.

Signed this 5th day of October 2000.

David Michaels,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 00-26155 Filed 10-11-00; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-301-007]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 5, 2000.

Take notice that on October 2, 2000, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective October 1, 2000:

Original Sheet No. 14Q

ANR is filing the attached tariff sheet to reflect the implementation of a negotiated rate agreement with Anadarko Energy Services Company for

service under Rate Schedule PTS-3. Anadarko's new agreement will be effective October 1, 2000, and will continue through the life of the reserve underlying such agreement. ANR requests that the Commission grant ANR any waivers of the Commission's regulations which are necessary in order to make this tariff sheet effective as of October 1, 2000, and to the extent necessary, moves pursuant to 18 CFR 154.7(a)(9) for the tariff sheet to go into effect on said date. Additionally, ANR requests all such further relief as is appropriate.

ANR states that a copy of this filing is being mailed to the affected shipper and to each of ANR's FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 customers, and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing 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. 00-26125 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-374-000]

Columbia Gas Transmission Corp., Notice of Technical Conference

October 5, 2000

In the Commission's order issued on August 23, 2000,¹ the Commission directed that a technical conference be held to address issues raised by the filing.

A technical conference was held on Thursday, September 14, 2000. At that conference the parties indicated that another conference is warranted.

¹ 92 FERC 61,173 (2000).

Take notice that the technical conference will be held on Tuesday, October 17, 2000, at 10 a.m., 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. 00-26127 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00-472-000]

Destin Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization

October 5, 2000.

Take notice that on September 29, 2000, Destin Pipeline Company, L.L.C. (Destin), 1301 McKinney Street, Suite 700, Houston, Texas 77010, filed in Docket No. CP00-472-000 a request pursuant to §§ 157.205 and 157.208(b) of the Commission's Regulations (18 CFR 157.205 and 157.208(b)) under the Natural Gas Act (NGA), and Destin's blanket certificate issued in Docket No. CP96-657-000 and -001, for authorization to construct, own, install, and operate an offshore supply lateral line and associated facilities to receive and transport natural gas produced in the Viosca Knoll Area of the Gulf of Mexico, pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the FERC website at <http://www.ferc.fed.us/online/htm> (call 202-208-2222 for assistance).

The lateral line (the "Pompano Project") which is the subject of this request will consist of 8.03 miles of 16-inch diameter pipeline to connect the Pompano Platform in Viosca Knoll Block 989 to a subsea tie-in on the Destin pipeline in Viosca Knoll Block 900. Destin will also construct and operate a receipt point with pig launcher, measurement and SCADA equipment to complete the connection with the Pompano Platform. The facilities will have the capability of transporting up to 200 million cubic feet of natural gas per day at a maximum allowable operating pressure of 2,220 pounds per square inch (gauge). Destin estimates the cost of the project to be

\$13.8 million, including a \$4 million contribution in aid of construction to be made by Destin to the shippers to offset a portion of their cost of facilities necessary to connect their production to Destin's system.

Any questions regarding the application may be directed to Larry D. Jensen, Director—Regulatory Affairs, at (713) 230-3134.

Any person or the Commission's staff may, within 45 days after the issuance of the instance notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed application shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00-26121 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01-1-000]

Distrigas of Massachusetts LLC.; Notice of Proposed Changes in FERC Gas Tariff

October 5, 2000.

Take notice that on October 2, 2000, Distrigas of Massachusetts LLC (DOMAC), formerly Distrigas of Massachusetts Corporation, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, to become effective December 1, 2000:

Ninth Revised Sheet No. 94

DOMAC states that the purpose of this filing is to record semiannual changes in DOMAC's index of customers.

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. 00-26123 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-343-000]

Kinder-Morgan Interstate Gas Transmission Co.; Notice of Technical Conference

October 5, 2000.

On June 15, 2000, Kinder-Morgan Interstate Gas Transmission Company (Kinder Morgan) submitted a filing to comply with Order No. 637. Several parties have protested various aspects of Kinder-Morgan's filing. On August 18, 2000, Kinder Morgan submitted certain substitute *pro forma* tariff sheets to reflect the Commission's action in an order issued July 26, 2000, in Docket No. RP00-316-000. In that order, the Commission accepted in part and rejected in part certain tariff changes proposed by Kinder-Morgan.

Take notice that a technical conference to discuss the various issues raised by Kinder-Morgan's filing will be held on Wednesday, November 1, 2000, at 10 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Parties protesting aspects of Kinder-Morgan's filing should be prepared to discuss alternatives.

All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00-26126 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-21-000]

Midwestern Gas Transmission Co.; Notice of Compliance Filing

October 5, 2000.

Take notice that on October 2, 2000, Midwestern Gas Transmission Company (Midwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Third Revised Sheet No. 80 and First Revised Sheet No. 124, with an effective date of November 1, 2000.

Midwestern states that the purpose of this filing is to revise its tariff in order to modify the applicability of the right of first refusal as directed by the Commission in Order Nos. 637, 637-A, and 673-B.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 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. 00-26132 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP94-367-011]

National Fuel Gas Supply Corporation; Notice of Pro Forma Compliance Filing

October 5, 2000.

Take notice that on September 29, 2000, National Fuel Gas Supply Corporation (National) tendered for filing pro forma tariff sheets to be part

of its FERC Gas Tariff, Fourth Revised Volume No. 1, to implement the Gathering Settlement, approved by the Commission on February 16, 1996. National Fuel states that, pursuant to the Gathering Settlement, the revised rates are to be effective on April 1, 2001.

National states that, pursuant to Article IV, Section 2, of the Gathering Settlement, National is required to submit a Compliance filing to eliminate the Amortization Surcharge from its transmission rates by removing the gathering A&G costs, the interest and taxes related to the amortization of the "Plant to be Amortized," and the amortization component of the transmission cost-of-service. Also, National is revising the Gathering cost-of-service to reflect \$1,575,000 of A&G costs.

National states that copies of this filing were served upon its current customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 00-26124 Filed 10-11-00; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-506-001]

Northwest Pipeline Corp.; Notice of Correction Filing

October 5, 2000.

Take notice that on October 2, 2000, Northwest Pipeline Corporation (Northwest) tendered for filing and

acceptance the following tariff sheets as part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective as indicated:

To Be Effective March 27, 2000

Substitute Fourteenth Revised Sheet No. 5-A

To Be Effective July 1, 2000

Fifteenth Revised Sheet No. 5-A

Northwest states that the purpose of this filing is to correct errors on Fourteenth Revised Sheet No. 5-A. Fourteenth Revised Sheet No. 5-A was accepted by the Commission on September 22, 2000 in Docket No. RP00-506-000.

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 in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing 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. 00-26129 Filed 10-11-00; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00-1997-000]

PPL Electric Utilities Corporation; Notice to Convene Meeting and Setting Date for Convening Session

October 5, 2000

The Commission's Dispute Resolution Service will conduct a convening session on October 11, 2000, commencing at 10 a.m., in Room 3M-1 at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. Following informal conversations between the Dispute Resolution Service and Allegheny Electric Cooperative, Inc. and PPL Electric Utilities Corporation, the parties agreed to an Alternative Dispute

Resolution (ADR) process to resolve their disputes in the above-captioned dockets. The convening session will be held to finalize the ADR process. The Dispute Resolution Service will also assist the parties in better identifying and clarifying the issues in the above-captioned dockets for the follow-up ADR session. If a party has any questions, please call Deborah Osborne at (202) 208-0831.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 00-26178 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00-1655-004]

Southern Company Services, Inc.; Notice of Filing

October 5, 2000.

Take notice that on October 2, 2000, Southern Company Services, Inc. (SCSI), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company tendered for filing two revised pages to the Southern Company System Intercompany Interchange Contract to reflect the clarifications directed in the order issued September 27, 2000, that conditionally accepted SCSI's earlier compliance filing dated June 20, 2000.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 16, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm>

www.ferc.fed.us/online/rims.htm (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00-26133 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-633-000]

Southern Natural Gas; Notice of Tariff Filing

October 5, 2000.

Take notice that on September 28, 2000, Southern Natural Gas Company (Southern), tendered for filing to part of its FERC Gas Tariff, Seventh Revised Volume No. 1, Second Revised Sheet No. 191. Southern requests that the Commission approve the revised tariff sheet effective November 1, 2000.

Southern states that the filed tariff sheet is being filed to reference the revised reporting requirements in Section 161.3(1)(2) of the Commission's Regulations with respect to marketing affiliates.

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. 00-26130 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-477-000]

Tennessee Gas Pipeline Co.; Notice of Technical Conference

October 5, 2000.

On August 15, 2000, Tennessee Gas Pipeline Company (Tennessee) submitted a filing to comply with Order No. 637. Several parties have protested various aspects of Tennessee's filing.

Take notice that a technical conference to discuss the various issues raised by Tennessee's filing will be held on Tuesday, November 14, 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, D.C. 20426. Parties protesting aspects of Tennessee's filing should be prepared to discuss alternatives.

All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00-26128 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-20-000]

Tennessee Gas Pipeline Co.; Notice of Compliance Filing

October 5, 2000.

Take notice that on October 2, 2000, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed in Appendix A to the filing, with an effective of November 1, 2000.

Tennessee states that the purpose of this filing is to revise its tariff in order to modify the applicability of the right of first refusal as directed by the Commission in Order Nos. 637, 637-A, and 637-B.

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. 00-26131 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00-463-000]

Transcontinental Gas Pipe Line Corporation, Columbia Gas Transmission Corporation; Columbia Gulf Transmission Company, Notice of Application

October 5, 2000.

Take notice that on September 15, 2000, Transcontinental Gas Pipe Line Corporation (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056; Columbia Gulf Transmission Company (Columbia Gulf), 2603 Augusta, Suite 125, Houston, Texas 77057-5637; and Columbia Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia, 22030-1046 (jointly referred to as Applicants), tendered for filing a joint application for a certificate of public convenience and necessity pursuant to section 7(b) of the Natural Gas Act (NGA) to abandon: (1) Certain transportation services which were once required to permit Transco to transport natural gas for Columbia in offshore Louisiana; (2) certain exchange services which were once required to permit the exchange of natural gas between Transco and Columbia in the Lake Hatch Field, Terrebonne Parish, Louisiana; and (3) certain transportation and exchange of natural gas between Columbia, Columbia Gulf, and Transco in offshore, Louisiana, all as more fully set forth in the application, which is on file and open to public inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (call (202) 208-2222 for assistance).

Applicants assert that no abandonment of any facility is proposed. Applicants also assert that the rate schedules for which Applicants

seek abandonment authority are as follows:

Docket No.	Company name	Rate scheduled
CP76-132	Transco	X-97
CP79-199	Columbia	X-89
CP79-199	Transco	X-214
CP79-393	Columbia	X-94
CP79-393	Columbia Gulf	X-72
CP79-393	Transco	X-223

The contact person for Columbia is Victoria J. Hamilton, 1700 MacCorkle Avenue, S.E., P.O. Box 1273, Charleston, West Virginia 25325-1273 at (304) 357-2927. The contact person for Transco is Julie P. Baumgarten, Esquire, P.O. Box 1396, Houston, Texas 77251-1396 at (713) 215-2344. The contact person for Columbia Gulf is Jacquelyne M. Rocan, Esquire, 2603 Augusta, Suite 125, Houston, Texas 77057-5637 at (713) 267-4743.

Any person desiring to be heard or to make protest with reference to said application should on or before October 26, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file therein a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter that permission and approval for the proposed abandonments are required by the public convenience or necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00-26120 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00-137-000, et al.;]

The Connecticut Light and Power Company, et al. Electric Rate and Corporate Regulation Filings

October 4, 2000.

Take notice that the following filings have been made with the Commission:

1. The Connecticut Light and Power Company, et al.; Western Massachusetts Electric Company,

[Docket Nos. EC00-137-000 and ER00-3639-000]

Take notice that on September 26, 2000, The Connecticut Light and Power Company, Western Massachusetts Electric Company, The United Illuminating Company, Central Maine Power Company, Fitchburg Gas and Electric Light Company, New England Power Company, Public Service Company of New Hampshire, Dominion Resources, Inc. and Dominion Nuclear Connecticut, Inc. filed certain work papers in connection with their application under Sections 203 and 205 of the Federal Power Act for approvals relating to the sale of the Millstone Nuclear Power Station.

Comment date: October 16, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Adirondack Hydro Fourth Branch, LLC

[Docket No. EG00-259-000]

Take notice that on September 29, 2000, Adirondack Hydro Fourth Branch, LLC (Adirondack), 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.

Adirondack owns and operates a 3.3 MW hydroelectric facility located on the Mohawk River in the Town of Waterford, in Saratoga County, New York. Adirondack's business offices are located at 39 Hudson Falls Road in South Glens Falls, New York.

Comment date: October 25, 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. CinCap VI, LLC

[Docket No. ER00-3792-000]

Take notice that on September 29, 2000, Sunbury Holdings, LLC, on behalf of CinCap VI, LLC (CinCap), tendered for filing under Section 205 of the Federal Power Act, a Notice of Succession in Ownership regarding the transfer of interest in an interconnection agreement between Cinergy Capital & Trading, Inc. (CCT) and PPL Electric Utilities Corporation from CCT to CinCap.

Comment date: October 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. American Transmission Systems, Inc.

[Docket No. ER00-3594-000]

Take notice that on September 25, 2000, American Transmission Systems, Inc. (ATSI), tendered for filing notice of withdrawal of its September 5, 2000 filing made with the Commission in the above-referenced docket.

Comment date: October 16, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Praxair, Inc.

[Docket No. ER00-3767-000]

Take notice that on September 28, 2000, Praxair, Inc. (Praxair), tendered for filing pursuant to Rules 205 and 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.205 and 385.207, and Section 35.12 of the Commission's Regulations, 18 CFR 35.12, an application for blanket authorizations and certain waivers under various regulations of the Commission, and for an order accepting its FERC Electric Rate Schedule No.1 to be effective the earlier of 60 days from the date of filing or the date of a Commission order granting approval of this Rate Schedule.

Praxair intends to engage in electric power and energy transactions as a marketer. In transactions where Praxair purchases power, including capacity and related services from electric utilities, qualifying facilities and independent power producers, and resells such power to other purchasers, Praxair will be functioning as a marketer. In Praxair's marketing transactions, Praxair proposes to charge rates mutually agreed upon by the

parties. Praxair is not in the business of producing nor does it contemplate acquiring title to any electric power transmission facilities.

Comment date: October 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Baltimore Gas and Electric Company

[Docket No. ES00-54-000]

Take notice that on September 26, 2000, Baltimore Gas and Electric Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue not more than \$700 million of short-term unsecured promissory notes, commercial paper notes, medium-term notes, and guarantees of assumptions of liabilities or obligations with a final maturity date no later than December 31, 2003.

Comment date: October 24, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Basin Electric Power Cooperative, Inc.

[Docket No. NJ00-7-000]

Take notice that on September 29, 2000, Basin Electric Power Cooperative (Basin Electric), tendered for filing a petition for a declaratory order finding that its open access transmission tariff providing for service on its facilities in the Western Interconnection is an acceptable reciprocity tariff under Order Nos. 888 and 888-A. Basin Electric also requests a waiver of the fee otherwise applicable to the filing of a request for declaratory order.

Comment date: November 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 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).

www.ferc.fed.us/online/rims.htm (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00-26118 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Declaration of Intention and Soliciting Comments, Motions To Intervene, and Protests

October 5, 2000.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI00-9-000.

c. *Date Filed:* August 28, 2000.

d. *Applicant:* Wenckus Energy, Incorporated.

e. *Name of Project:* Wiscoy Hydroelectric Plant.

f. *Location:* On Wiscoy Creek, in Allegany County, Hume, New York. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mark Wenckus, Wenckus Energy, Incorporated, 4881 Macks Road, Stewartstown, PA 17363. (717) 993-5726 Fax: (717) 993-5877 e-mail: mwenenergy@blazent.net.

i. *FERC Contact:* Any questions on this notice should be addressed to Etta Foster at (202) 219-2679, or e-mail address: etta.foster@ferc.fed.us.

j. *Deadline for filing comments and or motions:* November 13, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

Please include the docket number (DI00-9-000) on any comments or motions filed.

k. *Description of Project:* The existing run-of-river project will consists of a 32.3-foot-high, 225-foot-long concrete dam; or reservoir with a normal surface area of 10.5 acres; a 60-inch, 1470-foot-long penstock; a power house containing two generating units with a total generator rating of 1080 kW, and appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of

interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. This filing 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTESTS", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 00-26122 Filed 10-11-00; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6884-5]

Announcement of an Analysis of Oversight and Review of EPA Information Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is to announce EPA's intent to perform an analysis of oversight and review mechanisms for EPA information products. Oversight and review of EPA information products is an aspect of accountability, which EPA is considering as the Agency develops its public access strategy. The analysis will provide useful background for EPA's strategy. Specifically, the analysis will focus on mechanisms to address concerns if inaccurate or misleading information products are published by EPA. The analysis will look at the scope and adequacy of various oversight mechanisms.

EPA will provide detailed issue papers prepared by independent experts from the fields of law, economics and public administration for each of the following issues:

1. What current mechanisms exist to address concerns about inaccurate or misleading information products published by the government? The analysis will address judicial and non-judicial mechanisms for review in both pre-publication and post-publication stages.
2. Generally, what types of additional pre-publication or post-publication mechanisms could be developed under existing law to ensure there is accountability for correcting errors?
3. Assuming the availability of judicial review, what are the costs and benefits (*e.g.*, to the government, to private parties, and to society in general)?

4. When considering the feasibility of new mechanisms to ensure accountability for accurate and clear information or data, what economic and social costs and benefits should be considered (*e.g.*, likelihood for abuse, timeliness of resolution, completeness of information disclosure, effectiveness for resolving issues)?

5. What are some pertinent case histories that show the costs and benefits for judicial and non-judicial review options?

These issue papers are intended to be neutral in tone; they will explain the range of opinions on each issue without advocating any specific position. EPA anticipates that the issue papers will be ready in January 2001. When they are complete, EPA will announce their availability in the **Federal Register** and on the EPA Website, and will post the full texts on the EPA Website. The Agency will open a 30-day public comment period on-line to solicit public input. EPA is interested in obtaining comments from a broad spectrum of its stakeholders, but is particularly interested in hearing from experts in the legal and administrative aspects of judicial and non-judicial review. The Agency would prefer that commenters use the EPA Website to send comments, but will also accept written comments by mail.

ADDRESSES: There will be a 30-day public comment period, announced on the EPA Website (www.epa.gov) and in the **Federal Register** when the issue papers are available. Written comments can be sent by mail to Kevin Donovan, Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2843, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For more detailed information on specific aspects of the issue papers, contact Kevin Donovan (donovan.kevin-e@epa.gov) or Vipul Bhatt (bhatt.vipul@epa.gov), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2843, Washington, DC 20460.

Dated: October 6, 2000.

Elaine Stanley,

Director, Office of Information and Analysis and Access, Office of Environmental Information.

[FR Doc. 00-26188 Filed 10-11-00; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6884-3]

Interagency Project To Clean Up Open Dumps on Tribal Lands: Request for Proposals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The national Tribal Solid Waste Interagency Workgroup (Workgroup) is soliciting proposals for its Tribal Open Dump Cleanup Project (Cleanup Project) for Fiscal Year (FY) 2001. In FY 2000 the Workgroup made \$2.4 million available to fund or partially fund eleven proposed projects. The Workgroup believes that a similar dollar amount will be available to fund projects in FY 2001. In selecting Cleanup Project proposals, the Workgroup plans to use a two-step process. The first step is to submit a pre-proposal which generally outlines the proposed project and provides a general budget estimate. This will allow the tribes that are considering submitting full proposals to present their ideas to the Workgroup and receive feedback prior to submitting full proposals. It will also allow the Workgroup agencies to assess and plan for potential financial and technical needs early in the process. The second step of the proposal submission process is to submit a full proposal. Please note that tribes are eligible to submit full proposals even if they do not submit a pre-proposal.

The Cleanup Project is intended to assist tribal communities with closing or upgrading high threat waste disposal sites and providing alternative disposal options. In determining whether a site is high threat, the Workgroup will generally rely on the Indian Health Service's Report to Congress on open dumps on Indian lands. The Workgroup recognizes that an individual tribe may have information on high threat sites that are not included in the IHS Report. To address such sites, the Request for Proposals package includes criteria that allow a tribe to demonstrate that a site represents a serious threat to human health and the environment and should be considered high threat.

The Tribal Solid Waste Interagency Workgroup was established in April 1998 to design a Federal plan for helping tribes bring their waste disposal sites into compliance with the municipal solid waste landfill criteria (40 CFR Part 258), *i.e.*, closing or upgrading open dumps and planning for appropriate alternative disposal. Current Workgroup members include

representatives from EPA, the Bureau of Indian Affairs, the Indian Health Service, the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, the Agency for Toxic Substances and Disease Registry, the United States Coast Guard and the Departments of Agriculture, Defense and Housing and Urban Development.

Criteria: Eligible recipients of assistance under the Cleanup Project include federally recognized tribes and multi-tribe 501(c)(3) organizations whose membership consists of federally recognized tribes. A full explanation of the submittal process, the qualifying requirements, and the criteria that will be used to evaluate proposals for this Project may be found in the Request for Proposals package.

DATES: For consideration, pre-proposals must be received by close of business on November 13, 2000 and full proposals must be received by close of business on February 23, 2001.

FOR FURTHER INFORMATION CONTACT:

Copies of the Request for Proposals package may be downloaded from the Internet at www.epa.gov/tribalmsw by clicking on "What's New." Copies may also be obtained by contacting EPA, IHS or BIA regional or area offices or one of the following Workgroup representatives:

EPA—Melanie Barger Garvey, 202–564–2579, Beverly Goldblatt, 703–308–7278, or Tonya Barnett, 703–308–8278.

IHS—Steve Aoyama, 301–443–1046.

BIA—Jerry Gidner, 202–208–5696.

Dated: October 2, 2000.

Elizabeth A. Cotsworth,

Director, Office of Solid Waste.

[FR Doc. 00–26223 Filed 10–11–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6884–4]

Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that two committees of the US EPA Science Advisory Board (SAB) will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. **Important Notice:** Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from

the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

1. Research Strategies Advisory Committee (RSAC)—October 27, 2000

The Research Strategies Advisory Committee (RSAC) will meet via public teleconference on Friday, October 27, 2000 from 10:00 am–12:00 pm. The teleconference meeting will be hosted out of Conference Room 6013 in the USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Members of the public located in the Washington, DC area are encouraged to attend the meeting due to the limitation on teleconference lines.

Purpose of the Meeting: In this meeting, the Research Strategy Advisory Committee will hold a consultation on the Office of Research and Development's (ORD) draft Strategic Plan 2000.

Availability of Review Materials: A draft agenda will be available to the public at the SAB website (<http://www.epa.gov/sab>) by close-of-business on October 20, 2000. Copies of the ORD draft Strategic Plan 2000 are available from Greg Grinder, US EPA, ORD (8201R), 1300 Pennsylvania Avenue, NW, Washington, DC 20460, telephone (202) 564–6882 or via e-mail at: grinder.greg@epa.gov. The draft is also available on the ORD Website at: <http://www.epa.gov/ORD/SP2K>.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments must contact John "Jack" R. Fowle III, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564–4547; FAX (202) 501–0323; or via e-mail at fowle.jack@epa.gov. Requests for oral comments must be in writing (e-mail preferred) and received by Fowle no later than noon Eastern Time on October 20, 2000. For further information concerning participation via telephone, please contact Wanda Fields, Management Assistant, Committee Operations Staff, US EPA Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 564–4539; FAX (202) 501–0582; or via e-mail at fields.wanda@epa.gov.

2. Executive Committee (EC)—November 1–2, 2000

The Executive Committee (EC) of US EPA's Science Advisory Board (SAB)

will meet on Wednesday and Thursday, November 1–2, 2000 beginning at 8:30 a.m. each day and ending no later than 5:00 p.m. each day. The meeting will be held in Conference Room 6013 in the USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

Purpose of the Meeting: In this meeting, the Executive Committee plans to review reports from some of its Committees/Subcommittee, most likely including, but not limited to, the following:

(a) *Environmental Engineering Committee* (EEC): (1) Commentary on Diffusion (For more details on this SAB commentary, please refer to 65 **Federal Register** 32089, May 22, 2000); (2) Commentary on Measures of Environmental Technology Performance (For more details on this SAB commentary, please refer to 65 **Federal Register** 1866, January 12, 2000).

(b) *Radiation Advisory Committee* (RAC): (1) Advisory on GENII ver. 2.0; and (2) Advisory on TENORM (Technologically Enhanced Naturally Occurring Radioactive Material) (For more details on these two SAB Advisories, please refer to 65 **Federal Register** 18095, April 6, 2000).

On the afternoon of November 1st, the Board will conduct the fourth and final workshop in its series on Science and New Approaches to Stakeholder Involvement. In addition, the EC is planning to conduct a Consultation with the Office of Environmental Information (OEI), discuss interactions with other Federal Advisory committees in the Agency, develop plans for a strategic planning retreat next spring, and confer with selected Agency officials.

Availability of Review Materials: The agenda for the meeting will be updated on the SAB Website (www.epa.gov/sab) up to the time of the meeting per se and will track which reports will be reviewed by EC. The draft SAB reports will also be posted on the Website at least one week prior to the meeting.

Important Notice: The Agency documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office. Information concerning availability of documents from the relevant Program Office is included in the FR references given above with each SAB report.

For Further Information: Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments must contact Donald Barnes, Designated Federal Officer, Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue,

NW, Washington, DC 20460; telephone (202) 564-4533; FAX (202) 501-0323; or via e-mail at barnes.don@epa.gov.

Requests for oral comments must be in writing (e-mail preferred) and received by Dr. Barnes no later than noon Eastern Time on October 24, 2000.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Oral Comments: In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. **Written Comments:** Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: One hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information: Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (<http://www.epa.gov/sab>) and in The FY1999 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access: Individuals requiring special accommodation at these meetings, including wheelchair access

to the conference room, should contact the appropriate DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: October 4, 2000.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 00-26225 Filed 10-11-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-OW-6883-9]

Notice of Intent To Develop Ambient Water Quality Criteria for Protection of Human Health—Arsenic, Methylmercury, and Carbofuran; Notice of Data Availability; Request for Data and Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to revise ambient water quality criterion for protection of human health for arsenic; notice of intent to develop ambient water quality criteria for methylmercury and carbofuran; notice of data availability; request for data and information.

SUMMARY: Section 304(a)(1) of the Clean Water Act requires the Environmental Protection Agency (EPA) to develop and publish, and from time to time revise, ambient water quality criteria (AWQC) that accurately reflect the latest scientific knowledge. Today, EPA is notifying the public of its intent to revise the current, recommended human health water quality criterion for arsenic, and to develop recommended criteria for methylmercury, and carbofuran. This notice does not establish a schedule for revision or development of the criteria; the criteria will be revised or developed on differing schedules. EPA expects to have a peer review draft of the methylmercury criterion on the Office of Water web page, <http://www.epa.gov/ost/standards/humanhealth/> in the fall of 2000. The arsenic criteria revisions will parallel the development of the Safe Drinking Water Standard for arsenic. Carbofuran criteria development is on a one-year schedule.

The pertinent list of references on the adverse health effects of arsenic is available for viewing at the Office of Water's Docket (W-99-16) for the proposed National Primary Drinking Water Regulation, 65 FR 38888; June 22, 2000. The Agency will be using these references and scientific views and data

submitted in response to the proposed maximum contaminant level (MCL) for arsenic in drinking water in revising the human health AWQC for arsenic. Thus, persons who have submitted health effects data to the docket for that proposal or any subsequent notice of data availability with respect to that proposal need not resubmit the same information. However, information about bioaccumulation of arsenic is relevant specifically to the AWQC and should be submitted as noted under the **ADDRESSES** section. References for methylmercury and carbofuran will be posted on the Office of Science and Technology's website at www.epa.gov/ost/humanhealth/ when they are available. EPA is soliciting any additional pertinent data or scientific views that may be useful in revising the criteria for arsenic, and developing criteria for methylmercury and carbofuran.

DATES: Information submissions should be submitted by November 13, 2000 for methylmercury and by December 11, 2000 for carbofuran and arsenic. Information submitted after this date and too near to the end of the document preparation may not receive the degree of consideration of data submitted earlier.

ADDRESSES: By US mail, send an original and three copies of any data, references or information to W-00-19 Comment Clerk for arsenic; to W-00-20 Comment Clerk for methylmercury; or to W-00-21 Comment Clerk for carbofuran at the Water Docket, MC 4101, US EPA, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460. Material may also be hand delivered to Room EB 57, 401 M Street SW, Washington, DC 20460 between 9:00 am and 3:30 pm EST. When using a private delivery company, send to Room EB 57, 401 M Street SW, Washington, DC 20460 or to Charles O. Abernathy, US EPA (4304), 401 M Street SW, Room 543 West Tower, Washington, DC 20460. Information may also be submitted electronically to OW-Docket@epa.gov. Information should be submitted as a WP5.1, 6.1 and/or 8.0 or an ASCII file with no form of encryption.

FOR FURTHER INFORMATION CONTACT: Charles O. Abernathy, Health and Ecological Criteria Division (4304), US EPA, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460, Washington, D.C. 20460; (202) 260-5374; abernathy.charles@epa.gov (data on toxicity of arsenic); Keith Sappington, Health and Ecological Criteria Division (4304), US EPA, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460; (202) 260-9898; sappington.keith@epa.gov or

Erik Winchester, Health and Ecological Criteria Division (4304), US EPA, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460; (202) 260-6107; winchester.erik@epa.gov (data pertaining to bioaccumulation of arsenic, methylmercury, and carbofuran in fish and shellfish); Mary Manibusan, Health and Ecological Criteria Division (4304), US EPA, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460; (202) 260-3688; manibusan.mary@epa.gov (data on the toxicity of methylmercury); Amal Mahfouz, Health and Ecological Criteria Division (4304), US EPA, 1200 Pennsylvania Ave. NW, S.W., Washington, D.C. 20460; (202) 260-9568, mahfouz.amal@epa.gov (data on toxicity of carbofuran).

SUPPLEMENTARY INFORMATION:

What Are Human Health Criteria?

Section 304(a)(1) of the Clean Water Act requires the EPA to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. AWQC recommended for protection of human health under section 304(a) are based solely on data and scientific judgments. They do not consider economic impacts or the technological feasibility of meeting the criteria in ambient water. Section 304(a) recommended criteria provide guidance to States, Territories and authorized Tribes in adopting water quality standards for protection of human health and provide a scientific basis for developing controls of discharges or releases of pollutants. The criteria also provide a scientific basis for EPA to develop federal regulations under section 303(c).

What Type of Information Does EPA Want From the Public?

Today, EPA is notifying the public of its intent to revise the current human health water quality criterion for arsenic, and to develop criteria for methylmercury and carbofuran. Revisions to the human health section of the water quality criterion for arsenic will be based on the adverse health effects of arsenic as recently reviewed by the National Academy of Sciences' National Research Council (NRC) in the 1999 peer-reviewed report entitled "Arsenic in Drinking Water", and on other peer-reviewed data in the docket for the MCL proposal; there will be no separate peer review for the health effects information in support of the arsenic AWQC. However, the EPA also consider the potential for bioaccumulation as part of the AWQC and the NRC report does not address this facet. Accordingly, EPA is soliciting any additional pertinent data or

scientific views that may be useful in revising or developing the human health section including the available data on the toxicity and bioaccumulation of arsenic and arsenic compounds in fish and shellfish. The lists of references identified by the Agency on health effects of arsenic will be available at the Water Docket W-99-16 or on the Office of Science and Technology's website at: www.epa.gov/ost/humanhealth/. In particular, EPA is interested in obtaining: (1) any data, not discussed by the NRC report or identified by the Agency's literature review on the chronic toxicity of arsenic and arsenic compounds to human health [Refer to Water Docket W-99-16], (2) any data or scientific view on the toxicity and bioaccumulation of arsenic and arsenic compounds in fish and shellfish and, (3) scientific views on the interpretation of data or on the application of the Agency's methodology for deriving the human health criteria for arsenic. Any data submitted must be adequately documented and contain enough supporting information to indicate that acceptable test procedures were used and that the results are likely reliable.

The Agency has recently completed a comprehensive literature review on the human health effects of methylmercury and carbofuran. In addition EPA has received the recent report of the National Academy of Sciences, National Research Council on methylmercury: Toxicological Effects of Methylmercury. EPA will be considering this report in the development of the human health criterion for methylmercury. References identified by the Agency for these chemicals will be put on the Office of Science and Technology's web site at: www.epa.gov/ost/humanhealth/. EPA is soliciting any additional pertinent data or scientific views that may be useful in revising or developing the ambient water human health criteria for arsenic, methylmercury and carbofuran. In particular, the Agency is interested in acquiring from the public any new data that have not been identified by EPA. When the Agency has developed new human health water quality criteria for arsenic, methylmercury and carbofuran, their availability will be announced in the **Federal Register**. Additional data and comments will be considered in any subsequent revisions to the criteria.

Where Can I Find More Information on EPA's Revised Process for Developing New or Revised Criteria?

The Agency published detailed information about its revised process for developing and revising AWQC in the **Federal Register** on December 10, 1998 (63 FR68354) and in the EPA document

entitled, National Recommended Water Quality Criteria—Correction (EPA 822-Z-99-001, April 1999). The revised process is to provide additional opportunities for public input, and to increase the efficiency of the water quality criteria development process.

Dated: October 2, 2000.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 00-26222 Filed 10-11-00; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

October 3, 2000.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

Federal Communications Commission

OMB Control No.: 3060-0723.

Expiration Date: 09/30/2003.

Title: Public Disclosure of Network Information by Bell Operating Companies.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 7 respondents; 50 hours per response (avg.); 350 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion; third party disclosure.

Description: Public Disclosure of Network Information by Bell Operating Companies (BOCs). Pursuant to Section 276(b)(1)(C) which directs the Commission to "prescribe a set of nonstructural safeguards for Bell operating company payphone service to implement the provisions of paragraphs (1) and (2) of subsection (a), which safeguards shall, at a minimum, include the nonstructural safeguards equal to those adopted in the Computer Inquiry—III (CC Docket No. 90-623) proceeding", 47 U.S.C. Section 276 (B)(a)(C), the BOCs are required to

publicly disclose changes in their networks or new network services at two different points in time. First, disclosure would occur at the make/buy point: when a BOC decides to make for itself, or procure from an unaffiliated entity, any product whose design affects or relies on the network interface. Second, a BOC would publicly disclose technical information about a new service 12 months before it is introduced. If the BOC could introduce the service within 12 months of the make/buy point, it would make a public disclosure at the make/buy point. In no event, however, would the public disclosure occur less than six months before the introduction of the service. Without provision of these reports, the industry would be unable to ascertain whether the BOCs designing new network services or changing network technical specifications are to the advantage of their own payphones, or might disadvantage BOC payphone competitors. The information required by the Public Disclosure of Network Information by BOCs must be provided to third parties. All of the requirements would be used to ensure that BOCs comply with their obligations under the Telecommunications Act of 1996.

Obligation to respond: Mandatory.

OMB Control No.: 3060-0787.

Expiration Date: 04/30/2001.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 28,676 respondents; 3.83 hours per response (avg.); 109,876 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion; Third Party Disclosure; Recordkeeping.

Description: Section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996, makes it unlawful for any telecommunications carrier to "submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe." The Section further provides that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber, shall be liable

to the carrier previously selected by the subscriber in an amount equal to all charges paid by the subscriber after such violation. In the Second Report and Order and Further Notice of Proposed Rulemaking (Section 258 Order) issued in CC Docket No. 94-129, the Commission adopted rules to implement Section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act). The goal of Section 258 is to eliminate the practice of "slamming," which is the unauthorized change of a subscriber's preferred carrier. In the Section 258 Order, the Commission adopted various rules addressing verification of preferred carrier changes and preferred carrier freezes. The Commission also adopted liability rules designed to take the profit out of slamming. In the First Order on Reconsideration (Order), released May 3, 2000, the Commission amends certain of its liability rules by requiring slamming disputes between consumers and carriers to be brought before appropriate state commissions, or this Commission in cases where the state has not opted to administer our rules, rather than to authorized carriers. The Order also modifies the liability rules that apply when a consumer has paid charges to a slamming carrier. Finally, the Order sets forth certain notification requirements to facilitate carriers' compliance with the liability rules. a. Section 64.1110, State Notification of Election to Administer FCC Rules. Pursuant to Section 64.1110(a), state notification of an intention to administer the Federal Communication Commission's unauthorized carrier change rules and remedies shall be filed with the Commission Secretary in CC Docket No. 94-129 with a copy of such notification provided to the Consumer Information Bureau Chief. Such notification shall contain, at a minimum, information on where consumers should file complaints, the type of documentation, if any, that must accompany a complaint, and the procedures the state will use to adjudicate complaints. Pursuant to Section 64.1110(b), state notification of an intention to discontinue administering the Federal Communication Commission's unauthorized carrier change rules and remedies shall be filed with the Commission Secretary in CC Docket No. 94-129 with a copy of such amended notification provided to the Consumer Information Bureau Chief. Such discontinuance shall become effective 60 days after the Commission's receipt of the state's letter. (*No. of respondents:*

51; *hours per response:* 2 hours; *total annual burden:* 102 hours). b. Section 64.1120, Verification of Orders for Telecommunications Carriers. A carrier must retain verification records for two years after their creation. Pursuant to Section 64.1120 no telecommunications carrier shall submit a preferred carrier charge order unless and until the order has first been confirmed.

Telecommunications carriers may obtain the subscriber's written authorization as required by section 64.1130 or an electronic authorization, or an oral authorization through a qualified independent third party. (*Number of respondents:* 1800; *hours per response:* 1.5 hours; *total annual burden:* 2700 hours). c. Section 64.1130, Letter of Agency Form and Content. Section 64.1130 contains the requirements for issuing a letter of agency to obtain written authorization and/or verification of a subscribers' request to change his/her preferred carrier selection. A carrier marketing multiple services must specifically distinguish among such services in any letter of agency, and must obtain separate authorization for each service that is being changed. (*No. of respondents:* 1800; *hours per response:* 1.5 hours; *total annual burden:* 2700 hours). d. Section 64.1140, Carrier Liability for Slamming. Pursuant to Section 64.1140(a), any submitting telecommunications carrier that fails to comply with the procedures prescribed in this part shall be liable to the subscriber's properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in § 64.1170 of Part 64. Pursuant to Section 64.1140(b), any subscriber whose selection of telecommunications service provider is changed without authorization or verification in accordance with the procedures set for 47 CFR 64.1140 will be liable for charges. (*No. of respondents:* 1910; *hours per response:* 2 hours; *total annual burden:* 3820 hours). e. Section 64.1150, Procedures For Resolution of Unauthorized Changes in Preferred Carrier—Pursuant to Section 64.1150(a), executing carriers who are informed of an unauthorized carrier change by a subscriber must immediately notify both the authorized and allegedly unauthorized carrier of the incident. This notification must include the identity of both carriers. Pursuant to Section 64.1150(b), any carrier, executing, authorized, or allegedly unauthorized, that is informed by a

subscriber or an executing carrier of an unauthorized carrier change shall direct that subscriber either to the state commission or, where the state commission has not opted to administer these rules, to the Federal Communications Commission's Consumer Information Bureau, for resolution of the complaint. Pursuant to Section 64.1150(c), upon receipt of an unauthorized carrier change complaint, the relevant governmental agency will notify the allegedly unauthorized carrier of the complaint and order that the carrier removes all unpaid charges from the subscriber's bill pending a determination of whether an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, if it has not already done so. Pursuant to Section 64.1150(d), not more than 30 days after notification of the complaint, or such lesser time as is required by the state commission if a matter is brought before a state commission, the alleged unauthorized carrier shall provide to the relevant government agency a copy of any valid proof of verification of the carrier change. Failure by the carrier to respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation. Pursuant to Section 64.1150(e), the Federal Communications Commission will not adjudicate a complaint filed pursuant to § 1.719 or §§ 1.720–736, involving an alleged unauthorized change, as defined by § 64.1100(e) of this part, while a complaint based on the same set of facts is pending with a state commission. (*No. of respondents:* 1960; *hours per response:* 8 hours; *total annual hours:* 9800 hours). f. Section 64.1160, Absolution Procedures Where the Subscriber Has Not Paid—Pursuant to Section 64.1160(a), this section shall only apply after a subscriber has determined that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred and the subscriber has not paid charges to the allegedly unauthorized carrier for service provided for 30 days, or a portion thereof, after the unauthorized change occurred. Pursuant to Section 64.1160(b), an allegedly unauthorized carrier shall remove all charges incurred for service provided during the first 30 days after the alleged unauthorized change occurred, as defined by § 64.1100(e) of this part, from a subscriber's bill upon notification that such unauthorized change is alleged to have occurred. Pursuant to Section 64.1160(c), an allegedly unauthorized carrier may challenge a subscriber's allegation that an unauthorized change, as defined by § 64.1100(e) of this part,

occurred. An allegedly unauthorized carrier choosing to challenge such allegation shall immediately notify the complaining subscriber that: (1) The complaining subscriber must file a complaint with a state commission that has opted to administer the FCC's rules, pursuant to § 64.1110 of this part, or the FCC within 30 days of either (i) the date of removal of charges from the complaining subscriber's bill in accordance with paragraph (b) of this section or (ii) the date the allegedly unauthorized carrier notifies the complaining subscriber of the requirements of this paragraph, whichever is later; and (2) a failure to file such a complaint within this 30-day time period will result in the charges removed being reinstated on the subscriber's bill and, consequently, the complaining subscribers will only be entitled to remedies for the alleged unauthorized change other than those provided for in § 64.1140(b)(1) of this part. No allegedly unauthorized carrier shall reinstate charges to a subscriber's bill pursuant to the provisions of this paragraph without first providing such subscriber with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30-day period described in this paragraph. Pursuant to Section 64.1160(d), if the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, an order shall be issued providing that the subscriber is entitled to absolution from the charges incurred during the first 30 days after the unauthorized carrier change occurred, and neither the authorized or unauthorized carrier may pursue any collection against the subscriber for those charges. Pursuant to Section 64.1160(e), if the subscriber has incurred charges for more than 30 days after the unauthorized carrier change, the unauthorized carrier must forward the billing information for such services to the authorized carrier. Pursuant to Section 64.1160(f), if the unauthorized carrier received payment from the subscriber for services provided after the first 30 days after the unauthorized change occurred, the obligations for payments and refunds provided for in § 64.1160 of this part shall apply to those payments. Pursuant to Section 64.1160(g), if the relevant governmental agency determines after reasonable investigation that the carrier change was authorized, the carrier may re-bill the subscriber for charges incurred. (*No. of respondents:* 1960; *hours per response:* 8 hours; *total annual burden:* 15,680). g.

Section 64.1170, Reimbursement Procedures Where the Subscriber Has Paid—Pursuant to Section 64.1170(a), the procedures set forth in Section 64.1170 shall apply only after a subscriber has determined that an unauthorized change, as defined by Section 64.1100(e) of our rules, has occurred and the subscriber has paid charges to an allegedly unauthorized carrier. Pursuant to Section 64.1170(b), if the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, it shall issue an order directing the unauthorized carrier to forward to the authorized carrier the following, in addition to any appropriate state remedies, an amount equal to 150% of all charges paid by the subscriber to the unauthorized carrier; and copies of any telephone bills issued from the unauthorized carrier to the subscriber. Pursuant to Section 64.1170(c), within ten days of receipt of the amount provided for in paragraph (b)(1) of this section, the authorized carrier shall provide a refund or credit to the subscriber in the amount of 50% of all charges paid by the subscriber to the unauthorized carrier. The subscriber has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the subscriber, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the subscriber to the unauthorized carrier. The authorized carrier shall also send notice to the relevant governmental agency that it has given a refund or credit to the subscriber. Pursuant to Section 64.1170(d), if an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses. Pursuant to Section 64.1170(e), if the authorized carrier has not received payment from the unauthorized carrier as required by paragraph (c) of this section, the authorized carrier is not required to provide any refund or credit to the subscriber. The authorized carrier must, within 45 days of receiving an order as described in paragraph (b) of this section, inform the subscriber and the relevant governmental agency that issued the order if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the subscriber of his or her right to pursue a claim against the unauthorized carrier

for a refund of all charges paid to the unauthorized carrier. Pursuant to Section 64.1170(f), where possible, the properly authorized carrier must reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if the subscriber's participation in that program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the subscriber. (*No. of respondents: 1960; hours per response: 7 hours; total annual burden: 13,720 hours*). h. Section 64.1190, Preferred Carrier Freezes. Section 64.1190 requires that all local exchange carriers that impose preferred carrier freezes on their subscribers' accounts must verify such freezes, as well as accept subscriber requests to lift such freezes in writing or by three-way calls. (*No. of respondents: 1800; hours per response: 2 hours; total annual burden: 3600 hours*). i. Section 1.719, Informal Complaints Filed Pursuant to Section 258—Section 1.719 applies to complaints alleging that a carrier has violated Section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, by making an unauthorized change of a subscriber's preferred carrier, as defined by § 64.1100(e). Pursuant to Section 1.719(b), the complaint shall be in writing, and should contain: (1) The complainant's name, address, telephone number and e-mail address (if the complainant has one); (2) the name of both the allegedly unauthorized carrier, as defined by § 64.1100(d), and authorized carrier, as defined by § 64.1100(c); (3) a complete statement of the facts (including any documentation) tending to show that such carrier engaged in an unauthorized change of the subscriber's preferred carrier; (4) a statement of whether the complainant has paid any disputed charges to the allegedly unauthorized carrier; and (5) the specific relief sought. If the complainant is unsatisfied with the resolution of a complaint under this section, the complainant may file a formal complaint with the Commission in the form specified in § 1.721 of this part. (*No. of respondents: 13,200; hours per response: 4 hours; total annual*

burden: 52,800 hours). j. Voluntary Reporting Requirement. States that choose to administer the Commission's slamming rules must regularly file information with the Commission that details slamming activity in their regions. Such filings should identify the number of slamming complaints handled, including data on the number of valid complaints per carrier; the identity of top slamming carriers; slamming trends; and other relevant information. See paragraph 34 of the Order. (*Number of respondents: 51; hours per response: 10 hours; total annual burden: 510 hours*). The information from these collections will be used to implement Section 258 of the Act. The information will strengthen the ability of our rules to deter slamming, while addressing concerns raised with respect to our previous administrative procedures. The information will also enable us to give victims of slamming adequate redress and ensure that carriers that slam do not profit from their fraud. Finally, the information will help to protect consumers from carriers who may attempt to take advantage of consumer confusion over different types of telecommunications services. Obligation to respond: Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00-26194 Filed 10-11-00; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2443]

Petition for Reconsideration of Action in Rulemaking Proceeding

October 5, 2000.

Petition for Reconsideration has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to this petition must be filed by October 27, 2000. See section 1.4(b)(1) of the

Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject

Toll Free Service Access Codes (CC Docket No. 95-155)
Database Services Management, Inc.
Petition for Declaratory Ruling
Beehive Telephone Company Petition for Declaratory Ruling
Number of Petitions Filed: 3.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00-26190 Filed 10-11-00; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

PREVIOUSLY ANNOUNCED DATE & TIME:

Thursday, October 12, 2000, 10 a.m., meeting open to the public.

The following items were added to the agenda:

Status of Regulations—October 2000
Monthly Update
Conference Planning Procurement Recommendation

DATE & TIME: Tuesday, October 17, 2000 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, October 19, 2000 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (ninth floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Draft Advisory Opinion 2000-29: The Honorable W.J. "Billy" Tauzin, United States House of Representatives, joined by House Members: Richard H. Baker, John Cooksey, Jim McCrery, David Vitter, William Jefferson, Chris John, and by Senators John Breaux and Mary Landrieu.

Dole for President, Inc.—Statement of Reasons (LRA#467).

Dole/Kemp '96, Inc.—Statement of Reasons (LRA#506).

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Ron Harris, Press Officer, telephone: (202) 694-1220.

Mary W. Dove,

Acting Secretary.

[FR Doc. 00-26358 Filed 10-10-00; 1:32 pm]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the

Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011728.

Title: Maersk Sealand/APL

Mediterranean Slot Charter Agreement *Parties:*

A.P. Moller-Maersk Sealand ("MSL")

APL Co. Pte. Ltd. and American

President Lines, Ltd. (collectively, "APL")

Synopsis: The proposed agreement authorizes MSL to charter slots to APL in the trade between U.S. East and Gulf Coasts ports and ports in the Mediterranean, including ports in Spain, Malta, and Italy.

By Order of the Federal Maritime Commission.

Dated: October 6, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00-26231 Filed 10-11-00; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuance of License

Notice is hereby given that the following Ocean Transportation Intermediary license has been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by OSRA 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/Address	Date reissued
16790F	Atlantic Pacific Container Line, d/b/a APC Line, 333 Hamilton Blvd., Bldg. 10, South Plainfield, NJ 07080.	June 6, 2000.
10380N	Pana-York Maritima, Ltd., 411-A North Wood Avenue, Suite #5, Linden, NJ 07036	June 1, 2000.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 00-26230 Filed 10-11-00; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Terminations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been terminated pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 14074N

Name: Bahaghari Express Cargo

Address: 1530-B Industrial Park Street, Covina, CA 91722

Date Revoked: August 24, 2000.

Reason: Failed to maintain a valid bond.

License Number: 2075F

Name: Bethlehem Forwarding Company

Address: 1452 Mercado Avenue, Coral Gables, FL 33146

Date Terminated: August 28, 2000.

Reason: Surrendered license voluntarily.

License Number: 11436N

Name: Blue Ocean Line, Inc. d/b/a Blue Ocean Lines

Address: 40 Exchange Place, 12th Floor, New York, NY 10004

Date Revoked: August 24, 2000.

Reason: Failed to maintain a valid bond.

License Number: 2363F

Name: Cargoza Forwarding Corporation

Address: 2801 N.W. 74th Avenue, #202, Miami, FL 33122

Date Revoked: September 13, 2000.

Reason: Failed to maintain a valid bond.

License Number: 4168F

Name: Continental Express

International, Inc.

Address: 7506 S.W. 26th Court, Davie, FL 33314

Date Revoked: September 17, 2000.

Reason: Failed to maintain a valid bond.

License Number: 3482F

Name: Frontier International Shipping

Company, Inc.

Address: 147-60 175th Street, Jamaica, NY 11434

Date Revoked: August 9, 2000.

Reason: Failed to maintain a valid bond.

License Number: 7842NF

Name: Global Worldwide, Inc.

Address: 810 W. Taft, Orange, CA 92865

Date Revoked: April 15, 2000.

Reason: Failed to maintain a valid bond.

License Number: 9776N

Name: Jewett Cameron Lumber Corporation

Address: P.O. Box 1010, North Plains, OR 97133

Date Revoked: August 25, 2000.

Reason: Failed to maintain a valid bond.

License Number: 16080N

Name: Kenwa Shipping, USA

Address: 701 S. Atlanta Blvd., Suite 200, Monterey, CA 91754

Date Revoked: August 24, 2000.

Reason: Failed to maintain a valid bond.

License Number: 14321N

Name: Kintetsu World Express Latin America Inc.

Address: 8551 NW 30th Terrace (Kintetsu Way), Miami, FL 33122

Date Revoked: September 20, 2000.

Reason: Failed to maintain a valid bond.

License Number: 3719F

Name: KNL International, Inc.

Address: 7710 Wentworth Drive, Duluth, GA 30155

Date Revoked: September 13, 2000.

Reason: Failed to maintain a valid bond.

License Number: 3493NF

Name: Lancer International Corp.

Address: 1766 NW 82nd Avenue, Miami, FL 33126

Date Revoked: September 20, 2000.

Reason: Failed to maintain a valid bond.

License Number: 14343N

Name: Mars Air Freight Ltd.

Address: 175-01 Rockaway Blvd., Suite 300, Jamaica, NY 11434

Date Revoked: September 8, 2000.

Reason: Failed to maintain a valid bond.

License Number: 4572F

Name: Nada Abed d/b/a Export Center

Address: 581 California Street, Newton, MA 02460

Date Revoked: August 27, 2000.
Reason: Failed to maintain a valid bond.
License Number: 3571F
Name: Network Trading, Corp. d/b/a NTC
Address: 9901 NW 106th Street, Medley, FL 33178
Date Revoked: July 28, 2000.
Reason: Failed to maintain a valid bond.
License Number: 13996N
Name: Ocean Masters Inc.
Address: 3546 Montreal Place, Phoenix, AZ 85032-3942
Date Revoked: July 28, 2000.
Reason: Failed to maintain a valid bond.
License Number: 4667F
Name: Oceanair Freight Int'l. Inc.
Address: 509-513 S. Caroline Street, Baltimore, MD 21231
Date Revoked: September 17, 2000.
Reason: Failed to maintain a valid bond.
License Number: 16340N
Name: Pacific & Atlantic Ocean Container Line, Inc.
Address: 45 Rockefeller Plaza, Suite 3162, New York, NY 10020
Date Revoked: September 10, 2000.
Reason: Failed to maintain a valid bond.
License Number: 4270F
Name: Panamerican All Trading Services, Corp.
Address: 5531 N.W. 72nd Avenue, Miami, FL 33166
Date Revoked: September 3, 2000.
Reason: Failed to maintain a valid bond.
License Number: 4068F
Name: Robinson Expeditors, Inc.
Address: 7968 Plantation Blvd., Miramar, FL 33023
Date Terminated: September 7, 2000.
Reason: Surrendered license voluntarily.
License Number: 3144F
Name: Robo Cellular, Inc. d/b/a Robo Company
Address: 24309 Narbonne Avenue, Suite 200, Lomita, CA 90717
Date Revoked: August 13, 2000.
Reason: Failed to maintain a valid bond.
License Number: 3958NF
Name: Romi's Express, Inc.
Address: 1757 N.W. 79th Avenue, Miami, FL 33126-1112
Date Revoked: September 13, 2000.
Reason: Failed to maintain a valid bond.
License Number: 4293F
Name: Sea Inland Air International Inc.
Address: 9230 N.W. 12th Street, Miami, FL 33172
Date Revoked: August 16, 2000.
Reason: Failed to maintain a valid bond.
License Number: 9404N
Name: Seagate Shipping Lines, Inc.
Address: 72 Linda Avenue, Suite 106, Staten Island, NY 10305
Date Revoked: September 18, 2000.
Reason: Failed to maintain a valid bond.

License Number: 3506F
Name: Shannon International, Inc.
Address: 4110 Walker Avenue, Greensboro, NC 27407
Date Revoked: August 16, 2000.
Reason: Failed to maintain a valid bond.
License Number: 13217N
Name: Steve Dinh d/b/a American Container Line
Address: 1340 Tully Road, Suite 313, San Jose, CA 95122
Date Revoked: September 7, 2000.
Reason: Failed to maintain a valid bond.
License Number: 14875N
Name: Sun Ocean Lines, Inc.
Address: 7508 NW 54th Street, Miami, FL 33166
Date Revoked: August 16, 2000.
Reason: Failed to maintain a valid bond.
License Number: 13929N
Name: Sunrise American Shipping, Corp.
Address: 5437 NW 72nd Avenue, Miami, FL 33166
Date Revoked: September 1, 2000.
Reason: Failed to maintain a valid bond.
License Number: 3757F
Name: Trans-Global Logistics, Corp.
Address: 3121 NW 125th Street, Miami, FL 33167-2522
Date Revoked: July 27, 2000.
Reason: Failed to maintain a valid bond.
License Number: 2997F
Name: Virginia A. Miller & Company, Inc.
Address: c/o Alexis M. Sparks, 13502 Chimney Sweep Drive, Houston, TX 77041
Date Revoked: September 20, 2000.
Reason: Failed to maintain a valid bond.
License Number: 0469F
Name: Wilmington Shipping Company d/b/a Southern Overseas Corporation
Address: 330 Shipyard, P.O. Box 1809, Wilmington, NC 28402-1809
Date Revoked: September 20, 2000.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 00-26233 Filed 10-11-00; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicant

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission an application for a license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicant should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Helayel Inc., 235 West 37th Street, #1502, New York, NY 10001, Officer: Daniella Helayel, President (Qualifying Individual).

Dated: October 6, 2000.

Bryant L. VanBrakle,
Secretary.

[FR Doc. 00-26232 Filed 10-11-00; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 25, 2000.

A. Federal Reserve Bank of Dallas
 (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Kyle Lee Thompson*, Dallas, Texas, trustee of The Gass Family Trust, Dallas, Texas; to retain voting shares of Founders Bancshares, Inc., Dallas, Texas, and thereby indirectly retain voting shares of Founders National Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, October 5, 2000.

Robert deV. Frierson,
Associate Secretary of the Board.

[FR Doc. 00-26116 Filed 10-11-00; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 26, 2000.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *JPM Trust II*, Okemah, Oklahoma; to retain voting shares of OK Bancorporation, Inc., Okemah, Oklahoma, and thereby indirectly retain voting shares of The Okemah National Bank, Okemah, Oklahoma.

Board of Governors of the Federal Reserve System, October 6, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-26228 Filed 10-11-00; 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 November 3, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. *MetLife, Inc.*, New York, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Grand Bank, N.A., Kingston, New Jersey.

Board of Governors of the Federal Reserve System, October 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-26117 Filed 10-11-00; 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 November 6, 2000.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *Red Level Financial Corporation*, Red Level, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank of Red Level, Red Level, Alabama.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Calumet Bancorporation, Inc.*, Chilton, Wisconsin; to acquire 100 percent of the voting shares of State Bank of Stockbridge, Stockbridge, Wisconsin.

Board of Governors of the Federal Reserve System, October 6, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-26227 Filed 10-11-00; 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 applicants must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 26, 2000.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Greater Bay Bancorp*, Palo Alto, California; to acquire the Matsco Companies, Inc., Emeryville, California, and thereby engage in commercial lending, equipment lease financing, and management consulting and counseling activities, pursuant to §§ 225.28(b)(1), (2), (3), and (9)(i)(A)(2) of Regulation Y.

Board of Governors of the Federal Reserve System, October 6, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-26229 Filed 10-11-00; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, October 16, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 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: October 6, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00-26297 Filed 10-6-00; 4:43 pm]

BILLING CODE 6210-01-P

GENERAL SERVICES ADMINISTRATION

Performance Review Board; Membership; Senior Executive Service

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT:

Karla J. Hester, Chief of the Executive Resources Staff, Office of the Chief People Officer, General Services Administration, 1800 F Street, NW., Washington, DC 20405, (202) 501-1207.

SUPPLEMENTARY INFORMATION: Section 4313(c)(1) through (5) of title 5 U.S.C. requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Board(s). The Board(s) shall review the performance rating of each senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Members of the Performance Review Board are:

1. Thurman M. Davis, Sr., Deputy Administrator (Chairperson)
2. William B. Early, Jr., Chief Financial Officer
3. Sandra N. Bates, Commissioner, Federal Technology Service
4. Stephenie Foster, General Counsel
5. Martha N. Johnson, Chief of Staff
6. Gail T. Lovelace, Chief People Officer
7. Robert A. Peck, Commissioner, Public Buildings Service
8. William C. Piatt, Chief Information Officer
9. Donna D. Bennett, Commissioner, Federal Supply Service
10. G. Martin Wagner, Associate Administrator for Governmentwide Policy

Dated: October 4, 2000.

David J. Barram,

Administrator.

[FR Doc. 00-26189 Filed 10-11-00; 8:45 am]

BILLING CODE 6820-BR-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security.

Time and Date: 9 a.m. to 5 p.m., October 26, 2000, 9 a.m. to 5 p.m., October 27, 2000.

Place: Room 505A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

Status: Open.

Purpose: The purpose of this hearing is to allow the Subcommittee to better understand the current state of the issues related to electronic signatures from a business perspective, as they apply to the NCVHS recommendations to the Secretary of HHS concerning the adoption of an electronic signature standard to be used in healthcare under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This hearing will center on the business issues, legal considerations, standards available for adoption, current electronic signature practices, relationship with other industries, feasibility, and barriers for the adoption of standards for electronic signatures. Technical and infrastructure issues will only be discussed as they relate to the central topics described above, and will not be the focus of the hearing.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Thus, persons without a government identification card will need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from J. Michael Fitzmaurice, Senior Science Advisor for Information Technology, Agency for Health Care Research and Quality, 2101 East Jefferson Street, #600, Rockville, MD 20852, phone: (301) 594-3938; or Majorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458-4245. Information also is available on the NCVHS home page of the HHS website: <http://www.ncvhs.hhs.gov/> where an agenda for the meeting will be posted when available.

Dated: October 4, 2000.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 00-26096 Filed 10-11-00; 8:45 am]

BILLING CODE 4151-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Safety and Occupational Health Study Section: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health (NIOSH), of the Department of Health and Human Services, has been renewed for a 2-year period beginning June 30, 2000, through June 30, 2002.

For further information, contact Charles N. Rafferty, NIOSH Scientific Review Administrator, Safety and Occupational Health Study Section, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892 (20817 overnight mail), 301/435-3562 FAX 301/480-2644—Email: Raffertc@csr.nih.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 4, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00-26138 Filed 10-11-00; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Meeting

Office of the Director, Centers for Disease Control and Prevention (CDC), announces the following meeting:

Name: Guide to Community Preventive Services (GCPS) Task Force Meeting.

Times and Dates: 8:30 a.m.–6:15 p.m., October 18, 2000. 8 a.m.–4:30 p.m., October 19, 2000.

Place: The D. Abbott Turner Center, 1703 Clifton Road, NE Atlanta, Georgia 30329, telephone (404) 712-6725.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 40 people.

Purpose: The mission of the Task Force is to develop and publish a Guide to Community Preventive Services, which is based on the best available scientific evidence and current expertise regarding essential public health services and what works in the delivery of those services.

Matters to be Discussed: Agenda items include: briefings on the following: administrative matters, dissemination/implementation/evaluation plan, expansion of the Vaccine Preventable Disease Chapter, and progress on the Guide to Clinical Preventive Services; approval of recommendations for interventions from the: Oral Health, Motor Vehicle (seat belt), Diabetes, Sociocultural Environment, and Physical Activity Chapters; review chapter development for the: Nutrition, Mental Health, Sexual Behavior, Violence Prevention, Economic Effectiveness, and Methods Chapters; and review implementation projects for the: Vaccine Preventable Disease and Tobacco Use and Prevention Chapters.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Stephanie Zaza, Chief, Community Guide Section, Division of Prevention Research and Analytic Methods, Epidemiology Program Office, CDC, 4770 Buford Highway, M/S K-73, Atlanta, Georgia 30341, telephone 770/488-8189. Persons interested in reserving a space for this meeting should call 770/488-8189 by close of business on October 16, 2000.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: October 4, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00-26137 Filed 10-11-00; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC)

announces the following committee meeting.

Name: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

Times and Dates: 9 a.m.–5 p.m., October 26, 2000; 8:30 a.m.–5 p.m., October 27, 2000.

Place: Embassy Suites, 1900 Diagonal Road, Alexandria, VA, 22314.

Status: Open 9 a.m.–10 a.m., October 26, 2000. Closed 10 a.m.–5 p.m., October 26, 2000. Closed 8:30 a.m.–5 p.m., October 27, 2000.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals which will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects which will lead to improvements in the delivery of occupational safety and health services and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters to be Discussed: The meeting will convene in open session from 9–10 a.m. on October 26, 2000, to address matters related to the conduct of Study Section business. The remainder of the meeting will proceed in closed session. The purpose of the closed sessions is for the Safety and Occupational Health Study Section to consider safety and occupational health related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6) title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Charles N. Rafferty, NIOSH Scientific Review Administrator, Bethesda, Maryland. Telephone (301) 435-3562, E-mail raffertc@csr.nih.gov.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: October 5, 2000.

Joseph E. Salter,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00-26136 Filed 10-11-00; 8:45 am]

BILLING CODE 4163-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Care Financing Administration****[Document Identifier: HCFA-R-0282]****Agency Information Collection Activities: Submission for OMB Review; Comment Request****AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Request:

Reinstatement, without change, of a previously approved collection.

Title of Information Collection:

Medicare+Choice (M+C) Organization Appeals and Grievance Data Disclosure Requirements and Supporting Regulations in 42 CFR 422.64, 422.111, and 422.560—422.622.

HCFA Form Number: HCFA-R-0282 (OMB approval #: 0938-0778);

Use: These information collection pertains to the aggregate number and disposition of grievances and appeals by M+C organizations. Both the Balanced Budget Act (BBA) of 1997 and the Government Performance and Results Act (GPRA) of 1993 establish a need for HCFA to set and monitor performance standards in the area of appeals. The purpose is to hold M+C organizations accountable to regulators and consumers, as well as promote informed choice.

Frequency: Semi-annually.

Affected Public: Business or other for-profit.

Number of Respondents: 268.

Total Annual Responses: 536.

Total Annual Burden Hours: 1608.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: September 29, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00-26198 Filed 10-11-00; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**[Docket No. FR-4561-N-63]****Notice of Submission of Proposed Information Collection to OMB; Applications for Housing Assistance Payments**

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* November 13, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502-0182) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708-2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This notice also lists the following information:

Title of Proposal: Applications for Housing Assistance Payments.

OMB Approval Number: 2502-0182.

Form Numbers: HUD-52670, HUD-52670-A-pt.1, HUD-52670-A-pt.2, HUD-52671-A, HUD-52671-B, HUD-52671-C, HUD-52671-D.

Description of the Need for the Information and Its Proposed Use: Project owners applications/claims for monthly assistance payments for eligible households; unpaid rent and damages not received from vacating tenants; funds for vacancy losses; limit the number of households who have income above 90% of median income; and restrict admission of ineligible tenants.

Frequency of Submission: Monthly.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
20,677		12		1.15		284,110

Total Estimated Burden Hours:
44,800.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: October 4, 2000.

Wayne Eddins,

*Departmental Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 00-26103 Filed 10-11-00; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Alaska Land Managers Forum

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice is published in accordance with section 10(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (1988) and 41 CFR 101-6.1015(b). The Department of the Interior hereby gives notice of a public meeting of the Alaska Land Managers Forum (ALMF) to be held on Tuesday, October 17, 2000, beginning at 9:00 a.m. It will take place at the Hampton Inn, 4301 Credit Union Drive, Anchorage, Alaska. This meeting will be held to receive and discuss work group reports and informational briefings on recreation and tourism, and to announce the 2000 ALMF Tourism Awards Program.

FOR FURTHER INFORMATION CONTACT: Ronald B. McCoy at (907) 271-5485 or Sally Rue at (907) 465-4084.

Ronald B. McCoy,

*Staff Coordinator, Department of the Interior,
Office of the Secretary.*

[FR Doc. 00-26299 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-RP-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-925-2810-XU-241E]

Notice of Rescindment of Special Fire Restrictions and Closures in the South Dakota Field Office, SD

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 43 Code of Federal Regulations 9212.2, the prohibitions listed in Order No. MT-00-08 (Fall River, Custer, Pennington, Lawrence, Butte, Harding, Meade, Perkins, and Stanley Counties), applicable to Bureau of Land Management lands administered by the South Dakota Field Office, dated August 30, 2000, will be terminated at 12:01 a.m., Friday, October 6, 2000.

DATES: Restrictions are terminated at 12:01 a.m., on Friday, October 6, 2000.

ADDRESSES: Comments should be sent to BLM Montana State Director, Attention: Pat Mullaney, P.O. Box 36800, Billings, Montana 59107-6800.

FOR FURTHER INFORMATION CONTACT: Pat Mullaney, Fire Management Specialist, 406-896-2915.

Dated: October 5, 2000.

Roberta A. Moltzen,

Acting State Director.

[FR Doc. 00-26300 Filed 10-10-00; 10:30 am]

BILLING CODE 4310-SS-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-930-1320-PF; OKNM 96155]

Extension of the Current Qualification of the Designated Nine (9) County "Area" of Oklahoma Federal Coal for "Category 5" Royalty Rate Reductions

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This announcement gives notice that (1) since the Federal coal lands within the nine (9) Oklahoma Counties of Atoka, Coal, Haskell, Latimer, LeFlore, McIntosh, Muskogee, Pittsburgh, and Sequoyah were designated in 1990 by the New Mexico State Office as a Federal coal "Area", and (2) since that Area was determined to be "Qualified" as being eligible for "Category 5" royalty rate reductions in order to establish fair and competitive royalties, and (3) since no important changes in the Area coal market have occurred, the State Director of the New Mexico State Office of the Bureau of Land Management has made the Decision to extend the Qualification of the Designated Area for "Category 5" Royalty Rate Reduction for five (5) years from December 17, 2000 to, and

inclusive of, December 17, 2005.

Category 5 refers to royalty reductions granted within a designated Area that the Bureau of Land Management has concluded to have met ALL of the following criteria:

1. The Federal Government is not market dominate.

2. Federal lease royalty rates and terms are above the current market royalty rates for non-Federal coal in the Area.

3. Federal coal would be bypassed or remain undeveloped due to royalty rate differentials.

4. The above conditions exist throughout the Area.

5. A royalty rate reduction under this Category is not likely to result in undue competitive advantages over neighboring coal producing areas.

The Area Federal coal royalty rates shall continue to be: (A) 2% for Federal coal mined by industry accepted underground methods, and (B) 4% for Federal coal mined by industry accepted surface methods.

FOR FURTHER INFORMATION CONTACT:

Darwyn F. Pogue, Geologist/Minerals Review Appraiser, Division of Resource Planning, Use and Protection, New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Mail Stop 93000, Santa Fe, New Mexico 87502-0115, Telephone 505-438-7466.

Dated: October 5, 2000.

Carsten F. Goff,

Deputy State Director, Division of Resource Planning, Use and Protection.

[FR Doc. 00-26139 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-FB-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-056-1430-ES; N-65826]

Notice of Realty Action: Segregation Terminated, Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Segregation Terminated, Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada was segregated for exchange purposes on July 23, 1997 under serial number N-61855, on October 19, 1995

under serial number N-60073, and on July 23, 1997 under serial number N-66364. The exchange segregations on the subject land will be terminated upon publication of this notice in the **Federal Register**. The land has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Clark County proposes to use the land for the Pinnacle Peak Park.

Mount Diablo Meridian, Nevada

T. 22 S., R. 60 E., M.D.M.

Sec. 12, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 30.0 acres, more or less, located at Windmill Lane and Duneville Road.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patents, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe and will be subject to:

1. Easements in accordance with the Clark County Transportation Plan.

2. Those rights for road purposes which have been granted to Clark County by Permit No. N-62080 under the Act of October 21, 1976 (43 U.S.C. 1761).

3. Those rights for sewer line purposes which have been granted to Clark County Sanitation District by Permit N-66267 under the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws, and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a park. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: September 14, 2000.

Sharon DiPinto,

Acting Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 00-26101 Filed 10-11-00; 8:45 am]

BILLING CODE 4510-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-030-5440-EU-G503; NMNM10171]

Realty Action; Conveyance of Public Land; Dona Ana County, NM

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action; airport conveyance to the Village of Hatch.

SUMMARY: The following public land in Dona Ana County, New Mexico has been found suitable for conveyance to the Village of Hatch for airport purpose under the Act of May 24, 1928, as amended, and Section 516 of the Airport and Airway Improvement Act of 1982.

T. 19 S., R. 3 W., NMPM

Section 18: Lots 1 and 2.

T. 19 S., R. 4 W.,

Section 12: S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 13: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$.

Containing approximately 320 acres.

DATES: Comments regarding the proposed conveyance must be submitted on or before November 27, 2000.

ADDRESSES: Comments should be sent to the Bureau of Land Management, Las Cruces Field Office, 1800 Marquess Street, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT:

Gilda Fitzpatrick, Realty Specialist, at the address above or at (505) 524-4454.

SUPPLEMENTARY INFORMATION:

Conveyance of the land is consistent with applicable Federal and county land use plans and will help meet the needs of Dona Ana County residents for air transportation.

The conveyance will contain reservations to the United States for ditches, canals and all minerals. Additionally, the conveyance will be subject to rights of record including right-of-way NMNM 28109, to Caballo Natural Resource Conservation District for the Denson Sims Watershed Project. Specific covenants required by the Federal Aviation Administration will also be included in the conveyance and are available by contacting the BLM Las Cruces Field Office.

The conveyance is consistent with the BLM Mimbres Resource Management Plan.

The land is not required for any other Federal purpose.

This notice segregates the above described public land from all forms of appropriation under the public land laws, including the general mining laws, except application for airport purposes and leasing under the mineral leasing laws.

On or before November 27, 2000, interested parties may submit comments regarding the proposed conveyance to the Bureau of Land Management, Las Cruces Field Office, 1800 Marquess Street, Las Cruces, New Mexico 88005. In the absence of any objections, the decision to approve this realty action will become the final determination of the Department of the Interior.

Dated: October 5, 2000.

Amy L. Lueders,

Field Manager.

[FR Doc. 00-26140 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-VC-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****[CO-956-7130 BJ-7359-241A]****Colorado: Filing of Plats of Survey**

September 29, 2000.

The plats of survey of the following described land will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 am., September 29, 2000. All inquiries should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215-7093.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of certain sections, and the retracement of a portion of the Colorado-New Mexico boundary, T 32 N., R. 10 W., New Mexico principal Meridian, Group 1230, Colorado, was accepted September 7, 2000.

This survey was requested by the Bureau of Indian Affairs for administrative purposes.

The plat representing the dependent resurvey of portions of the subdivisional lines and subdivisional lines of certain sections and the subdivision of section 23, and the survey of irregular boundaries in certain sections, T. 40 N., R. 2 W., New Mexico Principal Meridian, Group 1261, Colorado, was accepted July 27, 2000.

The amended protraction diagram, 24 C, prepared for the express purpose of describing unsurveyed public land and may be used for leasing and administrative purposes only in T. 42 N., R. 7 W., New Mexico Principal Meridian, Group 1297, Colorado, was accepted September 25, 2000.

These surveys were requested by the Forest Service for administrative purposes.

The plat representing the corrective dependent resurvey of a portion of the south boundary and the dependent resurvey of a portion of the Seventh Guide Meridian West (E. Bdy.) and a portion of the subdivisional lines, and the subdivision survey of sections 34 and 35, and the metes-and-bounds surveys of an easement in section 34, and a portion of the East Boundary, Pinion Canyon Maneuver Site, T. 29 S., R. 57 W., Sixth Principal Meridian, Group 1001, Colorado, was accepted September 14, 2000.

The plat representing the dependent resurvey of a portion of the Sixth Standard Parallel South, a portion of the subdivisional lines and a metes-and-bounds of the east boundary of the

Pinion Canyon Maneuver Site in sections 25, 35, and 36, in T. 30 S., R. 58 W., Sixth Principal Meridian, Group 1001, Colorado, was accepted September 14, 2000.

The plat representing the dependent resurvey of a portion of the subdivisional lines and a metes-and-bounds survey of the east boundary of the Pinion Canyon Maneuver Site, T. 31 S., R. 58 W., Sixth Principal Meridian, Group 1001, Colorado, was accepted September 14, 2000.

The plat representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines, and a metes-and-bounds survey of a portion of the South Boundary of the Pinion Canyon Maneuver Site, T. 31 S., R. 59 W., Sixth Principal Meridian, Group 1001, Colorado, was accepted September 14, 2000.

These surveys were requested by the Army for administrative purposes.

The supplemental plat, creating lots in section 11, and new lots 4, 5, and 6 from old lot 1 in section 13, and new lots 11 and 12 from old lot 1 in section 14, in T. 3 N., R. 71 W., Sixth Principal Meridian, Colorado, was accepted August 3, 2000.

The supplemental plat, creating new lots 52 and 53 from old lot 2, in the 4NW $\frac{1}{4}$ of section 12, T. 1 N., R. 73 W., Sixth Principal Meridian, Colorado, was accepted August 14, 2000.

The plat representing the dependent resurvey of a portion of the subdivisional lines and certain tract lines, and the subdivision of section 14 and an informative traverse along the center line of a dirt road in section 14, T. 2 S., R. 85 W., Sixth Principal Meridian, Group 1274, Colorado, was accepted September 21, 2000.

The plat representing the dependent resurvey of portions of the north boundary and the subdivisional lines, and the subdivision of certain sections in T. 2 S., R. 94 W., Group 1244, Colorado, was accepted September 26, 2000.

The plat, in two sheets, representing the dependent resurvey of a portion of the east, west, and north boundaries and subdivisional lines, and the subdivision of certain sections, T. 8 S., R. 98 W., Sixth Principal Meridian, Group 1218, Colorado, was accepted July 18, 2000.

The plat representing the dependent resurvey of a portion of the Eighth Standard Parallel North (south boundary) and a portion of the subdivisional lines, and the subdivision survey of certain sections, T. 33 N., R. 10 E., New Mexico Principal Meridian, Group 1225, Colorado, was accepted August 1, 2000.

The plat, in 4 sheets, represents the dependent resurvey of portions of the subdivisional lines and certain claim lines, and a metes-and-bounds survey, all in sections 29, 30, 31, and 32, T. 8 N., R. 97 W., Sixth Principal Meridian, Group 1231, Colorado, was accepted August 31, 2000.

The plat representing the entire record of the dependent resurvey of certain claim lines, in section 1, T. 7 N., R. 98 W., Sixth Principal Meridian, Group 1231, Colorado, was accepted August 31, 2000.

The plat, in two sheets, representing the entire record, the dependent resurvey of a portion of the west boundary, certain claim lines, and a metes-and-bounds survey in section 6, T. 7 N., R. 97 W., Sixth Principal Meridian, Group 1231, Colorado, was accepted August 31, 2000.

The plat representing the entire record of the dependent resurvey of a portion of the west boundary and subdivisional lines, with subdivision of section and metes-and-bounds surveys in sections 29 and 30, T. 45 N., R. 5 E., New Mexico Principal Meridian, Group 1263, Colorado, was accepted September 14, 2000.

These surveys were requested by the Bureau of Land Management for administrative purposes.

Darryl A. Wilson,*Chief Cadastral Surveyor for Colorado.*

[FR Doc. 00-26102 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR**National Park Service****Anacapa Island Restoration Plan, Final Environmental Impact Statement, Channel Islands National Park, Ventura County, CA; Notice of Availability**

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (Pub. L. 81-190 as amended), the National Park Service, Department of the Interior, has prepared a Final Environmental Impact Statement (FEIS) assessing the potential impacts of eradicating the Black rat on Anacapa Island. This FEIS analyzes the effects of implementing proposed actions that accomplishing the following objectives: (1) Eradicating introduced Black rats on Anacapa Island; (2) adopting an emergency response plan for accidental introductions of rodents on Anacapa, Santa Barbara, Prince, and Sutil Islands; and (3) incorporating a prevention strategy to reduce the potential for rodents to be accidentally introduced to Park islands. The proposed action was

developed in concert with the Island Conservation and Ecology Group and is based on worldwide evaluation of other island rat eradication projects. Actions to manage existing and potential Black rat infestations are necessary because of the ecological damage occurring on Anacapa Island, and the potential negative impact they would have if introduced to other Park islands.

Proposal

The technique proposed for eradicating rats on Anacapa Island is modeled after other island rat eradication projects that have successfully been completed worldwide. Due to the steep cliffs of the island, an aerial broadcast is necessary to deliver rodenticide to every rat's territory, a condition that has to be met to accomplish eradication. The proposed target date for the application is fall-winter 2000–2001. This period offers the optimum time to apply the bait for three reasons: the Endangered brown pelicans are not breeding on the island; rats are in decline due to lack of available food sources, which prompts them to eat bait more readily; and the onset of the rainy season would expedite the degradation of any residual bait not consumed by the target species. The chronology of eradication would begin with baiting in representative habitat within the project area during the 2000 treatment window. Representative habitat may include all of East Islet or smaller area on Middle Islet that allows for easy and unobtrusive access. The objective of the initial eradication treatment is to conduct both effectiveness and validation monitoring of the project's objective and the alternative's proposed activities including mandated mitigation. This effort would be followed up with the completion of the island-wide eradication activities starting with East Islet. East Islet baiting would occur during the 2000 treatment window and would be treated along with approximately 20 ha of Middle Islet to lower the probability of invasion by rats from Middle Islet to East Islet. The 20 ha section of Middle Islet may be treated intermittently to prevent re-invasion of East Islet. Middle Islet (including the section treated with East Islet) and West Islet would be treated during the 2001 application window following East Islet application.

Alternatives

In addition to the six alternatives analyzed in detail in the FEIS, many other alternatives were considered, but were eliminated from further study

because they could not meet the objective of total eradication.

The alternatives considered in the FEIS are as follows: *Alternative One* (No Action) would continue with limited control of rats around buildings and structures; *Alternative Two* (proposal) would use an aerial broadcast technique and use a rodent bait containing brodifacoum; *Alternative Three* would utilize bait stations for the top of islands and aerial broadcast the cliffsides and use the rodent bait containing brodifacoum; *Alternative Four* would use an aerial broadcast of a rodent bait containing bromadiolone; *Alternative Five* would use bait stations for the top of islands and aerial broadcast the cliffsides with the rodent bait bromadiolone; and *Alternative Six* would aerial broadcast a rodent bait containing diphacinone followed by a rodent bait containing brodifacoum.

Mitigation measures specific to implementing each alternative were identified. In addition, each alternative addresses the need to: (1) Conduct effectiveness and validation monitoring; (2) implement a non-native rodent introduction and prevention plan; (3) protect the native deer mouse population; (4) implement the rat detection response plan; (5) require visitor use restrictions for a short period during and after bait application; (6) restrict baiting to specified treatment windows; (7) obtain Federal EPA approval for use of rodenticide bait (and otherwise comply with NPS integrated pest management policies); and (8) conduct public awareness program on the impacts of introduced species.

Public Involvement

Since 1996 conservation biologists, educators, agency officials, and interested individuals and organizations have deliberated on the Anacapa Island rat infestation. The Park formally initiated scoping activities in November, 1999, including public meeting held December 8, 1999. Through the scoping and public involvement process the following significant environmental issues were identified: (1) Target species efficacy; (2) Non-target species impacts; and (3) Visitation and visitor use. Development of alternatives was strongly influenced by these environmental issues. In developing a complete range of alternatives, the Park consulted many experts in the field of vertebrate biology, toxicology, and avian biology. The DEIS was distributed during June, 2000. The formal comment period ended September 5, 2000; nine written responses were received.

SUPPLEMENTARY INFORMATION: The FEIS is available at Park headquarters, on the

Park's website (<http://www.nps.gov/chis/naturalresources/AIRP.html>), and at Fosters Library, Ventura, California. Copies of the FEIS may also be obtained by contacting the Superintendent, Channel Islands National Park, 1901 Spinnaker Dr, Ventura, California 93001 (or via telephone at (805) 658–5700).

If individuals submitting comments at this time request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision

No sooner than 30 (thirty) days after release of this FEIS a Record of Decision (ROD) will be executed. Notice of approval will be given via local and regional media, and will be duly noted in the **Federal Register** (actions to implement any elements of this plan may not occur until after the latter Notice). The official responsible for approval is the Regional Director, Pacific West Region; the official responsible for implementation is the Superintendent, Channel Islands National Park.

Dated: October 4, 2000.

Patricia L. Neubacher,
Regional Director, Pacific West Region.
[FR Doc. 00–26143 Filed 10–11–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Record of Decision; Final Oil and Gas Management Plan/Environmental Impact Statement, Padre Island National Seashore, Texas

ACTION: Notice of Approval of Record of Decision:

SUMMARY: Pursuant to subsection 102(2)(C) of the National Environmental Policy Act of 1969, as amended, and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the National Park Service, U.S. Department of the Interior, has prepared a Record of Decision on the Final Oil and Gas Management Plan/

Environmental Impact Statement for Padre Island National Seashore in Texas.

DATES: The Record of Decision was recommended by the Superintendent of Padre Island National Seashore, concurred in by the Deputy Regional Director, Southwest Cluster of the Intermountain Region, and approved by the Director, Intermountain Region on August 14, 2000.

ADDRESSES: Inquiries regarding the Record of Decision or the Environmental Impact Statement (EIS) should be submitted to the Superintendent, Padre Island National Seashore, P.O. Box 181300, Corpus Christi, Texas 78480-1300, telephone (361) 949-8173, or e-mail to: pais_superintendent@nps.gov. You may also view the entire ROD at the Padre Island NS web site: <http://www.nps.gov/pais> and click on "In depth."

SUPPLEMENTARY INFORMATION: The summary of the Record of Decision follows:

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision (ROD) on the final Environmental Impact Statement (EIS) for the Oil and Gas Management Plan for Padre Island National Seashore, located within Kleberg, Kenedy and Willacy Counties, Texas. This ROD provides a statement of the decision made; a summary description of the 3 alternatives analyzed in the EIS; identification of the environmentally preferable alternative; the decision rationale used in selecting the alternative; a description of mitigation measures and monitoring plans that will be implemented for the selected alternative; and a statement that addresses how all practical means to avoid or minimize environmental harm from the selected alternative have been adopted.

Congress established Padre Island National Seashore on September 28, 1962, 16 U.S.C. 459d *et seq.*, "in order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped . . ."

At the time of the park's establishment, surface ownership was held by the State of Texas or by private landowners. In 1963, the surface estate owned by the State of Texas was donated to the United States, while those surface rights held by private landowners were acquired by the federal government through condemnation proceedings in 1965 and 1966. Private owners retained all mineral interests underlying the park's

terrestrial landbase. Those underlying the submerged lands under the Laguna Madre and Gulf of Mexico were retained by the State of Texas and are administered by the Texas General Land Office. Thus, the federal government does not own any of the subsurface oil and gas rights in the park.

In Padre Island National Seashore's enabling act (16 U.S.C. subsection 459d-3(a) and section 459-4, 4(a) and section 5), Congress authorized the NPS to regulate nonfederal oil and gas development. The NPS recognizes these activities as important to those individuals and entities that have developed or intend to develop nonfederal oil and gas resources underlying the park. The NPS' Nonfederal Oil and Gas Rights Regulations are published at Title 36 of the Code of Federal Regulations, Part 9, Subpart B (36 CFR Part 9B). The 36 CFR Part 9B regulations provide the fundamental regulatory mechanism through which the NPS permits and regulates nonfederal oil and gas operations within units of the National Park System. Many past, present, and future anticipated oil and gas operations, however, have potential to adversely impact park resources, visitor use and experience, and human health and safety, which NPS is required to address.

Public involvement and the 36 CFR Part 9B regulations, in combination with laws, other regulations, NPS policies, executive orders, and applicable direction provided in park planning documents, form the legal and policy requirements that helped to direct and ultimately determine the decision to select Alternative A. These guidelines were also used as fundamental direction and guidance for all of the alternatives considered in the EIS. More in depth discussion of Current Legal and Policy Requirements are described in the EIS, in Chapter 2, Part II, and in Appendices B and C.

The Reasonably Foreseeable Development scenario (RFD) is used to provide a basis to compare and analyze alternatives, and address cumulative effects of the action. The RFD used in the final plan assumes that a 3-D seismic survey would be conducted over the entire Seashore. Following the 3-D seismic survey, full field development of 6 gas fields could result in up to 18 wells being drilled to develop 80 billion cubic feet of natural gas and associated liquid hydrocarbons. This level of exploration and development could utilize up to 748 acres of the terrestrial landbase for seismic exploration, and up to 250 acres of direct surface impacts for drilling and

production operations. It is understood that the actual level of exploration and development may be less or greater than projected in the RFD scenario.

During the scoping process on the Draft EIS, the NPS interdisciplinary (ID) team, along with public input, identified resources and values that could be affected by nonfederal oil and gas operations. Park resources, and locations identified as being particularly sensitive to potential adverse impacts from oil and gas operations, and/or necessary to protect resources and values important to the overall legislated purposes of the park, were designated as Sensitive Resource Areas (SRAs). In addition, other topics of concern, such as the effect of future planning decisions on nonfederal oil and gas development, were considered and evaluated in the Oil and Gas Management Plan/EIS. The ID team also developed issue statements to define problems (and benefits) that might occur with oil and gas operations (see FEIS, Chapter 1, pages 1-17 through 1-22).

The issue statements and SRAs were used in the evaluation and selection of Alternative A. The list of SRAs is provided in the final plan (see Chapter 2, page 2-8).

Decision (Selected Action)

This Record of Decision adopts and approves for immediate implementation Alternative A, the (Preferred Alternative). Padre Island National Seashore identified Alternative A as the agency preferred action that best satisfies the park and NPS missions, as well as the park's long-term management objectives. In response to public comments and concerns, Alternative A has been slightly modified from the Preferred Alternative published in the Draft Oil and Gas Management Plan/EIS in February 1999.

From this planning effort, a final plan will be prepared that describes the overall approaches to be implemented over the next 15 to 20 years to manage the exploration and development of nonfederal oil and gas underlying Padre Island National Seashore. It will utilize the ROD, mitigation measures, and existing planning documents to protect natural and cultural resources, visitor use values, and human health and safety concerns. The final plan will serve as a guide for directing geophysical exploration, exploratory drilling, treatment and storage (production), and transportation of nonfederal oil and gas resources in the park. It will also provide pertinent information to oil and gas owners and operators that will facilitate operations planning and

compliance with all applicable regulations.

Alternatives Analyzed in the EIS

Three alternatives were evaluated in the EIS.

No Action/Current Management (Alternative B). Alternative B provides a benchmark of existing environmental impacts against which the decision-maker can compare the environmental effects from Alternatives A (Preferred) and C (Maximum Resource Protection for All Sensitive Resource Areas). It describes baseline conditions under the current program of oil and gas management at Padre Island National Seashore. Under Alternative B, all 130,434 acres of the park could be considered for nonfederal oil and gas exploration and development under Current Legal and Policy Requirements.

Identification of sensitive resources and values, and application of mitigation measures specific to the type and scope of operations proposed would be developed during initial scoping meetings between the operator, the NPS, and other interested state and federal agencies, and presented for comment and review at subsequent meetings during the public involvement process. Mitigation measures would be developed and applied, as needed, to comply with Current Legal and Policy Requirements.

Under the No-Action alternative, no comprehensive planning document would be available. Proposed actions would continue to be assessed on a case-by-case basis, and identification of sensitive resources and values, recommended mitigation measures and protection of sensitive resources and values may not be consistently applied. Sensitive resources and values vulnerable to potential adverse impacts from nonfederal oil and gas operations are at greater risk.

Preferred Alternative (Alternative A) (Selected Action). Under Alternative A, Sensitive Resource Areas (SRAs) within Padre Island National Seashore will be formally designated, and specific protection prescribed. SRAs include 4 cultural sites listed or eligible for listing on the National Register of Historic Places, 3 freshwater ponds, the Laguna Madre, wind-tidal flats, visitor use areas, foredunes, washover channels, rookery islands, and 2 relict live oak mottes. Specific protection, tailored to avoid or minimize potential adverse impacts from specific types of oil and gas operations, is applied as operating restrictions to each SRA. Operating restrictions include No Surface Disturbance, No Surface Occupancy, No

Surface Access, and Timing Stipulations.

As a mitigation measure, operating restrictions will be applied to the SRAs within designated protective buffers. The maximum acreage of the SRAs is 68,731 acres or 52.7 percent of the park. Specific operating restrictions applied to SRAs will effectively close surface use on 1,316 acres (1.0% of the park) to geophysical (3-D seismic) exploration. Additional closures are described in Table 2.3, pages 2–12–2–15 of the final plan. Where specific types of oil and gas operations could be permitted within SRAs, the requirement to conduct operations “in a manner which utilizes technologically feasible methods least damaging to the federally-owned or controlled lands, waters and resources of the unit while assuring the protection of public health and safety” is a standard requirement.

In areas of the park that are not formally designated as Sensitive Resource Areas, comprising 61,703 acres (47.3% of the park), oil and gas operations will be permitted under Current Legal and Policy Requirements (CLPR).

One error in the Selected Plan, Alternative A, in the Final Oil and Gas Management Plan/EIS (see FEIS, pages S–10 and S–11, and 2–13 and 2–14) is corrected in this ROD. The timing stipulation applied to Rookery Islands is corrected to read: “No Surface Access would be permitted within 1,000 feet of the island edge between February 15 through August 31;” and that “geophysical exploration may be permitted between September 1 through February 14, under CLPR.”

Maximum Resource Protection in All Sensitive Resource Areas, Alternative C. Under this alternative, Sensitive Resource Areas (SRAs) within Padre Island National Seashore would be formally designated, similar to Alternative A. The SRAs, and their maximum protective buffers, would be the same as those designated under Alternative A. Alternative C would provide maximum resource protection to all SRAs by applying a No Surface Access stipulation within SRA protective buffers. This would comprise 68,731 acres (52.7% of the park). Although SRAs would be closed to surface access, underlying nonfederal oil and gas could be reached via directional drilling technology from outside the SRAs. Where SRAs are small, operators could plan geophysical operations around them, and directionally drill underneath them. However, for the geographically large SRAs that include the Laguna Madre and Wind-Tidal Flats, about 58,790

acres would not be accessible. The lack of current or site-specific 3-D seismic data from these areas may deter operators from drilling extended-reach directional wells, and a portion of this acreage may be effectively unavailable for oil and gas development. This could result in moderate to major adverse impacts to oil and gas exploration and development and to owners, operators or lessees.

In areas of the park not designated as SRAs, comprising 61,703 acres (47.3% of the park), oil and gas operations could be permitted under Current Legal and Policy Requirements.

Under all three alternatives, contamination of soils from past and current oil and gas operations are limited to small geographic areas. Because of the risk these contaminants present to wildlife and water quality, the cumulative impact to soils under all alternatives is considered a major adverse impact until the contaminated sites are remediated. Mitigation measures required under Current Legal and Policy Requirements reduce the potential for leaks and spills of oil and gas and contaminating, or hazardous materials, and require cleanup and remediation measures.

Identification of the Environmentally Preferable Alternative

Alternative C is the environmentally preferable alternative. The Council on Environmental Quality (CEQ) has stated, “The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Generally this means the alternative which causes the least damage to the biological and physical environment. It also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.” The No Surface Access operating stipulation applied within maximum SRA protective buffers would close 68,731 acres (52.7% of the park) to all types of oil and gas operations so that there would be no direct impact on these areas from nonfederal oil and gas operations. Therefore, Alternative C would provide maximum protection to park resources and values, human health and safety, and visitor use and enjoyment of those resources.

Decision Rationale Used in Selecting Alternative A

Alternative A is selected for implementation over the environmentally preferable Alternative C because, after careful consideration of public comments throughout the

planning process, including comments on the draft EIS, the selected action best accomplishes the legislated purposes of Padre Island National Seashore and balances the statutory mission of the NPS to provide long-term protection to the park's resources and significance, while allowing for the exercise of rights to oil and gas not owned by the United States. The selected Alternative A also best meets the objectives of the Oil and Gas Management Plan/Final Environmental Impact Statement to:

- Identify which park resources and values are most sensitive to oil and gas exploration and development disturbance, and define mitigation requirements to protect such resources and values;
- Establish reasonable oil and gas exploration and development performance standards to protect park resources and values; and
- Provide pertinent information to oil and gas owners and operators that will facilitate operations planning and compliance with all applicable regulations.

The mitigating measures applied through specific operating stipulations for each SRA under Alternative A will increase protection to SRAs over baseline conditions (No Action Alternative B), so that potential adverse impacts are either avoided or reduced to acceptable limits; but will provide less than the maximum protection provided SRAs under Alternative C. Due to the extensive acreage of SRAs where a blanket No Surface Access operating stipulation is applied under Alternative C, a portion of this acreage may be effectively unavailable for oil and gas development. Therefore, the NPS has decided that Alternative A best accomplishes identified planning objectives, with the fewest environmental impacts.

Description of Mitigation Measures and Monitoring Plans for the Selected Alternative A

The NPS will implement the resource protection, mitigation, and monitoring measures found in the selected Alternative A, and described under Current Legal and Policy Requirements (Chapter 2, Part II; and Appendix C) of the final EIS and plan. The operating stipulations applied in Alternative A to Sensitive Resource Areas (SRA) provide specific mitigation measures that result in avoiding or minimizing potential adverse impacts from nonfederal oil and gas operations.

The final location for each well site, production facility, access road, gathering pipeline segment, or other facility will be determined following a

site specific environmental document in accordance with the NPS' NEPA policy (Director's Order 12). Development and evaluation of these individual "Plans of Operations", by the NPS, and with input from interested state, federal agencies, and public involvement, will incorporate existing mitigation measures described here and in the final plan. Additional mitigation measures will be developed to avoid or minimize potential adverse impacts. The park will continue to routinely monitor and inspect nonfederal oil and gas operations to ensure compliance with approved plans of operations, and to protect resources and seashore values. NPS and the operator's personnel will conduct these monitoring inspections to ensure that the mitigation measures are effective and implemented.

Mitigation measures also may include: reclaiming/closing roads and wellpads to restore fish and wildlife habitat; reducing the extent of surface disturbance associated with wellpads, access roads and pipeline corridors (to the extent permitted by safety standards); and maximizing reclamation and restoration success on disturbed lands to improve wildlife habitat wherever reasonably possible.

All practicable means to avoid or minimize environmental impacts from the selected alternative will be adopted and incorporated into the final plan.

Public Involvement

Public comment has been requested, considered, and incorporated throughout the planning process:

- A Notice of Intent to prepare an EIS was published in the **Federal Register** on June 10, 1997 (Vol. 62, No. 111, pg. 31622), and in newspapers, including the Austin American-Statesmen, the Houston Chronicle, and the Corpus Christi Caller Times.

- The NPS mailed a public scoping newsletter to over 300 individuals, organizations, and government agencies to explain the planning process, provide information, and encourage public participation.

- A public scoping open house was held in Corpus Christi, Texas, on July 9, 1997. During the scoping period, nine comment letters were received, and 13 individuals requested to be added to the mailing list.

- A second newsletter was sent to more than 280 individuals on March 6, 1998, summarizing the results of the scoping open house and the written comments received by the NPS.

- The following state and federal agencies were consulted:
U.S. Fish and Wildlife Service
National Marine Fisheries Service

Texas Parks and Wildlife
Texas State Historic Preservation Officer
and Tonkawa Tribe
Texas General Land Office
Texas Coastal Coordination Council.

- A Notice of Availability was published by the NPS in the **Federal Register** on February 24, 1999 (Vol. 64, No. 36, pg. 9167-9168); and, upon filing of the Draft Oil and Gas Management Plan/EIS.

- The U.S. Environmental Protection Agency (EPA) published a Notice of Availability in the **Federal Register** on February 26, 1999 (Vol. 64, No. 38, pg. 9508). Fifteen (15) comment letters were received. All substantive comments (62) were addressed in the final EIS.

- The public review period ran from February 26 through May 12, 1999.

- In addition, the document was posted on the Internet at the Padre Island NS web site.

- The Final Oil and Gas Management Plan/EIS was released to the public on February 23, 2000. The EPA Notice of Availability was published in the **Federal Register** on March 3, 2000 (Vol. 65, No. 43, pg. 11575); the NPS Notice of Availability was published in the **Federal Register** on March 7, 2000 (Vol. 65, No. 45, pgs. 12029-12030). The final document included a reprint of the 15 comment letters and NPS responses. In response to releasing the Final Oil and Gas Management Plan/EIS, 4 comment letters were received. The comments in the 4 letters raised no new substantive issues.

Dated: August 14, 2000.

John A. King,

Director, Intermountain Region.

[FR Doc. 00-26142 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Statements; Availability, etc: Tallgrass Prairie National Preserve, KS

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of the final general management plan/final environmental impact statement for the Tallgrass Prairie National Preserve, Kansas.

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of the final general management plan/final environmental impact statement (FGMP/FEIS) for the Tallgrass Prairie National Preserve.

DATES: The no-action period on this FEIS will expire 30 days after the Environmental Protection Agency has published a notice of availability of the FEIS in the **Federal Register**, or on November 20, 2000, whichever is later.

ADDRESSES: Copies of the FGMP/FEIS are available by request by writing the Tallgrass Prairie National Preserve, P.O. Box 585, Cottonwood Falls, KS 66845, by phone 316-273-6034, or by e-mail from TAPR_Superintendent@nps.gov. The document can be picked-up in person or viewed at the Tallgrass National Preserve administrative headquarters, 226 Broadway, Cottonwood Falls, KS. The document also can be downloaded from the Internet at: www.nps.gov/tapr/gmp/gmp.pdf

FOR FURTHER INFORMATION CONTACT: Superintendent, Tallgrass Prairie National Preserve, at the address and telephone number listed above.

SUPPLEMENTARY INFORMATION: The purpose of the general management plan is to set forth the basic management philosophy for the Preserve and to provide the strategies for addressing issues and achieving identified management objectives. The FGMP/FEIS describes and analyzes the environmental impacts of a proposed action and four action alternatives for the future management direction of the Preserve. A no action alternative also is evaluated.

The draft general management plan and draft environmental impact statement (DGMP/DEIS) for this action was released for public review in November 1999 (see **Federal Register**, 64 FR 66641) and the public comment period closed on January 25, 2000.

Modifications to the DGMP/DEIS have been made based on public comment received and further impact analysis.

The responsible official is Mr. William Schenk, Midwest Regional Director, National Park Service.

Dated: October 4, 2000.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 00-26144 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion of Human Remains and Associated Funerary Objects in the Possession of the American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the American Museum of Natural History, New York, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by American Museum of Natural History professional staff in consultation with representatives of the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; the Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

In 1907, human remains representing a minimum of one individual were collected by an unknown collector ("an Indian") from southern California. Constance Goddard DuBois purchased the remains from the collector in 1907, and the American Museum of Natural History purchased the remains from Ms. DuBois in the same year. No known individual was identified. The eight associated funerary objects include a burial urn, daub, chipped stone, a

projectile point, shell, ceramics, charcoal, and animal bone.

This individual has been identified as Native American based on mortuary treatment, its provenience within the historic territory of the Diegueno, and the association with the culture name Diegueno in American Museum of Natural History records. The practice of cremation and the placement of human remains into mortuary urns is consistent with Diegueno burial practices that were observed at the time of and slightly after contact. Archeological evidence documents cultural continuity in this area from the late pre-contact (circa 1500 B.P.) into the contact period. The Diegueno have remained within this territory under successive Spanish, Mexican, and Anglo-American governments.

In an unknown year, human remains representing a minimum of one individual were collected by an unknown collector from a location 40 miles east of Mesa Grande, Vallecito Mountains(?), Vallecito(?), San Diego County, CA. The American Museum of Natural History acquired these human remains in an exchange with the Museum of the American Indian, Heye Foundation in 1919. Details of the transfer from the unknown collector to the Museum of the American Indian, Heye Foundation are not known. No known individual was identified. The one associated funerary object is a mortuary jar.

This individual has been identified as Native American based on the mortuary treatment of these human remains and geographic evidence. The mortuary practice of cremation and placement of the remains into mortuary urns is consistent with burial practices observed by Diegueno peoples at the time of and slightly after contact in southern California. These remains derive from the territory of the Diegueno in the post-contact period. The Diegueno have remained within these boundaries during successive Spanish, Mexican, and Anglo-American governments.

Based on the above-mentioned information, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of a minimum of two individuals of Native American ancestry. Officials of the American Museum of Natural History also have determined that, pursuant to 43 CFR 10.2(d)(2), the nine objects listed above are reasonably believed to have been placed with or near these individual human remains at the time of death or later as part of the death rite

or ceremony. Lastly, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; the Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

This notice has been sent to officials of the Kumeyaay Cultural Repatriation Committee; the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; the Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with

these human remains and associated funerary objects should contact Martha Graham, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024-5192, telephone (212) 769-5846, before November 13, 2000. Repatriation of the human remains and associated funerary objects to the Kumeyaay Cultural Repatriation Committee on behalf of the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; the Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; the Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; the La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; the Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; the Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; the San Pasqual Band of Diegueno Mission Indians of California; the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; the Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California may begin after that date if no additional claimants come forward.

Dated: October 5, 2000.

John Robbins,

Assistant Director, Cultural Resources, Stewardship and Partnerships.

[FR Doc. 00-26146 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects

in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Klamath Indian Tribe of Oregon.

In 1891, human remains representing one individual were removed from the Klamath Reservation, Oregon by D.S. Moncrieff, who donated the human remains to the Peabody Museum of Archaeology and Ethnology in 1893. No known individual was identified. No associated funerary objects are present.

Museum documentation describes the human remains as "Snake." Historical documents and consultation information indicate that the Yahooskin Band of Snake Indians occupied the area where the remains were collected during the 19th century, and that the Yahooskin Band of Snake Indians joined with the Klamath Indians on the Klamath Reservation beginning in 1864. The attribution of such specific cultural affiliation to the individual by the collector indicates that the interment belongs to the period that the area was occupied by the Snake people. Consultation information also confirms that the Yahooskin Band of Snake Indians shares a unified government with, and continues to be represented by, the Klamath Indian Tribe of Oregon.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Klamath Indian Tribe of Oregon.

This notice has been sent to officials of the Klamath Indian Tribe of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains

should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before November 13, 2000. Repatriation of the human remains to the Klamath Indian Tribe of Oregon may begin after that date if no additional claimants come forward.

Dated: October 4, 2000.

John Robbins,

*Assistant Director, Cultural Resources,
Stewardship and Partnerships.*

[FR Doc. 00-26145 Filed 10-11-00; 8:45 am]

BILLING CODE 4310-70-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-437]

Certain Synchronous Dynamic Random Access Memory Devices and Modules and Products Containing Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 11, 2000, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Rambus Inc. of Mountain View, California. A supplemental letter was filed on September 26, 2000. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain synchronous dynamic random access memory devices and modules and products containing same by reason of infringement of claims 1-24, 27, and 32-39 of U.S. Letters Patent 6,038,195, claims 1-5, 14-17, 27-28, and 30-33 of U.S. Letters Patent 5,953,263, and claims 1-3, 6-10, 13-16, 18-21, 24-26, 29-31, 33-34, and 37-38 of U.S. Letters Patent 6,034,918. The complaint further alleges that there exists, or is in the process of being established, an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are

available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may be obtained by accessing its Internet server (<http://www.usitc.gov>).

FOR FURTHER INFORMATION CONTACT:

Karin J. Norton, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2606.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 5, 2000, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain synchronous dynamic random access memory devices or modules or products containing same by reason of infringement of claims 1-24, 27, or 32-39 of U.S. Letters Patent 6,038,195, claims 1-5, 14-17, 27-28, or 30-33 of U.S. Letters Patent 5,953,263, or claims 1-3, 6-10, 13-16, 18-21, 24-26, 29-31, 33-34, or 37-38 of U.S. Letters Patent 6,034,918, and whether there exists, or is in the process of being established, an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Rambus Inc., 2465 Latham Street, Mountain View, CA 94040.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hyundai Electronics Industries Co., Ltd., San 136-1, Amiri, Bubal-eub Ichon-kun, Kyoungki-do, Korea

Hyundai Electronics America, 3101 North First Street, San Jose, California 95134

(c) Karin J. Norton, Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401-A, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: October 5, 2000.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 00-26217 Filed 10-11-00; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service**

[INS No. 2084-00]

Notice of Availability of Environmental Assessment (EA) for the Installation, Operation, and Maintenance of a Remote Video Surveillance (RVS) System in Whatcom County, WA**AGENCY:** Immigration and Naturalization Service, Justice.**ACTION:** Notice of Availability of Environmental Assessment (EA).**SUMMARY:****Proposed Action**

The Immigration and Naturalization Service (INS) has completed an Environmental Assessment (EA) for the Installation, Operation, and Maintenance of a Remote Video Surveillance (RVS) system in Whatcom County, Washington. The RVS system would consist of 45.5 miles of underground fiber optic line and 32 camera sites mounted on poles ranging in height from 50 to 80 feet. The proposed action would involve construction of an underground fiber optic line inside a 2-inch diameter (maximum) conduit by use of trenching, plowing, or directional boring equipment. The observation poles would be placed within augured holes and reinforced where necessary. All line and pole locations have been surveyed to identify wetlands, streams, endangered species habitat, or cultural resources. Where such resources were identified, the line would be relocated or installed via directional boring to avoid potential adverse impacts. Based upon the findings of this analysis, no significant adverse environmental impacts would result from the proposed action. Positive socioeconomic benefits would result from increased capabilities to interdict terrorist activity and illegal drug or alien trafficking.

Alternatives to the Proposed Action

The "No Action" alternative would reduce the effectiveness of the Border Patrol in performing counter drug and alien interdictions. The "Microwave" alternative would be more obtrusive, less flexible, and more expensive. The "increased staffing" alternative would be prohibitively expensive and would place an increased surveillance burden on Border Patrol staff.

A copy of the final EA/Finding of No Significant Impact (FONSI) can be obtained from the INS at the following location: Ramon Garcia, Program Officer, Immigration and Naturalization

Service Facilities and Engineering 425 I Street, NW, Room 2060, Washington, DC, 20536, Telephone: (202) 616-2588, Fax: (202) 514-0579 e-mail: ramon.garcia@usdoj.gov.

FOR FURTHER INFORMATION CONTACT:

Richard Diefenbeck, Director of Facilities and Engineering Division, 425 I Street, NW, Washington, DC 20536, telephone (202) 514-3099.

Dated: September 26, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00-26220 Filed 10-11-00; 8:45 am]

BILLING CODE 4410-10-M**DEPARTMENT OF JUSTICE****National Institute of Justice**

[OJP (NIJ)-1302]

Eleventh Meeting of the National Commission on the Future of DNA Evidence Held in Conjunction With a DNA Conference Co-Hosted by the Kennedy School of Government; Notice of Meeting**AGENCY:** Office of Justice Programs, National Institute of Justice, Justice.**ACTION:** Notice of meeting.

SUMMARY: Announcement of the eleventh meeting of the National Commission on the Future of DNA Evidence held in conjunction with a DNA Conference co-hosted with the Kennedy School of Government.

DATES: The eleventh meeting of the National Commission on the Future of DNA Evidence will take place on Sunday, November 19, 2000, from 12:00 p.m. until 5:00 p.m., ET. The Commission meeting will be followed by a three-day conference on "DNA and the Criminal Justice System" co-hosted by the Center for Business and Government at John F. Kennedy School of Government and the Department of Justice (please see "Supplementary Information" for details).

ADDRESSES: The meeting will take place at the John F. Kennedy School of Government, Harvard University, Malkin Penthouse, 79 John F. Kennedy Street, Cambridge, Massachusetts. Phone: (617) 495-1446.

FOR FURTHER INFORMATION CONTACT: For further information about the Commission Meeting, contact Christopher H. Asplen, AUSA, Executive Director; Phone (202) 616-8123. To register for the Conference, please call Robin Wilson of the National Institute of Justice at (202) 307-5847.

Reservations for the Conference must be made by October 27, 2000.

SUPPLEMENTARY INFORMATION:**Authority**

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, 201-03, as amended, 42 U.S.C. 3721-23 (1994).

Commission Background

The purpose of the National Commission on the Future of DNA Evidence is to provide the Attorney General with recommendations on the use of current and future DNA methods, applications and technologies in the operation of the criminal justice system, from the crime scene to the courtroom. Over the course of its Charter, the Commission will review critical policy issues regarding DNA evidence and provide recommended courses of action to improve its use as a tool of investigation and adjudication in criminal cases.

Commission Meeting

The National Commission on the Future of DNA Evidence, established pursuant to Section 3(2)A of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, will meet on Sunday, November 19, 2000, from 12:00 p.m. until 5:00 p.m., ET., at the John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts, to carry out its advisory functions under Sections 201-202 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. This meeting will be open to the public.

DNA Conference

The Commission meeting will be followed by a conference on "DNA and the Criminal Justice System" co-hosted by the Center for Business and Government at John F. Kennedy School of Government and the Department of Justice. The conference will be held on:

1. Sunday, November 19, 2000, from 4:00 p.m. to 7:00 p.m., ET,
2. Monday, November 20, 2000, from 8:30 a.m. to 7:00 p.m., ET, and
3. Tuesday, November 21, 2000, from 8:30 a.m. to 3:00 p.m., ET.

Because space is limited for the conference, a firm registration deadline has been set for October 27, 2000. If you would like to register for the conference, please contact Robin Wilson at (202) 307-5847. A registration fee is required.

Dated: October 4, 2000.

Doug Horner,

Acting Assistant Director, National Institute of Justice.

[FR Doc. 00-26149 Filed 10-11-00; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR**Employment and Training
Administration**

[TA-W-37,973 AND NAFTA-4064]

**General Motors Corporation Desert
Proving Ground Mesa, Arizona;
Dismissal of Application for
Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at General Motors Corporation, Desert Proving Ground, Mesa, Arizona. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-37,973 and NAFTA-4064; General Motors Corporation Desert Proving Ground, Mesa, Arizona (October 4, 2000)

Signed at Washington, D.C. this 5th day of October, 2000.

Linda G. Poole,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. 00-26158 Filed 10-11-00; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR**Employment and Training
Administration****Notice of Determinations Regarding
Eligibility To Apply for Worker
Adjustment Assistance and NAFTA
Transitional Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of September 2000.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision, thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely; and

(3) That increases of imports of articles like or directly competitive with

articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline sales or production.

**Negative Determinations for Worker
Adjustment Assistance**

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-37,903; *Tini Industries, Inc., New York, NY*

TA-W-37,972; *ABC-NACO, Inc., Superior, WI*

TA-W-37,983; *Penn Machine Co., Johnstown, PA*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-38,086; *Hennessee Apparel, Inc., Decatur, TN*

TA-W-38,072; *JN Oil and Gas, Inc., Billings, MT*

TA-W-38,041; *Harris Interactive, Inc., Vestal, NY*

TA-W-38,062; *Grant Geophysical Corp., Midland, TX*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-38,029; *Trus Joist, A Weyerhaeuser Co., Junction City, OR*

TA-W-37,981; *Adirondack Knitting Mills, Inc., Amsterdam, NY*

TA-W-37,977; *Academy Broadway Corp., Sleeping Bags Div., Pine Knot, KY*

TA-W-37,017; *International Paper Co., Flexible Packaging Div., Monticello, AR*

TA-W-37,946; *Heritage Toys and Collectables, Dover Foxcroft, ME*

TA-W-38,037; *AES Interconnects, Aircraft Specialties, San Benito, TX*

TA-W-37,988; *Tyco International, Tyco Electronics, Sanford, ME*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-37,969; *The Arnold Palmer Golf Co., Pocahontas, AR*

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

**Affirmative Determinations for Worker
Adjustment Assistance**

The following certifications have been issued; the date following the company

name and location of each determination references the impact date for all workers of such determination.

TA-W-37,844; *J and L Specialty Steel, Inc., Detroit, MI: January 16, 2000.*

TA-W-38,055; *Natalie Knitting Mills, Chilhowie, VA: August 25, 1999.*

TA-W-37,935; *2158, Inc., Slatington, PA: July 20, 1999.*

TA-W-37,993; *Circuit Systems of Tennessee, LP, Greeneville, TN: August 10, 1999.*

TA-W-38,039; *Tru Stitch Footwear, Malone, NY: August 16, 1999.*

TA-W-37,939; *Forcenergy, Inc., Miami, FL: July 20, 1999.*

TA-W-37,752; *Hamilton Sunstrand, Denver, CO: May 30, 1999.*

TA-W-37,878; *A & B; Sebago, Inc., Gorham, ME: Westbrook, ME and Bridgton, ME: June 30, 1999.*

TA-W-37,915; *ASAP Sewing, a/k/a Island Textile, Andrews, SC: July 12, 1999.*

TA-W-37,958; *HPH Apparel Manufacturing Co., Piney Flats, TN: July 27, 1999.*

TA-W-37,945; *VF Workwear, Inc., Red Kap Industries, Dickson, TN: July 20, 1999.*

TA-W-37,567; *Niemand Industries, Container Div., Marion, AL: March 24, 1999.*

TA-W-38,014; *Bay Club Sportswear, Inc., Copiague, NY: August 15, 1999.*

TA-W-37,916; *Alloy Machining Operation, Miamisburg, OH, A; Digiton Dayton, Dayton, OH, B; Digitron Franklin, Franklin, OH, C; Digitron Kettering, Kettering, OH, D; Digitron-CMI, Miamisburg, OH: July 12, 1999.*

TA-W-37,959; *Melvin Quilting, Rocky Mount, NC: July 18, 1999.*

TA-W-38,020; *A.O. Smith Electrical Products Co., Gordonsville, TN: August 10, 1999.*

TA-W-38,048 & A; *PL Industries, a/k/a PL Garment Finishers, McRae, GA and PL Tech Center, McRae, GA: August 21, 1999.*

TA-W-37,867; *WP Industries, Inc., South Gate, CA: June 20, 1999.*

TA-W-37,932; *Ribco Mfg., Inc., Providence, RI: July 24, 1999.*

TA-W-37,870; *Standard Ceramics, Inc., Niagara Falls, NY: June 28, 1999.*

TA-W-37,788; *Azteca Production Int'l, Finishing/Packing Div., Aztec Finishing, Inc., Commerce, CA: June 1, 1999.*

TA-W-37,724; *Volex, Inc., Power Cord Div., Clinton, AR: May 12, 1999.*

TA-W-37,847; *Rickett Benckiser, Consumer Products Div., Rockwood, MI: June 21, 1999.*

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of September, 2000.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-04006; *Chipman-Union, Inc., Belmont, NC*
 NAFTA-TAA-04023; *Flexfab Horizons International, Inc., Flexfab/Moxness, L.L.C., Racine, WI*
 NAFTA-TAA-04067; *ABC-NACO, Inc., Superior, WI*
 NAFTA-TAA-04115; *International Paper Co., Flexible Packaging Div., Monticello, AR*
 NAFTA-TAA-04022; *Pharr Yarns, Inc., McAdenville, NC*

NAFTA-TAA-04089; *Tyco International, Tyco Electronics, Sanford, ME*

NAFTA-TAA-04095; *Trus Joist, A Weyerhaeuser Co., Junction City, OR*

NAFTA-TAA-04062; *Penn Machine Co., Johnstown, PA*

NAFTA-TAA-04031 & A; *Occidental Chemical Corp., Buffalo Avenue-Niagara Falls Plant, Niagara Falls, New York and Grand Island Technology Center, Grand Island, NY*

The investigation revealed that the criteria for eligibility have not been met for the reasons specified

NAFTA-TAA-4112; *Harris Interactive, Inc., Vestal, NY*

NAFTA-TAA-04104; *Hennessee Apparel, Inc., Decatur, TN*

The investigation revealed that workers of the subject firm did not produce an article within the meaning of section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA-TAA

NAFTA-TAA-04019; *Reckitt Benckiser, Inc., Consumer Products Div., Rockwood, MI: June 21, 1999.*

NAFTA-TAA-04039; *ABEK, LLC, Bristol, CT: July 13, 1999.*

NAFTA-TAA-03898; *Volex, Inc., Power Cord Div., Clinton, AR: May 1, 1999.*

NAFTA-TAA-04107; *American Bag Corp., Stearns, KY: August 23, 1999.*

NAFTA-TAA-04033; *Diversified Enterprises, d/b/a Habitat, Inc., Montrose, CO: July 20, 1999.*

NAFTA-TAA-04094; *A.O. Smith Electrical Products Co., Gordonsville, TN: August 2, 1999.*

NAFTA-TAA-04140; *Ultima Trim, Inc., Los Indios, TX: September 1, 1999.*

NAFTA-TAA-4083; *Canon Business Machines, Inc., Costa Mesa, CA: August 7, 1999.*

NAFTA-TAA-04038; *Dana Engine Controls, Brandford, CT: July 20, 1999.*

NAFTA-TAA-04105; *Lucchese, Inc., El Paso, TX: August 20, 1999.*

NAFTA-TAA-04097; *Trinity Industries, Inc., McConway and Torley Group, Asheville, NC: August 14, 1999.*

I hereby certify that the aforementioned determinations were issued during the month of September 2000. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 5, 2000.

Curtis Kooser,

Acting Director, Division of Trade Adjustment Assistance.

[FR Doc. 00-26157 Filed 10-11-00; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address show below, not later than October 23, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 23, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, N.W., Washington, DC 20210.

Signed at Washington, DC this 25th day of September, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX
[Petitions Instituted on 09/25/2000]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,115	Wallowa Forest Products (Wkrs)	Wallowa, OR	09/18/2000	Dimensional Lumber.
38,116	SI Cutting (Wkrs)	Opalocka, FL	09/13/2000	Fabric Cutting.
38,117	California Direct Service (Wkrs)	San Diego, CA	09/13/2000	Print of Direct Mail & Data Processing.
38,118	Livingston Apparel (Wkrs)	Livingston, AL	09/12/2000	Sweatshirts, Pants, Shorts.
38,119	John Dusenbery Co: (IBS)	Randolph, NJ	09/11/2000	Large Industrial Converting Equipment.
38,120	Bausch and Lomb (Wkrs)	Rochester, NY	09/06/2000	Contact Lens.
38,121	Duke Energy Field Service (Wkrs)	Ada, OK	08/24/2000	Natural Gas and Gas Liquids.
38,122	Equitable Production Co. (Wkrs)	Kingsport, TN	09/13/2000	Oil and Gas.
38,123	Thaw Corporation Co.	Seattle, WA	09/06/2000	Fleece, Powerstretch, Gore-Tex.
38,124	A.D.H. Manufacturing (Co.)	Etowah, TN	09/08/2000	Ladies' and Girl's Clothing.
38,125	Santa's Best (Co.)	Millville, NJ	09/12/2000	Plush & Non-Woven Textile Christmas Item.
38,126	Eastland Manufacturing (Co.)	Freeport, ME	09/13/2000	Mens' & Women's Shoes, Boots.
38,127	Ansell Healthcare (Co.)	Dothan, AL	09/12/2000	Condoms.
38,128	Fujitsu Computer Products (Co.)	Hillsboro, OR	09/13/2000	Computer Products.
38,129	Eramet Marietta (Co.)	Marietta, OH	09/11/2000	Manganese Metal.
38,130	Elberton Manufacturing (UNITE)	Elberton, GA	09/08/2000	Ladies' Blouses.
38,131	Imperial Coat Front (UNITE)	New York City, NY	09/10/2000	Lapels for Suits and Coats.
38,132	Christina Coat and Suit (Wkrs)	Brooklyn, NY	09/12/2000	Ladies' Jackets, Skirts.
38,133	UFE (Wkrs)	El Paso, TX	09/12/2000	Automotive Plastic Components.
38,134	Antonio Clothing (UNITE)	New York, NY	09/14/2000	Men's Jackets and Overcoats.
38,135	Archer Daniels Midland (Wkrs)	Helena, AR	09/08/2000	Soybeans, Soybean Oil and Meal.

[FR Doc. 00-26160 Filed 10-11-00; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR**Employment and Training
Administration Office of Workforce
Security; Proposed Collection;
Comment Request****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 [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. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the MA 8-7, Transmittal for Unemployment Insurance Materials. A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 11, 2000.

ADDRESSES: Darlyne Bryant, Room C-4518, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 219-5200, extension 366 (this is not a toll-free number); e-mail: dbryant@doleta.gov; facsimile (202) 208-5844.

SUPPLEMENTARY INFORMATION:**I. Background**

Department of Labor, Employment and Training Administration regulations, 20 CFR 601, Administrative Procedures, contains collection of information requirements at Sections 601.2 and 601.3. Section 601.2 requires States to submit copies of their unemployment compensation laws for approval by the Secretary of Labor so that the Secretary may determine the status of State laws and plans of operation. Section 601.3 requires States to "submit all relevant State materials such as statutes, executive and

administrative orders, legal opinions, rules, regulations, interpretations, court decisions, etc." These materials are used by the Secretary to determine whether the State law contains provisions required by Section 3304(a) of the Internal Revenue Code of 1986. Grants of funds are made to States for the administration of their employment security laws if their unemployment compensation laws and their plans of operation for public employment offices meet required conditions of Federal laws. The information transmitted by Form MA 8-7 is used by the Secretary to make findings (as specified in the above cited Federal laws) required for certification to the Secretary of the Treasury for payment to States or for certification of the State law for purposes of additional tax credit. If this information is not available, the Secretary cannot make such certifications. To facilitate transmittal of required material, the Department prescribes the use of Form MA 8-7, Transmittal for Unemployment Insurance Materials. This simple checkoff form is used by the States to identify material being transmitted to the National Office and allows the material to be routed to appropriate staff for prompt action.

II. Review Focus

The Department of Labor 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 technologies collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

States could not be certified if this information were not collected and Form MA 8-7 greatly facilitates its receipt.

Type of Review: Extension without change.

Agency: Employment and Training Administration.

Title: Transmittal for Unemployment Insurance Materials.

OMB Number: 1205-0222.

Agency Number: MA 8-7.

Affected Public: State Governments.

Total Respondents: 53.

Frequency: As needed.

Total Responses: 3,120.

Average Time per Response: 1 minute.

Estimated Total Burden Hours: 53 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): \$1,060.

Comments submitted in response to this comment request 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: October 5, 2000.

Grace A Kilbane,

Administrator, Office of Workforce Security.

[FR Doc. 00-26156 Filed 10-11-00; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR**Employment and Training
Administration****Investigations Regarding Certifications
of Eligibility To Apply for Worker
Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 23, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 23, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September, 2000.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 09/18/2000]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,085	Evy of California (Wrks)	Los Angeles, CA	09/06/2000	Children's Clothing.
38,086	Hennessee Apparel, Inc (Comp)	Decatur, TN	08/10/2000	Fleecewear.
38,087	Imaging Technologies, Inc (Comp)	Cookeville, TN	08/21/2000	Ink Jet Systems.
38,088	Heinz Pet Products (Wrks)	El Paso, TX	08/30/2000	Beef Jerky Treat.
38,089	Federal Bag Co., Inc. (Comp)	St. Louis, MO	09/05/2000	Backpacks, Fannypacks.
38,090	Waynesboro Apparel, Inc (Wrks)	Waynesboro, TN	08/31/2000	Tee Shirts.
38,091	American Metal Products (Wrks)	Union, MO	08/31/2000	Decorative Floor Resisters.
38,092	Xerox ColorgrafX Systems (UNITE)	San Jose, CA	09/01/2000	Ink Jet Printers.
38,093	Robinson Manufacturing Co (Wrks)	Oxford, ME	09/08/2000	Wool and Wool Blend Cloth.
38,094	Ajay Leisure Products (Wrks)	Delevan, WI	08/19/2000	Golf Bags.
38,094	Ungo Security (Wkrs)	Hayward, CA	08/18/2000	Security Alarms.
38,096	Ultima Trim (Wrks)	Los Indios, TX	09/01/2000	Steering Wheels.
38,097	Toastmaster, Inc. (Comp)	Macon, MO	09/05/2000	Portable Kitchen Appliances.
38,098	Burlington Resources (Wrks)	Sidney, MT	08/25/2000	Oil and Gas.
38,099	Delco Remy America (UAW)	Anderson, IN	09/06/2000	Heavy Duty Armatures.
38,100	Farah/Savane Int'l (Wrks)	El Paso, TX	08/22/2000	Slacks, Shirts.
38,101	Bonney Forge Corp. (Wrks)	Allentown, PA	08/29/2000	Steel Fittings.
38,102	McDowell Manufacturing (Comp)	DuBois, PA	09/11/2000	Metal Stampings.
38,103	Lebanite Corp (Wrks)	Lebanon, OR	08/31/2000	High Density Hard Board.
38,104	Garan Manufacturing Corp (Wrks)	Jemison, AL	08/30/2000	Children's Clothing.
38,105	Briggs Industries, Inc. (Wrks)	Abingdon, IL	09/07/2000	China Toilets, Tanks Wash Basins.
38,106	Abbeville Shirtmakers (Comp)	Abbeville, SC	09/07/2000	Men's Dress Shirts.
38,107	Timex Corp (IAMAW)	Little Rock, AR	09/05/2000	Watch Case Backs, Bezels.
38,108	AirBoss Polymer Products (Comp)	South Haven, MI	09/07/2000	Molded Rubber Products.
38,109	C and P Trucking Co., Inc (Comp)	Attalla, AL	09/07/2000	Trucking Transportation.
38,110	Authentic Fitness (Wrks)	Bell, CA	09/06/2000	Bathing Suits and Sportwear.
38,111	Standard Forged Products (USWA)	Johnstown, PA	09/05/2000	Railroad Traing Car Axles and Mounts.
38,112	Mead Products (Wrks)	Kalamazoo, MI	08/31/2000	Rules Paper Tablets.
38,113	Eramet Marietta, Inc. (Comp)	Marietta, OH	09/11/2000	Manganese Metal.
38,114	American Identity (Comp)	Fairbury, NE	09/12/2000	Shirts.

[FR Doc. 00-26161 Filed 10-11-00; 8:45 am]
BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA 3980]

Morton Forest Products A.K.A. Tree Source Morton, Washington; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of September 20, 2000, the company requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for NAFTA Transitional Adjustment Assistance, applicable to petition number NAFTA 3980. The denial notice was signed on August 18, 2000 and published in the **Federal**

Register on September 12, 2000 (65 FR 55050).

The petitioner alleges that the Department did not survey sufficient customers and provided a list of additional customers of the subject facility.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 2nd day of October 2000.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 00-26159 Filed 10-11-00; 8:45 am]

BILLING CODE 4510-30-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2000-2 CARP CD 93-97]

Distribution of 1993, 1994, 1995, 1996 and 1997 Cable Royalty Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Initiation of arbitration.

SUMMARY: The Librarian of Congress is announcing initiation of the 180-day arbitration period for the Phase II distribution of the 1997 cable royalty funds for the syndicated programming category.

EFFECTIVE DATE: October 17, 2000.

ADDRESSES: All hearings and meetings for the Phase II cable distribution proceeding shall take place in the James Madison Memorial Building, Room LM-414, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT:

David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

SUPPLEMENTARY INFORMATION:**Background**

By Order dated January 12, 2000, the Library consolidated all Phase II controversies in Docket Nos. 96-7 CARP CD 93-94, 97-2 CARP CD 95, 98-2 CARP CD 96 and 99-5 CARP CD 97 into a single distribution proceeding and announced the precontroversy discovery schedule for a Phase II distribution proceeding in the syndicated programming category. All controversies in this category have reached settlement, except for a dispute between certain claimants represented by the Independent Producers Group ("IPG"), and certain claimants represented by the Motion Picture Association of America, Inc. ("Program Suppliers"), for distribution of the 1997 royalty funds collected under the cable statutory license of the Copyright Act, 17 U.S.C. 111. The Library has completed the discovery phase of the proceeding between IPG and Program Suppliers, and the case is now ready for submission to a Copyright Arbitration Royalty Panel ("CARP") for arbitration proceedings.

Selection of Arbitrators

In accordance with § 251.6 of the CARP rules, the arbitrators for this proceeding have been selected. They are:

The Honorable Dorothy K. Campbell
(Chairperson)

The Honorable John W. Cooley
The Honorable Mark J. Davis

Initiation of Proceeding

Pursuant to § 251.72 of the CARP rules, the Librarian is formally announcing the existence of a controversy as to the distribution of 1997 cable royalties in the syndicated programming category and is initiating an arbitration proceeding under chapter 8 of title 17 to resolve the distribution. The arbitration proceeding commences on October 17, 2000, and runs for a period of 180 days. The arbitrators shall file their written report with the Librarian no later than April 16, 2001, in accordance with § 251.53 of the rules.

A meeting between the parties in this proceeding and the arbitrators shall take place on Tuesday, October 17, at 2 p.m. at the Library of Congress, James Madison Memorial Building, Room LM-414, First and Independence Avenue,

S.E., Washington, D.C., to discuss the hearing schedule, resolution of designated issues, and other matters. The meeting is open to the public. Copies of the hearing schedule, once finalized, will be available at the Copyright Office upon request.

Dated: October 6, 2000.

David O. Carson,

General Counsel.

[FR Doc. 00-26165 Filed 10-11-00; 8:45 am]

BILLING CODE 1410-33-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**Sunshine Act Meeting**

October 5, 2000.

TIME AND DATE: 10 a.m., Thursday, October 12, 2000.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Consolidation Coal Co., Docket No. WEVA 98-37 (Issues include whether, based on visible observations, the operator failed to disperse and carry away drill dust from the breathing zones of roof bolters, thereby violating 30 C.F.R. § 72.630(d)).

Any person attending an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. §§ 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 00-26401 Filed 10-10-00; 3:41 pm]

BILLING CODE 6735-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00-122]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public

Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee.

DATES: Wednesday, November 1, 2000, 8:30 a.m. to 5:30 p.m.; Thursday, November 2, 2000, 8:30 a.m. to 5:30 p.m.; and Friday, November 3, 2000, 8:30 a.m. to Noon.

ADDRESSES: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Building 180, First Floor Conference Room, Pasadena, CA 91109.

FOR FURTHER INFORMATION CONTACT: Dr. Marc Allen, Code S, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-2470.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following:

- Associate Administrator's Program Status Report
- Science Theme Status Reports
- Subcommittee Reports
- GPRA FY 2000 Performance Report Discussion
- GPRA FY 2002 Performance Plan Status
- Education and Public Outreach Programs Report
- Mars Program Reformulation Status
- Plans for Establishment of a New Fifth NASA Strategic Enterprise
- Research Division Issues

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 2, 2000.

Beth M. McCormick,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 00-26201 Filed 10-11-00; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00-123]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Sun-Earth Connection Advisory Subcommittee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration

announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Sun-Earth Connection Advisory Subcommittee.

DATES: Wednesday, October 25, 2000, 8:30 a.m. to 5 p.m.; Thursday, October 26, 2000, 8:30 a.m. to 5 p.m.; Friday, October 27, 2000, 8:30 a.m. to Noon.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 6H46, 300 E Street, SW, Washington, DC, 20546.

FOR FURTHER INFORMATION CONTACT: Dr. George L. Withbroe, Code S, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

- Sun-Earth Connection Program Overview: Budget, Ongoing Program, Future Activities
- Research and Analysis Program
- Solar Terrestrial Probe Program
- Living with a Star Program
- Discussion and Writing Groups

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 5, 2000.

Beth M. McCormick,

*Advisory Committee Management Officer,
National Aeronautics and Space Administration.*

[FR Doc. 00-26202 Filed 10-11-00; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00-124]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Solar System Exploration Subcommittee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Solar System Exploration Subcommittee.

DATES: Monday, October 30, 2000, 8:30 a.m. to 5 p.m., and Tuesday, October 31, 2000, 8:30 a.m. to 5 p.m.

ADDRESSES: Infrared Processing and Analysis Center, (IPAC), Conference

Room 102, in Building 22, 770 South Wilson Road, Pasadena, California 91125.

FOR FURTHER INFORMATION CONTACT: Jay Bergstrahl, Code SR, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-0735.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

- Mars Architecture Development
- Europa Mission Update
- Outer Planets Science Strategy
- Pluto Science Drivers
- Future Outer Planets Mission Options

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 5, 2000.

Beth M. McCormick,

*Advisory Committee Management Officer,
National Aeronautics and Space Administration.*

[FR Doc. 00-26203 Filed 10-11-00; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request use of NATF Form 326, Microfilm Publication Order Form, used by customers/researchers for ordering roll(s) or microfiche of a microfilm publication. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 3200, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740-6001; or faxed to 301-713-6913; or electronically mailed to tamee.fechhelm@arch2.nara.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm

at telephone number 301-713-6730, or fax number 301-713-6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA'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, including the use of information technology, to minimize the burden of the collection of information on respondents. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Microfilm Publication Order Form.

OMB number: 3095-NEW.

Agency form number: NATF Form 326.

Type of review: Regular.

Affected public: Business or for-profit, nonprofit organizations and institutions, federal, state and local government agencies, and individuals or households.

Estimated number of respondents: 5,200.

Estimated time per response: 10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 867 hours.

Abstract: The information collection is prescribed by 36 CFR 1254.72. The collection is prepared by researchers who cannot visit the appropriate NARA research room or who request copies of records as a result of visiting a research room. NARA offers limited provisions to obtain copies of records by mail and requires requests to be made on prescribed forms for certain bodies of records. The National Archives Trust Fund (NATF) Form 326 (8/00), Microfilm Publication Order Form, is used by customers/researchers for ordering a roll, rolls, or a microfiche of a microfilm publication.

Dated: October 2, 2000.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 00-26162 Filed 10-11-00; 8:45 am]

BILLING CODE 7515-01-P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* revision.

2. *The title of the information collection:* Request for Taxpayer Identification Number.

3. *The form number if applicable:* NRC Form 531.

4. *How often the collection is required:* One time from each applicant or individual to enable that Department of the Treasury to process electronic payments or collect debts owed to the government.

5. *Who will be required or asked to report:* The Debt Collection Improvement Act of 1996 requires all Federal agencies to obtain TINs from all persons who do business with the Government including contractors and recipient of credit, licenses, permits, and benefits.

6. *An estimate of the number of responses:* 300.

7. *The estimated number of annual respondents:* 300.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 25 hours (5 minutes per response).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Applicable.

10. *Abstract:* The Debt Collection Improvement Act of 1996 requires that agencies collect taxpayer identification

numbers (TINs) from individuals who do business with the Government, including contractors and recipient of credit, licenses, permits and benefits. TINs will be used to process all electronic payments (refunds) made to licensees by electronic funds transfer by the Department of the Treasury (Treasury). Treasury will use TINs to determine whether the refund can be used to administratively offset any delinquent debts reported to the Treasury by other government agencies. In addition, TINs will be used to collect and report to the Treasury any delinquent indebtedness arising out of the licensee's or applicant's relationship with the NRC.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (<http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by November 13, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Amy Farrell, Office of Information and Regulatory Affairs (3150-0188), NEOB-10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 5th day of October 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00-26152 Filed 10-11-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Company Turkey Point, Units 3 and 4; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of License Nos. DPR-31 and DPR-41 for an Additional Twenty-Year Period

The U.S. Nuclear Regulatory Commission (the Commission) is considering an application for the renewal of Operating Licenses Nos. DPR-31 and DPR-41 which authorize Florida Power and Light Company (FPL) to operate Turkey Point, Units 3 and 4 at 2300 megawatts thermal. The renewed licenses would authorize the applicant to operate Turkey Point, Units 3 and 4 for an additional 20 years beyond the period specified in the current licenses. The current operating licenses for Turkey Point, Units 3 and 4 expire on July 19, 2012 and April 10, 2013, respectively.

FPL submitted an application to renew the operating licenses for Turkey Point, Units 3 and 4 on September 11, 2000. A Notice of Receipt of Application, "Florida Power and Light Company, Turkey Point, Units 3 and 4; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR-31 and DPR-41, for an Additional Twenty-Year Period," was published in the **Federal Register** on September 26, 2000 (65 FR 57847).

The Commission's staff has determined that FPL has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket Nos. 50-250 for Operating License No. DPR-31 and 50-251 for Operating License No. DPR-41 will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of a requested license renewal, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review and findings that actions have been identified and have been or will be taken with respect to: (1) Managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review;

and (2) time-limited aging analyses that have been identified as requiring review such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By November 13, 2000, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, and on the NRC website at <http://www.nrc.gov> (the Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or a petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 54 and 51, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set

forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 54 and 51. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855-2738, by the above date. A copy of the request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Thomas F. Plunkett, President—Nuclear Division, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page <<http://www.nrc.gov>>.

A copy of the application to renew the Turkey Point, Units 3 and 4 licenses is available for public inspection at the Commission's Public Document Room, 11555 Rockville Pike (first floor) Rockville, Maryland, 20855-2738, and on the NRC's Web page <<http://www.nrc.gov>>.

Dated at Rockville, Maryland, this 4th day of October 2000.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 00-26151 Filed 10-11-00; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Meeting Act

Agency Holding the Meeting: Nuclear Regulatory Commission.

Date: Weeks of October 9, 16, 23, 30, November 6, and 13, 2000.

Place: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

Status: Public and Closed.

Matters to be Considered:

Week of October 9

There are no meetings scheduled for the Week of October 9.

Week of October 16—Tentative

Tuesday, October 17
9:25 a.m. Affirmation Session (Public Meeting) (If needed)

Week of October 23—Tentative

Monday, October 23
1:55 p.m. Affirmation Session (Public Meeting) (If needed)

Week of October 30—Tentative

There are no meetings scheduled for the Week of October 30.

Week of November 6—Tentative

There are no meetings scheduled for the Week of November 6.

Week of November 13—Tentative

Friday, November 17
9:25 a.m. Affirmation Session (Public Meeting) (If needed)
9:30 a.m. Briefing on Risk-Informed Regulation Implementation Plan (Public Meeting)

This meeting will be webcast live at the Web address—www.nrc.gov/live.html

*The schedule for commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: Bill Hill (301) 415-1661.

* * * * *

Additional Information

By a vote of 5-0 on October 6, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of VERMONT YANKEE NUCLEAR POWER CORP. & AMERGEN VERMONT, LLC (Vermont Yankee Nuclear Power Station), Docket No. 50-271-LT. Petitions to Intervene and Motions for Hearing from Citizens Awareness Network ("CAN") and the Vermont Department of Public Service ("Vermont"); also various motions by CAN associated with its petition" be held on October 6, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmmh@nrc.gov or dkw@nrc.gov.

Dated: October 6, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00-26334 Filed 10-10-00; 11:44 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

State of Oklahoma: Discontinuance of Certain Commission Regulatory Authority Within the State; Notice of Agreement Between the NRC and the State of Oklahoma

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Agreement between the NRC and the State of Oklahoma.

SUMMARY: This notice is announcing that on August 30, 2000, Richard Meserve, Chairman of the U.S. Nuclear Regulatory Commission (NRC) and on September 22, 2000, Governor Frank Keating of the State of Oklahoma signed an Agreement as authorized by section 274b of the Atomic Energy Act of 1954, as amended (Act). The Agreement provides for the Commission to discontinue its regulatory authority and for Oklahoma to assume regulatory authority over the possession and use of byproduct material as defined in section 11e.(1) of the Act, special nuclear materials (in quantities not sufficient to form a critical mass), source material used to take advantage of its density and high mass properties where the use of the specifically licensed material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material (primarily used as shielding), and the disposal of low-level radioactive waste at a land disposal site in the State of Oklahoma.

Under the Agreement, a person in Oklahoma possessing these materials is exempt from certain Commission regulations. The exemptions have been previously published in the **Federal Register** (FR) and are codified in the Commission's regulations as 10 CFR part 150. The Agreement is published here as required by section 274e of the Act.

ADDRESSES: Copies of the staff assessment, and the Commission's decision may be viewed at the NRC website, <http://www.nrc.gov>.

FOR FURTHER INFORMATION CONTACT: Patricia M. Larkins, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone (301) 415-2309 or e-mail PML@NRC.GOV.

SUPPLEMENTARY INFORMATION: The draft Agreement was published in the **Federal Register** for comment once a week for four consecutive weeks (see, e.g., 65 FR 36169; June 7, 2000) as required by the Act. The public comment period ended on July 7, 2000, and the Commission did not receive any comments during that time. After considering the request for an Agreement by the Governor of Oklahoma, the supporting documentation submitted with the request for an Agreement, and its interactions with the staff of the Oklahoma Department of Health, Bureau of Radiological Health, the NRC staff completed an assessment of the Oklahoma program. A copy of the NRC staff assessment was made available in the NRC's Public Document Room and electronically on NRC's website.

Based on the NRC staff's assessment, the Commission determined on August 24, 2000, that the proposed Oklahoma program for the control of radiation hazards is adequate to protect public health and safety, and that it is compatible with the Commission's program. Following execution of the Agreement, NRC staff will continue a program of active interaction with the new Agreement State that includes the exchange of regulatory information (e.g., incident reports, policy changes, rule and guidance development), and periodic on-site reviews of the Agreement State program.

Dated at Rockville, Maryland, this 4th day of October, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Agreement Between the United States Nuclear Regulatory Commission and the State of Oklahoma for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, the Governor of the State of Oklahoma is authorized under section 2-9-103(c) of the Radiation Management Act (27A

O.S. Supp. 1998 § 2–9–101 *et seq.*) to enter into this Agreement with the Commission; and,

Whereas, the Governor of the State of Oklahoma certified on December 28, 1999 that the State of Oklahoma (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the health and safety with respect to materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, the Commission found on August 24, 2000, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

Whereas, this Agreement is entered into pursuant to the provisions of the Act: Now, Therefore, it is hereby agreed between the Commission and the Governor of the State of Oklahoma, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct material as defined in section 11e.(1) of the Act;

B. Source material used to take advantage of the density and high-mass property where the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material;

C. Special nuclear materials in quantities not sufficient to form a critical mass;

D. The regulation of the land disposal of byproduct source or special nuclear waste material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to:

A. The regulation of the construction and operation of any production or utilization facility or any uranium enrichment facility;

B. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The regulation of the disposal into the ocean or sea of byproduct, source, or special

nuclear waste material as defined in the regulations or orders of the Commission;

D. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed without a license from the Commission;

E. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;

F. Byproduct material as defined in section 11e. (2) of the Act;

G. Source material except for source material used to take advantage of the density and high-mass properties where the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material.

Article III

With the exception of those activities identified in Article II, paragraph A through D, this Agreement may be amended, upon application by the State and approval by the Commission, to include one or more of the additional activities specified in Article II, paragraphs E through G, whereby the State may then exert regulatory authority and responsibility with respect to those activities.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that Commission and State programs for protection against hazards of radiation will be coordinated and compatible. The State agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The State and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State. Accordingly, the Commission and the State agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that: (1) Such termination or suspension is required to protect public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j(2) of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review actions taken by the State under this Agreement to ensure compliance with section 274 of the Act which requires a State program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

Article IX

This Agreement shall become effective on September 29, 2000, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Dated at Rockville, Maryland, in triplicate, this 30th day of August 2000.

For the United States Nuclear Regulatory Commission.

Richard A. Meserve,
Chairman.

Dated at Oklahoma City, Oklahoma, in triplicate, this 22nd day of September 2000.

For the State of Oklahoma.

Frank Keating,

Governor.

[FR Doc. 00–26150 Filed 10–11–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION**[Release No. 35-27240]****Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")**

October 4, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The applicant(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 30, 2000, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After October 30, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

System Energy Resources, Inc., 70-9753

Entergy Corporation ("Entergy"), 639 Loyola Avenue, New Orleans, Louisiana 70113, a registered holding company, Entergy's electric generating subsidiary company, System Energy Resources, Inc. ("System Energy"), 1340 Echelon Parkway, Jackson, Mississippi 39213, and Entergy's operating subsidiary companies ("Operating Subsidiaries"), Entergy Arkansas, Inc., 425 West Capitol, Little Rock, Arkansas 72201, Entergy Louisiana, Inc., 4809 Jefferson Highway, Jefferson, Louisiana 70121, Entergy Mississippi, Inc., 308 East Pearl Street, Jackson, Mississippi 39201, Entergy New Orleans, Inc., 1600 Perido Building, New Orleans, LA 70112, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act"), as amended, and rules 44, 45 and 54 under the Act.

System Energy proposes, from time to time through December 31, 2005 to issue and sell one or more series of its First Mortgage Bonds ("Bonds"), and/or one or more series of its Debentures ("Debentures") in a combined aggregate principal amount of Bonds and Debentures not to exceed \$350 million. Each series of Bonds and Debentures will have such interest rate, maturity date, redemption, and sinking fund provisions, as shall be determined at the time of sale. No series of Bonds or Debentures will be sold if the fixed interest rate or adjustable interest rate would exceed 15% per annum and mature not later than fifty years from the date of issuance.

In order to provide security for its obligations with respect to each series of the Bonds, System Energy may determine to enter into one or more assignments for the benefit of the holders of such Bonds, of its rights under the Availability Agreement, dated as of June 21, 1974, as amended. The Operating Companies, each of which is a party to the Availability Agreement, will be required to consent to and join in any such Assignment. In addition, System Energy may determine to enter into an assignment for the benefit of the holders of the Bonds of its rights under the Capital Funds Agreement, dated as of June 21, 1974. In such event, Entergy, which is a party to the Capital Funds Agreement, will be required to consent to and join in the assignment. Lastly, System Energy may determine to provide an insurance policy for the payment of the principal of and/or interest and/or premium on one or more series of Bonds or Debentures.

System Energy proposes to use the net proceeds from the issuance and sale of the Bonds and Debentures for general corporate purposes, including the repayment of outstanding securities when due and/or the possible redemption or the acquisition of outstanding First Mortgage Bonds and/or Debentures, the payment of construction costs and nuclear fuel costs, the repayment of borrowings and for other working capital needs.

System Energy also proposes to enter into arrangements for the issuance of tax-exempt bonds under which System Energy proposes from time to time through December 31, 2005, to enter into one or more installment purchases, refunding or other facilities agreements or one or more supplements thereto ("Facilities Agreement") with one or more issuing governmental authorities ("Issuer") which will contemplate the issuance and sale by the Issuer of one or more series of tax-exempt bonds in an aggregate principal amount not to

exceed \$500 million ("Tax-Exempt Bonds") under one or more trust indentures between the Issuer and one or more trustees ("Trustee"). Each series of Tax-Exempt Bonds will have such interest rate, maturity date, redemption, and sinking fund provisions, be secured by such means, as shall be determined at the time of sale. In no event will the Tax-Exempt Bonds mature earlier than five years nor later than fifty years from the date of issuance and no series of Tax-Exempt Bonds will be sold if the fixed interest rate or initial adjustable interest rate thereon will exceed 13% per annum.

In order to obtain a more favorable rating on any series of Tax-Exempt Bonds, and improve the marketability thereof, System Energy may arrange for one or more irrevocable letters of credit from one or more banks in favor of the Trustee. As an alternative, System Energy may provide an insurance policy for the payment of the Tax-Exempt Bonds or pledge one or more new series of First Mortgage Bonds up to an aggregate amount not to exceed \$565 million ("Collateral Bonds"). The terms of the Collateral Bonds relating to maturity, interest payment dates, redemption provisions and acceleration will correspond to the terms of the related Tax-Exempt Bonds.

System Energy also proposes from time to time through December 31, 2005 to enter into arrangements for the issuance of municipal securities in an aggregate principal amount not to exceed \$100 million ("Municipal Securities") to be issued in one or more series through a state or local municipal entity on behalf of System Energy.

System Energy proposes to use the net proceeds from the issuance and sale of the bonds and Debentures to acquire and retire at any time or from time to time prior to December 31, 2005, by means of tender offer, open market, negotiated or other purchases, or redemption, in whole or in part, prior to their respective maturities, one or more series of outstanding Tax-Exempt Bonds.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,*Deputy Secretary.*

[FR Doc. 00-26109 Filed 10-11-00; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24678; 812-10528]

PADCO Advisors, Inc., et al.; Notice of Application

October 5, 2000.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the "Act") for exemption from sections 12(d)(1)(A) and (B) and under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act.

SUMMARY OF THE APPLICATION: The order would permit certain registered open-end management investment companies to acquire shares of other registered open-end management investment companies outside the same group of investment companies.

APPLICANTS: PADCO Advisors, Inc., Rydex Series Funds and Rydex Dynamic Funds.

FILING DATES: The application was filed on February 17, 1997, and amended on February 27, 1998, and on October 2, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 30, 2000, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants. 6116 Executive Boulevard, Ste. 400, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Michael W. Mundt, Branch Chief, and Nadya B. Roytblat, Assistant Director, at (202) 942-0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application

may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0102 (tel. 202-942-8090).

Applicants' Representations

1. The Rydex Series Funds and the Rydex Dynamic Funds (together the "Trusts") are open-end management investment companies registered under the Act comprised of separate series, each of which pursues a distinct set of investment objectives and policies. PADCO Advisors, Inc. is a Maryland corporation registered as an investment adviser under the Investment Advisers Act of 1940 ("Advisers Act") and serves as investment adviser to the series of the Trusts (each, a "Rydex Fund").

2. Applicants request relief to permit registered open-end management investment companies that are not part of the same "group of investment companies," as that term is defined in section 12(d)(1)(G)(ii) of the Act, as the Trusts (each, a "Fund of Funds"), to acquire shares of Rydex Funds. Each Fund of Funds will be advised by an investment adviser that is registered under the Advisers Act ("Fund of Funds Adviser"). Applicants request that the relief apply to: (a) Each open-end management investment company that currently or subsequently is part of the same "group of investment companies," within the meaning of section 12(d)(1)(G)(ii) of the Act as the Trusts (together with the Rydex Funds, "Underlying Funds"); and (b) each Fund of Funds that enters into a participation agreement ("Participation Agreement") with an Underlying Fund to purchase shares of the Underlying Fund.¹

3. Applicants state that the Rydex Funds will offer Fund of Funds simple and efficient vehicles to achieve their asset allocation or diversification objectives. Applicants also assert that the Rydex Funds provide high quality and low cost professional investment program alternatives to Fund of Funds that do not have sufficient assets to operate a comparable fund.

Applicants' Legal Analysis

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities

represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants seek an exemption under section 12(d)(1)(J) to permit a Fund of Funds to acquire shares of the Rydex Funds and to permit the Rydex Funds to sell shares to the Fund of Funds beyond the limits set forth in sections 12(d)(1)(A) and (B).

3. Applicants state that the proposed arrangement and conditions will adequately address the policy concerns underlying sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees, and overly complex fund structures. Accordingly, applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

4. Applicants state that the proposed arrangement will not result in undue influence by a Fund of Funds or its affiliates over the Rydex Funds. To limit the control that a Fund of Funds may have over a Rydex Fund, applicants propose a condition prohibiting the Fund of Funds Adviser and certain affiliates (individually or in the aggregate) from controlling a Rydex Fund within the meaning of section 2(a)(9) of the Act. To limit further the potential for undue influence over Rydex Funds, applicants propose conditions 2 through 7, stated below, to preclude a Fund of Funds and its affiliate entities from taking advantage of a Rydex Fund with respect to transactions between the entities and to ensure the transactions will be on an arm's length basis.

5. As an additional assurance that a Fund of Funds understands the implications of an investment by a Fund

¹ All investment companies that currently intend to rely on the requested order are named as applicants. Any other investment company that relies on the order in the future will comply with the terms and conditions of the application. A Fund of Funds may rely on the requested order only to invest in Underlying Funds and not in any other registered investment company.

of Funds under the requested order, each Fund of Funds and the appropriate Trust will execute a Participation Agreement stating that the board of directors of the Fund of Funds and the Fund of Funds Adviser understand the terms and conditions of the order and agree to fulfill their responsibilities under the order. Applicants note that a Rydex Fund may choose to reject an investment from a Fund of Funds.

6. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. The board of directors of each Fund of Funds, including a majority of the disinterested directors, will be required to determine that the advisory fees charged to the Fund of Funds are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract of any Rydex Fund in which the Fund of Funds may invest. In addition, a Fund of Funds Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation received by the Fund of Funds Adviser or an affiliated person of the Fund of Funds Adviser from the Rydex Funds in connection with the investment by the Fund of Funds in the Rydex Funds. Applicants also state that any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the applicable limits set forth in rule 2830 of the Conduct Rules of the National Association of Securities Dealers ("NASD Conduct Rules").

7. Applicants state that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Rydex Fund will be prohibited from acquiring securities of any investment company in excess of the limits contained in section 12(d)(1)(A), except to the extent permitted by section 12(d)(1)(E) of the Act² or an exemptive order allowing a Rydex Fund to purchase shares of an affiliated money market fund for short-term cash management purposes. Applicants also represent that the Participation Agreement will require that a Fund of Funds' prospectus and sales literature disclose, in "plain English," the unique characteristics of a Fund of Funds investing in the Rydex Funds, including, but not limited to, the expense structure and any additional

expenses of investing in the Rydex Funds.

B. Section 17(a)

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and any affiliated person of the company. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person.

2. Applicants state that a Rydex Fund could become an affiliated person of a Fund of Funds if the Fund of Funds acquires more than 5% of a Rydex Fund's outstanding voting securities. In light of this possible affiliation, section 17(a) could prevent a Rydex Fund from selling shares to and redeeming shares from the Fund of Funds.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any person or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants submit that the proposed arrangement satisfies the standards for relief under sections 17(b) and 6(c) of the Act. Applicants state that the terms of the arrangement are fair and reasonable and do not involve overreaching. Applicants note that the consideration paid for the sale and redemption of shares of the Rydex Funds will be based on the net asset values of the Rydex Funds. Applicants state that the proposed arrangement will be consistent with the policies of each Fund of Funds and Rydex Fund and with the general purposes of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. (a) A Fund of Funds Adviser, (b) any person controlling, controlled by, or under common control with a Fund of

Funds Adviser, and (c) any investment company and any issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act who is advised by a Fund of Funds Adviser or any person controlling, controlled by, or under common control with a Fund of Funds Adviser (collectively, the "Group") will not control (individually or in the aggregate) a Rydex Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Rydex Fund, the Group, in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Rydex Fund, the Group will vote its shares of the Rydex Fund in the same proportion as the vote of all other holders of the Rydex Fund's shares.

2. A Fund of Funds and its investment adviser, promoter, and principal underwriter, and any person controlling, controlled by, or under common control with any of those entities (each a "Fund of Funds Affiliate") will not cause any existing or potential investment by the Fund of Funds in shares of a Rydex Fund to influence the terms of any services or transactions between the Fund of Funds or a Fund of Funds Affiliate and the Rydex Fund or its investment adviser, promoter, principal underwriter, and any person controlling, controlled by, or under common control with any of those entities (each a "Rydex Fund Affiliate").

3. The board of directors of a Fund of Funds, including a majority of the disinterested directors, will adopt procedures reasonably designed to assure that the Fund of Funds' Adviser is conducting the investment program of the Fund of Funds without taking into account any consideration received by the Fund of Funds or a Fund of Funds Affiliate from a Rydex Fund or a Rydex Fund Affiliate in connection with any services or transactions.

4. The board of trustees of each Trust ("Board of Trustees"), including a majority of the disinterested trustees, will determine that any consideration paid by a Rydex Fund to a Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (a) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Rydex Fund; (b) is within the range of consideration that the Rydex Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (c) does not involve overreaching on the part of any person concerned.

² A Rydex Fund may operate as a "feeder fund" that invests all of its assets in another investment company (the "master fund") in reliance on section 12(d)(1)(E) of the Act. Applicants state that in such situations, the master fund would be in the same group of investment companies as the Rydex Fund and no other feeder funds would invest in the master fund.

5. No Fund of Funds or Fund of Funds Affiliate will cause a Rydex Fund to purchase a security from any underwriting or selling syndicate in which a principal underwriter is an officer, director, member of an advisory board, investment adviser, or employee of the Fund of Funds, or a person of which any such officer, director, member of an advisory board, investment adviser, employee is an affiliated person (each an "Underwriting Affiliate"). An offering of securities during the existence of an underwriting or selling syndicate of which principal underwriter is an Underwriting Affiliate is considered an "Affiliated Underwriting."

6. The Board of Trustees, including a majority of the disinterested trustees, will adopt procedures reasonably designed to monitor any purchases of securities by a Rydex Fund in an Affiliated Underwriting, including any purchases made directly from an Underwriting Affiliate. The Board of Trustees will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in shares of the Rydex Fund.

The Board of Trustees should consider, among other things: (a) Whether the purchases were consistent with the investment objectives and policies of the Rydex Fund; (b) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (c) whether the amount of securities purchased by the Rydex Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have significantly from prior years. The Board of Trustees will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities from Affiliated Underwritings are in the best interests of shareholders.

7. The Trusts shall maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications, and will maintain and preserve for a period not less than six years from the end of the fiscal year in which any purchase from an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of

each purchase, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board of Trustees' determinations were made.

8. Prior to an investment in shares of a Rydex Fund in excess of the limit in section 12(d)(1)(A)(i), each Fund of Funds and the appropriate Trust will execute an agreement stating, without limitation, that the board of directors of the Fund of Funds and the Fund of Funds Adviser have read the notice of the application requesting the order, understand the terms and conditions of the order and agree to fulfill their responsibilities under the order. At the time of its investment in shares of a Rydex Fund in excess of the limit in section 12(d)(1)(A)(i), a Fund of Funds will notify the Rydex Fund of the investment. At such time, the Fund of Funds also will transmit to the Rydex Fund a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate.

The Fund of Funds will notify the Rydex Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Rydex Fund and the Fund of Funds will maintain and preserve a copy of the order, the agreement, and the list with any updated information for a period of not less than six years from the end of the fiscal year in which any investment occurred, the first two years in an easily accessible place.

9. Prior to approving any advisory contract under section 15 of the Act, the board of directors of each Fund of Funds, including a majority of the disinterested directors, will find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract of any Rydex Fund in which the Fund of Funds may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Fund of Funds.

10. A Fund of Funds Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to a plan adopted by a Rydex Fund under rule 12b-1 under the Act) received by the Fund of Funds Adviser or an affiliated person of the Funds of Funds Adviser from the Rydex Funds in connection with the investment by the Funds of Funds in the Rydex Funds.

11. Any sales charges and/or service fees with respect to shares of the Fund

of Funds will not exceed the applicable limits set forth in rule 2830 of the NASD Conduct Rules.

12. No Rydex Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by section 12(d)(1)(E) of the Act or an exemptive order that allows the Rydex Fund to purchase shares of an affiliated money market fund for short-term cash management purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26183 Filed 10-11-00; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-24677; File No. 812-12030]

First Allmerica Financial Life Insurance Company, et al.

October 5, 2000.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the "1940 Act") granting exemptions from the provisions of sections 2(a)(32), 22(c), and 27(i)(2)(A) of the 1940 Act and Rule 22c-1 thereunder to permit the deduction of a monthly charge upon termination of an Optional Insurance Rider.

APPLICANTS: First Allmerica Financial Life Insurance Company ("First Allmerica") and Allmerica Financial Life Insurance and Annuity Company ("Allmerica Financial") (hereinafter referred to as the "Companies") together with Separate Account VA-K of First Allmerica, Allmerica Select Separate Account of First Allmerica, Separate Account VA-P of First Allmerica, Separate Account KG of First Allmerica, Separate Account KGC of First Allmerica, Separate Account VA-K of Allmerica Financial, Allmerica Select Separate Account of Allmerica Financial, Separate Account VA-P of Allmerica Financial, Separate Account KG of Allmerica Financial, Separate Account KGC of Allmerica Financial (together, the "Separate Accounts"), and Allmerica Investments, Inc. (collectively "Applicants").

SUMMARY OF APPLICATION: Applicants seek an order under section 6(c) of the 1940 Act, to the extent necessary to

permit the deduction of a monthly charge from variable deferred annuity contracts (the "Contracts"), for optional insurance riders ("Optional Insurance Riders") upon surrender of a Contract, that the Companies will issue through the Separate Accounts or other separate accounts which the Companies may establish in the future ("Other Separate Accounts"), as well as other contracts, similar in all material respects to the Contracts described herein, that the Companies may issue in the future through the Separate Accounts or Other Separate Accounts ("Future Contracts"). Applicants state that the Optional Insurance Riders contained in Future Contracts funded by Separate Accounts or any Other Separate Accounts may offer the same benefits described herein, even if the Optional Insurance Rider is offered under a different name. Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc. ("NASD") member broker-dealer controlling or controlled by, or under common control of First Allmerica or Allmerica Financial, whether existing or created in the future, that serves as distributor or principal underwriter of the Contracts or Future Contracts offered through the Separate Accounts or any Other Separate Account (collectively, "the Companies' Broker-Dealers").

FILING DATE: The Application was filed on March 7, 2000, and amended and restated on May 17, 2000 and September 6, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 30, 2000, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES:

Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549.
Applicants, c/o Allmerica Financial Corporation, 440 Lincoln Street, Worcester, Massachusetts 01653, Attn: John C. Donlon, Jr.

FOR FURTHER INFORMATION CONTACT: Mark Cowan, Senior Counsel, or Keith Carpenter, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, NW., Washington, DC 20549 (tel. (202) 942-8090).

Applicants Representations

1. First Allmerica is a life insurance company organized under the laws of Massachusetts in 1844. Effective October 16, 1995, First Allmerica converted from a mutual life insurance company known as State Mutual Life Assurance Company of America to a stock life insurance company and adopted its present name. First Allmerica is a wholly owned subsidiary of Allmerica Financial Corporation ("AFC") and is licensed to do business in the State of New York.

2. Allmerica Financial is a life insurance company organized under the laws of Delaware in July 1974. Allmerica Financial, a wholly owned subsidiary of First Allmerica, is licensed to do business in the District of Columbia, Puerto Rico, the Virgin Islands, and all states except New York.

3. Each of the Separate Accounts of First Allmerica is a segregated asset account that is registered with the Commission as a unit investment trust under the 1940 Act (Separate Account VA-K, see file No. 811-8114; Allmerica Select Separate Account, see file No. 811-8116; Separate Account VA-P, see file No. 811-8872; Separate Account KG, see file No. 811-7769; and Separate Account KGC, see file No. 811-7771).

4. Each of the Separate Accounts of Allmerica Financial is a segregated asset account that is registered with the Commission as a unit investment trust under the 1940 Act (Separate Account VA-K, see file No. 811-6293; Allmerica Select Separate Account, see file No. 811-6632; Separate Account VA-P, see file No. 811-8848; Separate Account KG, see file No. 811-7767; and Separate Account KGC, see file No. 811-7777).

5. Allmerica Investments, Inc. ("Allmerica Investments") is an affiliate of Allmerica Financial and will be the principal underwriter of the Separate Accounts and distributor of the Contracts funded through Separate Account VA-K of First Allmerica and Allmerica Financial ("VA-K Contracts"), Allmerica Select Separate Account of First Allmerica and

Allmerica Financial ("Select Contract"), Separate Account VA-P of First Allmerica and Allmerica Financial ("VA-P Contracts"), Separate Account KG of First Allmerica and Allmerica Financial ("KG Contracts"), and Separate Account KGC of First Allmerica and Allmerica Financial ("KGC Contracts") (collectively, the "Contracts"). Allmerica Investments is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act") and is a member of the NASD. The Contracts will be offered through registered representative of Allmerica Investments, or through registered representatives of brokers-dealers, which are registered under the 1934 Act and members of NASD, that have selling agreements with Allmerica Investments. Allmerica Investments, or any successor entity, may act as principal underwriter for any Other Separate Account and distributor for any Future Contracts issued by the Companies. A successor entity may also act as principal underwriter for the Separate Accounts and Other Separate Accounts.

6. The Contracts are a combination fixed and variable, flexible payment deferred annuity contracts. Contracts may be issued as non-qualified annuities for after-tax contributions only, as individual retirement annuities ("IRAs," including either "Traditional IRAs" or "Roth IRAs"), for use in certain types of qualified plans which qualify for special federal income tax treatment under sections 401, 403(b), 408, 408A and 457 of the Internal Revenue Code, and in retirement plans which do not qualify for special tax treatment. In some states the Contracts may be issued on a group basis connection with retirement plans that do not qualify for special federal income tax treatment.

7. The Contracts permit the owner to allocate contributions to a fixed interest account ("Fixed Account") of the Companies' General Account, to accumulate interest at a fixed, guaranteed rate. Contributions may also be allocated to certain guarantee period accounts ("Guarantee Period Accounts") that will provide a guarantee of each contribution plus interest at a guaranteed interest rate. Once declared, the guaranteed interest rate will not change during the duration of the guaranteed period. A "Market Value Adjustment" will be made to the annuity account value in a Guarantee Period Account upon a withdrawal, surrender or transfer from the Guarantee Period Account prior to the expiration of its guarantee period. Even after application of the Market Value Adjustment, earnings in a Guarantee

Period Account will not be less than an effective rate of 3% annually.

8. Each Separate Account consists of Sub-Accounts that invest in the portfolios of certain underlying investment companies ("Funds") each of which is registered with the Commission as an open-end management investment company. The shares of the Funds are registered under the 1933 Act. Other Funds may be made available to the Separate Accounts or to Other Separate Accounts of the Companies. The Owner may allocate contributions to the Sub-Accounts offered by the Contracts (the Contract may contain restrictions as to the number of Sub-Accounts that may be selected).

9. The Contracts sold by the Companies provide the purchaser with the right to select an Optional Insurance Rider or Riders for an additional charge. The following riders are offered by the Companies (the actual riders offered will vary by Contract): the Disability Rider, the Living Benefits Rider, the Enhanced Death Benefit Rider, and the Minimum Guaranteed Annuity Payout (M-GAP) Rider. The Companies deduct a separate monthly charge for each rider selected. On the last day of the month and on the date the rider is terminated, a charge equal to $\frac{1}{12}$ of the applicable annual rate is made against the Accumulated Value of the Contract at that time.

Applicant's Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the 1940 Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicants request that the Commission, pursuant to section 6(c) of the 1940 Act, grant the exemptions requested below with respect to the Contracts, and any Future Contracts funded by the Separate Accounts or Other Separate Accounts, which are issued by the Companies and undewritten or distributed by Allmerica Investments or other Allmerica Broker-Dealers. Applicants state that the riders contained in Future Contracts funded by Separate Accounts or any Other Separate Account may offer the same benefit described herein, even if the Optional Insurance Rider is offered under a different name. Applicants

believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Rule 6c-8(b) under the Act exempts a registered separate account and its depositor and principal underwriter from certain provisions of the Act and Rule 22c-1 to permit the imposition of a contingent deferred sales charge on variable annuity contracts participating in such separate account. Applicants maintain that Rule 6c-8(b) is not available with respect to the imposition of a charge for an Optional Insurance Rider because it is a charge for an optional insurance benefit rather than a contingent deferred sales charge.

3. Rule 6c-8(c) provides exemptions from certain provisions of the Act and Rule 22c-1 to permit the deduction of a full annual administrative services fee from variable annuity contracts upon surrender. However, an Optional Insurance Rider charge is not a fee for administrative services and, therefore, Rule 6c-8(c) is not applicable. Applicants note; however, that Rule 6c-8(c) permits the deduction of the entire annual administrative fee upon surrender, it does not require that the fee be pro-rated. Applicants only seek an exemption so that it may collect the entire monthly charge when a Contract is surrendered on any day other than the last day of a Contract month.

4. Section 2(a)(32) of the 1940 Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Assessing the full monthly charge upon termination of an Optional Insurance Rider may not be contemplated by section 2(a)(32), and thus may be deemed inconsistent with the foregoing provision, to the extent that the charge can be viewed as causing a Contract to be redeemed at a price less than the current net asset value that is next computed after termination of the rider. Although Applicants do not concede that relief is necessary, Applicants request relief from section 2(a)(32) to permit the deduction of a monthly charge for each Optional Insurance Rider upon surrender of a Contract.

5. The Optional Insurance Rider represents a benefit for which each Insurer is entitled to receive compensation. Accordingly, Applicants assert the deduction of an Optional Insurance Rider charge is a legitimate charge for an optional insurance benefit

under the Contract, and therefore does not reduce the amount of the Separate Account's current net assets that a Contract Owner would otherwise be entitled to receive.

6. The charge assessed for an Optional Insurance Rider at surrender of the Contract is little different, for this purpose, from the "redemption" charge authorized in section 10(d)(4) of the 1940 Act. Congress, according to the Applicants, obviously intended that such a redemption charge, which is expressly described as a "discount from net asset value," be deemed consistent with the concept of "proportionate share" under section 2(a)(32).

7. The deduction of the charge for the Optional Insurance Rider upon termination of the rider is disclosed in the prospectuses. There will be no restriction on, or impediment to, surrender or partial withdrawal that should cause the Contracts to be considered other than redeemable securities within the meaning of section 2(a)(32) of the 1940 Act and the rules thereunder.

8. Rule 22c-1, promulgated under section 22(c), prohibits a registered investment company issuing any redeemable security, a person designated in such insurer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security. The deduction of a monthly charge for an Optional Insurance Rider upon the surrender of a Contract is consistent with the policy behind Rule 22c-1. Applicants submit that the Contracts will satisfy the requirements of Rule 22c-1. However, to avoid any uncertainty as to full compliance with the 1940 Act, Applicants request an exemption from the provisions of section 22(c) and Rule 22c-1 to the extent necessary to permit the deduction of a monthly charge for an Optional Insurance Rider upon surrender of a Contract.

9. Section 27(i)(2)(A) provides that it shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contracts unless such contract is a redeemable security. Applicants submit that the deduction of a monthly charge for an Optional Insurance Rider upon surrender of a Contract is nothing more than the deduction of an insurance charge. Applicants submit that the

Contracts will satisfy the requirements of section 27(i)(2)(A).

10. Accordingly, Applicants seek exemptions pursuant to section 6(c) from sections 2(a)(32), 22(c) and 27(i)(2)(A) of the 1940 Act and Rule 22c-1 thereunder to the extent deemed necessary to permit the Companies to issue Contracts that offer Optional Insurance Riders and deduct a monthly charge for each rider upon surrender of a Contract.

11. Applicants seek relief not only with respect to themselves and the Contracts, but also with respect to Other Separate Accounts established by the Companies that may support Future Contracts that may offer the same benefit described herein, even if the Optional Insurance Rider is offered under a different name. Applicants also seek relief with respect to any of the Companies' Broker-Dealers, which will be members of the NASD.

12. Applicants state, that without the requested class relief, exemptive relief for Future Contracts, any other Separate Account, or any of the Companies' Broker-Dealers would have to be requested and obtained separately. Applicants assert that these additional requests for exemptive relief would present no new issues under the 1940 Act not already addressed herein. Applicants state that if they were to repeatedly seek exemptive relief with respect to the same issues addressed herein, investors would not receive any additional protection or benefit, and investors and Applicants could be disadvantaged by increased costs from preparing such additional requests for relief. Applicants argue that the requested class relief is appropriate in the public interest because the relief will promote competitiveness in the variable annuity market by eliminating the need for Applicants to refile redundant exemptive applications, thereby reducing administrative expenses and maximizing efficient uses of resources. Elimination of the delay and the expense of repeatedly seeking exemptive relief would, Applicants opine, enhance each Applicant's ability to effectively take advantage of business opportunities as such opportunities arise.

Conclusion

For the reasons summarized above, Applicants submit that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicants therefore

request that an order be granted permitting the proposed transactions.

For the Commission, by Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26184 Filed 10-11-00; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43414; File No. SR-OPRA-00-09]

Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of a Proposal To Amend the Options Price Reporting Authority Plan To Increase the Professional Subscriber Information Fees

October 4, 2000.

Pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act")¹ notice is hereby given that on October 3, 2000, the Options Price Reporting Authority ("OPRA")² submitted to the Securities and Exchange Commission ("SEC" or "Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("Plan"). The proposed Plan amendment would increase the professional subscriber information fees charged by OPRA in respect of its Basic Service.

I. Description and Purpose of the Amendment

The purpose of the amendment is to increase by approximately five percent the device-based information fees payable to OPRA by professional subscribers to OPRA's Basic Service, which consists of market data and related information pertaining to equity and index options ("OPRA Data").³ OPRA does not propose to make any

¹ 17 CFR 240.11 Aa3-2.

² OPRA is a National Market System Plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3-2 thereunder. See Securities Exchange Act Release No. 17638 (March 18, 1981).

The Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the member exchanges. The six exchanges that are participants to the Plan are the American Stock Exchange, the Chicago Board Options Exchange, the International Securities Exchange, the New York Stock Exchange, the Pacific Exchange, and the Philadelphia Stock Exchange.

³ No changes are proposed to be made at this time to fees charged to vendors and subscribers for access to information pertaining to foreign currency options ("FCO") provided through OPRA's FCO Service.

changes to OPRA's nonprofessional subscriber fee or to OPRA's usage-based fees that apply to dial-up market data services (which may include Internet services), radio paging services, and voice-synthesized market data services.

The proposed increase of device-based professional subscriber fees ranges from 4.35% to 6.06% of the existing fees. Professional subscriber fees charged to members will continue to be discounted by two percent for members who preauthorize payment by electronic funds transfer through an automated clearinghouse system. OPRA estimates that the overall effect of the proposed increase in professional subscriber fees will be to increase revenues derived from professional subscriber fees by approximately five percent. Professional subscribers are those persons who subscribe to OPRA Data and do not qualify for the reduced fees charged to nonprofessional subscribers. As an alternative to device-based fees, professional subscribers may pay an enterprise rate fee based on the number of their U.S. registered representatives. No changes are proposed to be made to the enterprise rate fee.

The proposed increase in the amount of the professional subscriber fees is intended to generate additional OPRA revenues derived from device-based subscriber fees in order to cover actual and anticipated increases in the costs of collecting, consolidating, processing, and disseminating options market data. These increases for the most part reflect the costs of major enhancements to and upgrades of the OPRA system to enable it to handle expanded multiple trading of options, overall greater trading volume, and the move to decimal pricing for options.

II. Implementation of the Plan Amendment

Pursuant to paragraph (c)(3)(i) of Rule 11Aa3-2,⁴ OPRA designates this amendment as establishing or changing a fee or other charge collected on behalf of all of the OPRA participants in connection with access to or use of OPRA facilities, thereby qualifying for effectiveness upon filing. In order to give subscribers advance notice of the revised fees, they are proposed to be put into effect commencing January 1, 2001. The Commission may summarily abrogate the amendment within 60 days of filing and require refiling and approval of the amendment by Commission order pursuant to Rule

⁴ 17 CFR 240.11Aa3-2(c)(3)(i).

11Aa3-2(c)(2),⁵ if it appears to the Commission that such action is necessary or appropriate in the public interests, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Exchange Act.⁶

II. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Plan amendment 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, and all written statements with respect to the proposed Plan amendment that are filed with the Commission, and all written communications relating to the proposed Plan amendment between the Commission and any person, other than those withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available at the principal offices of OPRA. All submissions should refer to File No. SR-OPRA-00-09 and should be submitted by November 2, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 00-26185 Filed 10-11-00; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43405; File No. SR-AMEX-00-54]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Amex Rule 915

October 3, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 27, 2000, the American Stock Exchange LLC (“Amex” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the numbering of Amex Rule 915, Commentary .07, as filed with the Commission in SR-Amex-00-45, to Amex Rule 915, Commentary .08. This commentary relates to liability disclaimer and warranty with respect to the FORTUNE Indexes.

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

On August 16, 2000, the Exchange filed an amendment to Amex Rule 915 relating to the liability disclaimer and warranty with respect to the FORTUNE Indexes (SR-Amex-00-45). This amendment became effective pursuant to Section 19(b)(3) of the Act and subparagraph (f)(6) of Rule 19b-4 under the Act.³ In SR-Amex-00-45, proposed new Commentary to Amex Rule 915 was inadvertently numbered as Commentary .07. The Exchange hereby amends numbering of this Commentary .07 to Commentary .08 to avoid conflict with Amex Rule 915, Commentary .07 relating to options on Trust Issued

Receipts, previously approved by the Commission on June 15, 2000.⁴

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)⁵ of the Act in general and furthers the objectives of Section 6(b)(5)⁶ in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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 are not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange represents that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(1) thereunder⁸ because the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.⁹

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

⁴ Securities Exchange Act Release No. 42947, 65 FR 39211 (June 23, 2000).

⁵ 15 U.S.C. 78f.

⁶ 15 U.S.C. 78f(b)(5).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(3).

⁹ 15 U.S.C. 78s(b)(3)(C).

⁵ 17 CFR 240.11Aa3-2(c)(2).

⁶ 17 CFR 240.11Aa3-2.

⁷ 17 CFR 200.30-3(a)(29).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 43191 (August 22, 2000), 65 FR 52456 (August 29, 2000).

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 File No. SR-AMEX-00-54 and should be submitted by November 2, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,
Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43394; File No. SR-BSE-00-13]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Electronic Trading Permits for BEACON Remote Units

September 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 September 21, 2000, the Boston Stock Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to add a paragraph to its rules regarding

BEACON Remote specialists relating to Electronic Trading Permits ("ETP") which will provide remote access to the BEACON trading system from remote locations using authorized terminals and related equipment. The text of the proposed rule change follows.

Chapter XXXIII

Boston Exchange Automated Communication Order-routing Network (BEACON)

BEACON Remote

Sec. 9. * * *

Electronic Trading Permits ("ETP")

(o) Each remote BEACON terminal assigned and registered by the Exchange will require an ETP, and will be subject to the following:

(1) Each approved Specialist unit may be authorized to trade up to 200 issues.

(2) Each Specialist unit must have at least one registered Exchange seat assigned to the approved specialist.

a. A specialist may be authorized to obtain additional ETP's for qualified registered clerks to access BEACON in support of the Specialist unit.

b. All specialists and registered clerk ETP holders must be approved by the Market Performance Committee and must meet the following:

i. file an ETP application form with the BSE Surveillance Department;

ii. completion of the required floor training program*;

iii. successful completion of the BSE floor examination with 90 days of application (unless waived by the Exchange);

iv. successful completion of the Series 63 (NASAA Uniform State Law Exam), and registration with the Commonwealth of Massachusetts, and;

v. submission of fingerprint records to the BSE.

(3) Each Specialist unit identified by the member firm will be assigned an account ("give up") and will be evaluated under the Exchange's Specialist Performance Evaluation Program ("SPEP") which currently measures performance in several separate categories comprising a relative overall performance ranking.

* Training: On-site floor training for at least two weeks unless other arrangements are made with and approved by the Exchange, and will include, among other things:

(1) Questioned trade procedures
(2) Communication procedures with Floor Brokers, Front Desk Operations, Surveillance, Systems Support, and ITS coordination with the Floor.

(3) Competing Specialist Initiative ("CSI") and Unlisted Trading Privilege ("UTP") applications and procedures

(4) Stock allocation procedures
(5) Book or symbol change procedures
(6) Trading Halt procedures
(7) Floor official rulings
(8) Authorizations required for billing, withdrawals, and payment of fines where applicable
(9) Minor Rule Plan Violations policies and application
(10) Books and records/reports available
(11) Explanation of the SPEP categories and procedures
(12) Certain other rules and policies deemed appropriate by the Exchange (e.g. Limit Order Display Rule, auto-executions, Price Improvement, etc.)

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 Section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add paragraph (o) to Chapter XXXIII, Section 9, BEACON Remote, to require and establish guidelines for Electronic Trading Permits ("ETP") for remote specialist operations. Each BEACON Remote terminal will be individually identified and associated with (an) authorized and qualified specialist(s) and/or registered clerk(s). The Exchange will specifically authorize and approve each ETP based on certain qualifications. Each ETP will provide remote access to the BEACON system from remote locations using authorized terminals and related equipment.

The Exchange states that remote specialists and associated registered clerks with ETP's, like current BSE floor specialist units, will receive orders, commitments over the Intermarket Trading system ("ITS") and administrative messages through the BEACON system. The existing Exchange systems and rules will support remote specialists as they currently support the physical trading floor. All executions occurring within BEACON, whether

¹⁰ 17 CFR 200.30-3(a)(12).

¹¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

conducted on the floor or electronically from remote locations, will be considered to be executions occurring on the Exchange.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act,³ in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating securities transactions, to remove impediments, to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is consistent with the provisions of Section 11A(a)(1)(B) of the Act,⁴ in that it pertains to new data processing and communications techniques which create the opportunity for more efficient and effective market operations.

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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days 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:

- (1) by order approve such proposed rule change, or
- (2) 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to file number SR-BSE-00-13 and should be submitted by November 2, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26114 Filed 10-11-00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43395; File No. SR-CBOE-00-46]

Self-Regulatory Organizations; Notice of Filing and Order Granting Partial Accelerated Approval of Proposed Rule Change and Amendment No. 1 thereto by the Chicago Board Options Exchange, Inc. Relating to its Rapid Opening System Pilot Program

September 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 September 7, 2000, the Chicago Board Options Exchange ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On September 27, 2000, the Exchange submitted Amendment No. 1 to the proposed rule change.³ The Commission

⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, CBOE acknowledged that prior to permanent approval of the proposed rule change, the Exchange is required to submit to the Commission a workable plan for electronic incorporation of non-bookable orders on the Exchange's Rapid Opening System ("ROS"), and a

is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant partial accelerated approval to the portion of the proposal extending the Exchange's ROS pilot program ("Pilot") until the earlier of September 30, 2001 or such time as the Commission has approved ROS on a permanent basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt ROS on a permanent basis, as well as extend the Pilot until the earlier of September 30, 2001 or such time as the Commission has approved ROS on a permanent basis.⁴ The text of the proposed rule change is available at the Exchange and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

On February 9, 1999, the Commission approved the implementation of the Pilot.⁵ The Pilot was extended once and is scheduled to expire on September 30, 2000.⁶ ROS is a system developed by the Exchange to open an entire options class, all series, as a single event, based on a single underlying value.

description of the methods the Exchange will employ to surveil market-maker activities on ROS. The Exchange also clarified that the current ROS pilot program would be extended until the earlier of September 30, 2001 or such time as the Commission has approved ROS on a permanent basis. Letter from Jaime Galvan, Attorney, CBOE, to Terri Evans, Special Counsel, Division of Market Regulation ("Division"), Commission, dated September 26, 2000 ("Amendment No. 1").

⁴ See Amendment No. 1 effectively clarifying that the Pilot will not be further extended beyond September 30, 2001 without separate Commission approval.

⁵ Securities Exchange Act Release No. 41033 (February 9, 1999), 64 FR 8156 (February 18, 1999).

⁶ Securities Exchange Act Release No. 42596 (March 30, 2000), 65 FR 18397 (April 7, 2000).

³ 15 U.S.C. 78f(b)(5).

⁴ 15 U.S.C. 78k(a)(1)(B).

The Exchange is now proposing to make the Pilot program permanent. The Exchange's experience with ROS over the past year and a half has been positive. The Exchange believes that ROS has successfully facilitated the expedited openings of options classes on the Exchange, thereby improving market efficiency for all market participants. By providing the Exchange's market-makers with the ability to open option classes within seconds of the opening of the underlying security, customer orders have been addressed in open trading in a more timely manner. The Exchange believes that ROS has enhanced the quality of customer executions and has served to protect existing order entry priority.

The Exchange is continuing to explore possibilities for bring non-bookable orders into ROS in an automated fashion. The Exchange continues to actively study the possibility of making changes to its limit order book to allow for the inclusion of other order types, at least at the opening. These changes to the Exchange's limit order book would allow ROS to electronically accommodate orders that cannot be placed in the limit order book today. The Exchange believes the Pilot is operating successfully and requests permanent approval of the proposed rule change.

The Exchange also requests an extension of the Pilot pending the Commission's consideration of the proposal to adopt ROS on a permanent basis. An extension of the Pilot program would allow the Exchange and its customers to continue to realize the benefits of ROS pending Commission consideration of permanent approval of ROS.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b) of the Act⁷ in general and furthers the objectives of Section 6(b)(5)⁸ in particular in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The Exchange has requested that the Commission find good cause, pursuant to Section 19(b)(2) of the Act,⁹ for approving the extension of the Pilot through September 30, 2001 or until such earlier time as the Commission grants the Exchange's request for permanent approval of the program, prior to the thirtieth day after publication in the **Federal Register**.

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, 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 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-CBOE-00-46 and should be submitted by November 2, 2000.

V. Commission's Findings and Order Granting Partial Accelerated Approval of Proposed Rule Change

The Commission finds that the portion of the proposed rule change relating to the extension of the Pilot is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁰ Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5) of the Act,¹¹ which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to remove the impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public.

The Commission believes that accelerating effectiveness of the proposed extension of the Pilot will allow the Exchange to continue to offer the benefits of ROS without interruption while the Commission considers the Exchange's proposal to adopt ROS on a permanent basis.

The Commission finds good cause for approving this proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Specifically, the Commission believes that accelerating the effectiveness of the proposed extension of the Pilot would benefit investors by providing for the continuation of expedited openings of options classes on the Exchange afforded by ROS.¹² In addition, the Commission believes that accelerated approval of the Pilot would enable the CBOE to continue uninterrupted operation of ROS while ensuring adequate time for the Commission to evaluate the Exchange's proposal.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,¹³ that the extension of the Pilot by the Exchange (File No. SR-CBOE-00-46) is approved until the earlier of September 30, 2001 or such time as the Commission has approved ROS on a permanent basis.

¹⁰ In approving the extension of the Pilot, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹¹ 15 U.S.C. 78s(b)(5).

¹² Approval of the extension of the Pilot should not be interpreted as suggesting that the Commission is predisposed to approving the Pilot on a permanent basis.

¹³ 15 U.S.C. 78s(b)(2).

⁷ 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26113 Filed 10-11-00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43408; File No. SR-CSE-00-01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendments Nos. 1 and 2 by the Cincinnati Stock Exchange, Incorporated, Amending Its Rules To Accommodate the Implementation of Decimal Pricing

October 3, 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 February 2, 2000, The Cincinnati Stock Exchange, Incorporated ("CSE" OR "Exchange"), filed with the Securities and Exchange Commission ("Commission") a proposed rule change to amend its rules to permit quotations made in decimal increments in conjunction with the securities industry's phased implementation of decimal pricing conventions. On August 7, 2000, the CSE amended the proposed rule change³ by requesting that the Commission grant immediate effectiveness to the proposal pursuant to Section 19(b)(3)(A) of the Act.⁴ On October 2, 2000, the Exchange again amended the proposed rule change⁵ by making minor technical corrections to the proposed rule text amendments. The proposal, as amended, is described in Items I, II, and III below, which Items have been prepared by the CSE. Because the CSE filed the amended proposal pursuant to Section 19(b)(3)(A) of the Act,⁶ and Rule 19b-4(f)(6) thereunder,⁷

it has become effective upon filing with the Commission.⁸ The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules to provide for the implementation of decimal pricing. The CSE believes the proposed rule change conforms to the uniform industry approach to implementing decimal pricing contained in the joint submission to the Commission by the CSE and other interested parties dated July 24, 2000, and entitled "Decimals Implementation Plan for the Equities and Options Markets" ("Decimals Plan"). The text of the proposed rule change is set forth below. Proposed new language appears in *italic*; proposed deletions appear in brackets.

* * * * *

Chapter XI Trading Rules

Rule 11.3 Price Variations

(a) Bids or offers in stocks traded on the Exchange at or above \$1.00 per share shall not be made at a smaller variation than $\frac{1}{8}$ of \$1.00 per share; in stocks below \$1.00 but at or above $\frac{1}{2}$ of \$1.00 per share, at a smaller variation than $\frac{1}{16}$ of \$1.00; in stocks below $\frac{1}{2}$ of \$1.00 per share, at a smaller variation than $\frac{1}{32}$ of \$1.00 per share; and in bonds at a smaller variation than $\frac{1}{8}$ of 1% of the principal amount, except in the case of a dually or multiply-traded security where the principal exchange shall have a different rule or when the Board of Trustees of the Exchange shall provide otherwise. *(Rule 11.3(a) will be eliminated upon completion of decimal conversion.)*

(b) Bids or offers in stocks traded on the Exchange shall not be made at a smaller variation than \$.01 per share; and in bonds at a smaller variation than $\frac{1}{8}$ of 1% of the principal amount.

(c) Notwithstanding (b) above, bids and offers in stocks not participating in the decimal pilot program and not converted to decimal pricing at or above \$1.00 per share must be made in fractions at a minimum variation of $\frac{1}{16}$

⁸ In filing its Amendment No. 1, the Exchange requested that the Commission waive the requirement that the Exchange provide the Commission with written notice of its intent to make such filing, as well as a description of the proposal, at least five business days prior to the filing of the proposed rule change with the Commission. See Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii). The Commission agrees to waive such requirement of prior notice.

per share. The minimum variation of .01 described in (b) above is applicable to stocks that have been converted to decimal pricing. (Rule 11.3(c) will be eliminated upon completion of decimal conversion.)

* * * * *

Chapter XIV Intermarket Trading System Plan

Rule 14.3 Pre-Opening Application

(b) * * * The "applicable price changes" are:

Previous day's closing price	Applicable price change (more than)
Network A: Under \$15 ..	$\frac{1}{8}$ point <i>or for stocks trading in decimals .10</i>
\$15 or over ¹ [*],	$\frac{1}{4}$ point <i>or for stocks trading in decimals .25</i>
Network B: Under \$5	$\frac{1}{8}$ point <i>or for stocks trading in decimals .10</i>
\$5 or over ²	$\frac{1}{4}$ point <i>or for stocks trading in decimals .25</i>

¹ [*] If the previous day's consolidated closing price of [an] a Network A Eligible Security exceeded \$100 and the Security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the "applicable price change" is [one point] *one dollar.*

² If the previous day's consolidated closing price of a Network B Eligible Security exceeded \$75 and the Security is not a Portfolio Deposit Receipt, Index Fund Share, or Trust Issued Receipt, or does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the "applicable price change" is *one dollar.*

(c) A pre-opening notification shall—

(1) Be designated as a pre-opening notification ("IND")

(2) Identify the Exchange ("C"), the inquiring specialist and the security ("XYZ")

(3) Indicate the "applicable price range" by being formatted as a standardized pre-opening administrative message as follows:

IND C/XYZ [RANGE]

The price range shall not exceed the "applicable price range" shown below:

Consolidated closing price	Applicable price range \$
Network A: Under \$50	$\frac{1}{2}$ point <i>or for stocks trading in decimals .50</i>
\$50 or over ³ [***]	1 point <i>or for stocks trading in decimals 1.00</i>
Network B: Under \$10	$\frac{1}{2}$ point <i>or, for stocks trading in decimals, .50</i>

¹⁴ 17 CFR 200.30-3(a)(12).

¹⁵ 15 U.S.C. 78s(b)(1).

²⁷ 17 CFR 240.19b-4.

³ See letter from Jeffrey T. Brown, Vice President, Regulation, and General Counsel, Exchange, to Joseph P. Morra, Senior Counsel, Division of Market Regulation, Commission, dated August 7, 2000 ("Amendment No. 1").

⁴ 15 U.S.C. 78s(b)(3)(A).

⁵ See letter from Jeffrey T. Brown, Vice President, Regulation, and General Counsel, Exchange, to Joseph P. Morra, Senior Counsel, Division of Market Regulation, Commission, dated September 22, 2000 ("Amendment No. 2").

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(6).

Consolidated closing price	Applicable price range \$
\$10 or over ⁴	1 point or, for stocks trading in decimals, 1.00

³[**] If the previous day's closing price of [an] a Network A Eligible Security exceeded \$100 and the Security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the "applicable price change" is [two points] two dollars.

⁴If the previous day's consolidated closing price of a Network B Eligible Security exceeded \$75 and the Security is not a Portfolio Deposit Receipt, Index Fund Share, or Trust Issued Receipt, or does not underlie and individual stock option contract listed and currently trading on a national securities exchange, the "applicable price change" is two dollars.

The price range also shall not straddle the previous day's closing price, although it may include it as an endpoint (e.g., a $\frac{1}{8}$ – $\frac{5}{8}$ or for stocks trading in decimals 40.15–40.65 price range would be permissible if the previous day's consolidated closing price were $\frac{1}{8}$ or $\frac{5}{8}$ or for stocks trading in decimals 40.15 or 40.65, but not if the closing price were $\frac{1}{4}$, $\frac{3}{8}$, or $\frac{1}{2}$ or, for stocks trading in decimals, within the price range of 40.16–40.64).

* * * * *

(g) If after sending a pre-opening notification, * * *

(1) Increase or Decrease in Applicable Price Range * * *

(2) Shift to within Applicable Price Change Parameter

(a) The inquiring specialist * * *

(b) Notwithstanding the preceding sentence, in situations where the price range in an initial or additional notification includes price variations equal to or less than the applicable price change parameters, the "cancellation" notification signifies that the anticipated opening price: (1) may or may not be outside of the price range specified in the pre-opening notification and (2) does not represent a change from the previous day's consolidated closing price of more than the applicable price change.⁵[*]

⁵[*] Example: CTA close at 30. Pre-Opening Notification sent with any one of the following price ranges: 30–30 $\frac{1}{2}$; 30 $\frac{1}{8}$ –30 $\frac{5}{8}$; or 30 $\frac{3}{4}$ or for stocks trading in decimals a price range of 30.10–30.60, etc. It is then determined that the stock will open at 30, 30 $\frac{1}{8}$, or 30 $\frac{1}{4}$ or, for stocks trading in decimals, a price within the range of 30 to 30.25, the specialist need not re-indicate the stock pursuant to paragraph (2)(b).

* * * * *

(m) Subject to paragraph (n), * * *
(1) Be designated as a pre-opening response ("RES")

(2) Identify the Exchange ("C"), the specialist, and the security ("XYZ"), and

(3) Show the specialist's interest (if any), both as principal for his own account ("P") and as agent on orders left with him ("A"), at each price level within the price-range indicated in the pre-opening notification (e.g., 40 $\frac{3}{8}$ or, for stocks trading in decimals, 40.40), reflected on a netted share basis by being formatted as a standardized pre-opening administrative message as follows:

RES C/XYZ BUY {SELL} A–P 40 $\frac{3}{8}$ (or, for stocks trading in decimals, 40.40)

The response may also show market orders separately.

* * * * *

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 CSE 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 CSE 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 Commission has ordered the securities exchanges and other interested parties to implement decimal pricing in their markets.⁹ Pursuant to the Order, the Commission required the exchanges to submit proposed rule changes implementing a uniform decimals phase-in schedule. As described above, the Exchange is proposing to amend the following rules in conjunction with the securities industry's conversion of its markets to decimal pricing which will allow for minimum price variations of \$.01 per share in quotations for stocks that trade on the Exchange: Chapter XI, Trading Rules, Rule 11.3, Price Variations; and Chapter XIV, Intermarket Trading System Plan, Rule 14.3, Pre-Opening Application.

2. Statutory Basis

The CSE believes that the proposal is consistent with the provisions of Section 6(b)(5)¹⁰ of the Act which requires that an exchange have rules

that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received in connection with the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act¹¹ the Rule 19b–4(f)(6) thereunder.¹² At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.¹³

The CSE has requested that the Commission accelerate the operative date. The Commission believes that it is consistent with the protection of investors and the public interest and therefore finds good cause to designate the proposal to become immediately operative upon filing.¹⁴ Acceleration of

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b–4(f)(6).

¹³ The Commission will measure this sixty-day period from August 7, 2000, the date of Amendment No. 1, since Amendment No. 2, filed on October 2, 2000, made only minor corrections to the proposal as previously amended.

⁹ See Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010 (June 19, 2000).

¹⁰ 15 U.S.C. 78f(b)(5).

¹⁴ The Decimals Plan provides for minimum price variations for equities and options of no less than

the operative date will ensure that the CSE is able to operate in accordance with the terms and conditions of the Decimals Plan. For these reasons, the Commission finds good cause to designate that the proposal become operative immediately upon filing.¹⁵

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, 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 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to file number SR-CSE-00-01 and should be submitted by November 2, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26112 Filed 10-11-00; 8:45 am]

BILLING CODE 8010-01-M

one cent. The Commission's June 8th Order requires the Participants to submit joint or individuals studies two months after Full Implementation (as defined in the Plan) regarding the impact of decimal pricing on system capacity, liquidity, and trading behavior, including an analysis of whether there should be a uniform minimum quoting increment. If a Participant wishes to move to quoting in an increment of less than one cent, the Participant should include in its study a full analysis of the potential impact of such trading on the Participant's market and the markets as a whole. Within thirty days after submitting the study, and absent Commission action, the Participants individually must submit for notice, comment, and Commission action, proposed rule changes under Section 19(b) of the Exchange Act to establish their individual choice of minimum increments by which equities or options are quoted on their respective markets.

¹⁵ For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁶ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43406; File No. SR-Phlx-00-39]

Self Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Disqualification of Governors

October 3, 2000.

I. Introduction

On April 14, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change relating to the disqualification of governors. On August 16, 2000, the Phlx filed Amendment No. 1 to the proposals.³ The proposed rule change was published for comment in the **Federal Register** on July 13, 2000.⁴ No comments were received on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Phlx By-Law, Article IV, Section 4-8 describes the discussions and decisions in which members of the Phlx Board of Governors ("Board Members") must refrain from participation. The provision further specifies discussions and decisions that do not require Board Members to refrain from participation. The Exchange proposes to amend Phlx By-Law, Article IV, Section 4-8 to conform to the new Phlx 1999 Code of Conduct for Board Members and Committee Members ("1999 Code of Conduct"). The Phlx Code of Conduct, which was adopted in 1997 ("1997 Code of Conduct"), describes, among other things, the discussions and decisions in which Covered Persons must refrain from participation.⁵ The Phlx Board of Governors revised the 1997 Code of Conduct in July 1999, modifying the

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Letter from John Dayton, Assistant Secretary and Counsel, Phlx, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission (August 16, 2000) ("Amendment No. 1"). Amendment No. 1 made a technical correction to the language of the proposed rule.

⁴ Securities Exchange Act Release No. 43161 (August 16, 2000), 65 FR 51396 (August 23, 2000).

⁵ Following the adoption of the 1997 Code of Conduct, the Exchange conformed the language in Phlx By-Law, Article IV, Section 4-8 to the language in the 1997 Code of Conduct. See Securities Exchange Act Release No. 39722 (March 4, 1998), 63 FR 12569 (March 13, 1998).

language regarding the disqualification of Covered Persons.

The Phlx's proposed rule change will amend its By-Law, Article IV, Section 4-8 to prohibit Covered Persons from participating in matters in which they or their immediate family have an interest.⁶ The Exchange proposes to allow participation in matters where the Covered Person's interest arises solely from membership in the Exchange or a sub-class of membership, unless their impartiality might reasonably be questioned.⁷

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.⁸ Specifically, the Commission believes that the proposal is consistent with the requirements of Section 6(b)(3)⁹ that the rules of an Exchange be designed to assure a fair representation of its members in the administration of the Exchange's affairs.¹⁰ The Commission believes that the proposal will prohibit the discussion and determination of Exchange matters by Covered Persons or their immediate family who have an interest in the matter, unless that interest is impartial and arises solely from membership in the Exchange or a sub-class of membership. The proposal will also add to the Exchange's present framework of conflict of interest provisions.¹¹

⁶ The 1999 Code of Conduct and the proposed amendment to Phlx By-Law Article IV, Section 4-8 define "immediate family" as a spouse, a parent, a mother-in-law, a father-in-law, a brother, a sister, a child, any other person living with the individual or any person for whom the individual provides at least 50 percent of that person's financial support per year.

⁷ The phrase "a sub-class of membership" refers to the various categories of Phlx membership. Examples of sub-classes include: equity members and options members; on-floor and off-floor members; and specialists and floor brokers on each floor. The Exchange represents that many decisions in Board and committee meetings, such as fees on equity floor transactions or requirements for arbitration in customer contracts, apply to only one or more of these sub-classes and not to others. The Exchange represents that it does not intend to disqualify persons from making decisions solely because they are part of a sub-class, such as market makers or off-floor members, which will be affected by the outcome of the decision.

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(3).

¹⁰ In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹¹ See e.g., 1999 Code of Conduct (requiring Covered Persons to make prompt disclosure of any interest that could reasonably appear to violate the 1999 Code of Conduct (and Phlx By-Law Article X,

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹² that the proposed rule change, SR-Phlx-00-39, be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26111 Filed 10-11-00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43407; File No. SR-Phlx-00-072]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Amending Rules 501, 505, and 506 Regarding Allocation and Specialist Appointment, as well as Rule 748, Supervision, To Reflect Current Circumstances on the Equity Foreign Currency Option and Option Trading Floors

October 3, 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 July 25, 2000, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Rules 501, 505, 506, and 748 to require certain information be provided to the Allocation, Evaluation and Securities Committee ("AES Committee") for approval and to require certain minimum staffing levels for specialist

units. Specifically, the Exchange proposes to amend Rule 501(b)(4) to require that option and foreign currency option specialist units provide detailed information on their application to become a specialist unit regarding their back-up arrangements with regard to financial and staffing support.

The proposal would add Rule 501(c) to require that individuals be approved by the AES Committee prior to acting as a specialist on behalf of a specialist unit. In addition, proposed Rule 501(c) would require that applications for individuals to act as specialist shall include any other special requirements that the AES Committee may require for approval. Proposed Rule 501(c) would also require that the AES Committee or its designee approve an individual prior to that individual moving from one specialist unit to another specialist unit.

The proposal would re-designate Rule 501(c) as Rule 501(d), which requires that to be approved and retain their specialist privileges, option and foreign currency option specialists must maintain the clearing arrangements and capital structure stated on their application. In addition, Rule 501(d) would require that changes regarding their back-up arrangements must be submitted to and approved by the AES Committee. The proposal would also amend Rule 501(d) to require option and foreign currency option specialists to maintain a minimum staffing level for each quarter turrel of space on the trading floor.

The proposal would add Rule 501(e), which is similar to Rule 501(d), and would contain the same staffing requirements for equity specialists as are currently contained in Rule 501(c)(2).

The proposal would re-designate Rule 501(d) as Rule 501(f). The proposal would amend the language of 501(f) to state that once an applicant is approved by the AES Committee as a specialist unit, any material change in the capital or staff of the unit or any move by the head or assistant specialist must be reported in writing to the AES Committee within two days of the change.

The proposal would add Rule 501, Commentary .02, which states that for purposes of rule 748 on Supervision, individuals employed or associated with the back-up specialist will be considered engaging in a business activity of the specialist unit that they are assisting. Rule 748(b) would also be amended to refer to this situation.

The proposal would amend Rule 505 to require registrant specialist units to report material changes on the respective equity, option and foreign

currency option registration forms to the AES Committee.

The proposal would amend Rule 506 to codify expressly that AES Committee may require applicant specialist units to provide other information, including system order acceptance and execution levels, and guarantees on the application for a particular equity or option. The proposal would require that, should a specialist be allocated that equity or option, the specialist would be immediately required to notify the Exchange staff and submit for approval to the AES Committee or its designee in writing any change to the respective system acceptance and execution levels or any other material changes on that application.

The proposal would replace references to the Department of Securities in Rules 505 and 506 with references to the Exchange staff. The text of the proposed rule change is available at the Phlx and the Commission.

II. Self-Regulatory Organization's Statements of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide the AES Committee with the appropriate information and a greater understanding of the specialist unit's operation when approving a prospective specialist unit for trading privileges, as well as approving the allocation, reallocation and transfer of equity, option, and foreign currency option books to specialist units. Specifically, proposed amendments to Rule 501(b)(4) regarding back-up arrangements for staffing and capital are intended to help ensure that specialist books will continue to trade on the floor in an efficient manner by requiring the specialist unit have sufficient staff to handle the high volume in busy markets and requiring the back-up specialist to

Section 10-9(b) (authorizing the Exchange's Audit Committee to conduct reviews of any alleged improper conduct and recommend appropriate action to the Board).

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 17 CFR 240.19b-4.

step in to act as a specialist, when the assigned specialist is unable to do so.

Proposed Rule 501(c) should increase the AES Committee's supervision over the individuals applying to be a specialist on the floor, which should in turn help to ensure that applicants have sufficient qualifications and experience to perform the duties of a specialist in active markets. In addition, proposed Rule 501(c) should also help to ensure that the AES Committee is notified in the event that an individual moves from one firm to another firm.

Proposed amendments to Rule 501(d) would require option and foreign currency option specialist units to have certain staffing levels per quarter turret of trading floor space, rather than for the entire specialist unit, to help to ensure adequate staffing coverage on the trading floors. The current rule does not sufficiently address these issues because it lacks detail on how the specialist staff is deployed, particularly when the specialist unit may have books located in different areas of the option or foreign currency option floor.

With respect to proposed amendments to Rule 506, the AES Committee may require additional information on the allocation application, such as system acceptance and execution levels. The Phlx believes that system acceptance and execution levels are important in attracting order flow to the Exchange and providing customers with efficient order delivery and execution. The Phlx believes that codifying expressly in Exchange rules the AES Committee's authority to require specialist units to state their system order acceptance and execution levels, as well as notifying the AES Committee of such changes, should help the AES Committee to accurately assess whether the specialist units have the ability to attract order flow to the Exchange and can keep that order flow with the maintenance of the delivery and execution levels stated in their application.

The proposal would require Rule 501, Commentary .02 and proposed amendments to Rule 748 to specifically delegate responsibility for supervision of back-up staff used by a specialist to the specialist utilizing the back-up staff. The Phlx believes that this is the most efficient method of holding a specialist unit accountable for the acts of staff under their direction, albeit such staff is not directly employed by that specialist unit.

The proposal would also require that equity, option and foreign currency option specialists notify the AES Committee of material changes in their registration and application forms for

specific securities as well as their applications to be a specialist unit.³ This should supply the Phlx and the AES Committee with the appropriate information to make determinations regarding the suitability of this specialist to perform in a particular security in accordance with the AES Committee's review procedures for specialist performance evaluations outlined in Rule 511.

2. Statutory Basis

The Phlx believes the proposed rule change is consistent with Section 6(b) of the Act⁴ in general, and in particular, with Section 6(b)(5) of the Act,⁵ in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest by better assessing that specialist units have the appropriate staffing. In addition, the proposed amendments and rules should help to ensure that the AES Committee has suitable information to make well-reasoned decisions regarding allocation, reallocation, and transfer of specialist books as well as the approval and retention of high quality specialists on the trading floor.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Phlx has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other 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 Phlx consents, the Commission will:

³ See *supra* text discussing proposed Rule 501(d) and (e), proposed Rule 506(e) and the proposed amendments to Rule 505, pp 2-3.

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

(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 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx.

All submissions should refer to File No. SR-Phlx-00-72 and should be submitted by November 2, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-26115 Filed 10-11-00; 8:45 am]

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SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, As Amended; Computer Matching Program (SSA/ Department of Labor (DOL))—Match Number 1003

AGENCY: Social Security Administration (SSA).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with DOL.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of

⁶ 17 CFR 200.30-3(a)(12).

the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966-1722 or writing to the Associate Commissioner for Program Support, 2-Q-16 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program Support at the address shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub.L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by establishing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub.L. 101-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State or local government records. Among other things, it requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the match agreement by the Data Integrity Boards (DIB) of the participating Federal Agencies;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: July 13, 2000.

Susan M. Daniels,

Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Social Security Administration (SSA) with the Department of Labor (DOL)

A. Participating Agencies SSA and DOL

B. Purpose of the Matching Program

The purpose of this matching program is to establish the conditions, safeguards and procedures under which DOL agrees to disclose Part C Black Lung benefit data to SSA. SSA will use the match results to determine the correct amount of Social Security disability benefits for recipients of Part C Black Lung benefits, as required by the Social Security Act (the Act).

C. Authority for Conducting the Matching Program

Section 224(h)(1) of the Act, 42 U.S.C. (h)(1).

D. Categories of Records and Individuals Covered by the Match

DOL will provide SSA with a magnetic tape file extracted from the Office of Workers' Compensation Programs Black Lung Benefits Payments File. The extracted file will contain information about all live miners, under age 65, entitled to Part C Black Lung benefits. Each record on the DOL file will be matched with SSA's Master Beneficiary Record to identify individuals potentially subject to benefit reductions, due to their receipt of Part C Black Lung benefits, under section 224 of the Social Security Act, 42 U.S.C. 424.

E. Inclusive Dates of the Match

The matching program shall become effective upon the signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of the matching program is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 00-26163 Filed 10-11-00; 8:45 am]

BILLING CODE 4191-02-U

DEPARTMENT OF STATE

[Public Notice No. 3414]

Advisory Committee On International Economic Policy Notice of Committee Renewal

Renewal of Advisory Committee. The Department of State has renewed the Charter of the Advisory Committee on International Economic Policy. The Committee serves in a solely advisory capacity providing information and advice to the Secretary of State on the effective integration of economic interests into overall foreign policy. The Committee's advice and information assists in appraising the role and limits of international economic institutions, advancing American commercial interests in a competitive global economy and formulating U.S. policy, positions, proposals and strategies for multilateral and bilateral negotiations.

This committee includes representatives of American organizations and institutions having an interest in international economic policy, including representatives of American business, labor unions, public interest groups, and trade and professional associations. The committee meets at least annually to advise the Department on range of international economic policies and issues.

For further information, please call: Carol Thompson, EB/PAPD, U.S. Department of State, at (202) 647-1808.

Carol E. Thompson,

Acting, Office of Policy Analysis and Public Diplomacy.

[FR Doc. 00-26226 Filed 10-11-00; 8:45 am]

BILLING CODE 4710-07-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2000-56]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption Part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified

requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before November 2, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C., on October 6, 2000.

Donald P. Byrne,

Assistant Chief Counsel of Regulations.

Dispositions of Petitions

Docket No.: 30154

Petitioner: Phoenix Air Medical Services

Section of the 14 CFR Affected: 14 CFR 135.251, 135.255, 135.353, and appendixes I and J to part 121.

Description of Relief Sought/

Disposition: To permit PAMS to conduct local sightseeing flights at Gastonia Airport for a charitable event on September 30 and October 1, 2000, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 09/27/00, Exemption No. 7361

Docket No.: 25245

Petitioner: Department of the Air Force

Section of the 14 CFR Affected: 14 CFR 91.215(b) and (c).

Description of Relief Sought/

Disposition: To permit USAF to conduct certain military training flight operations in designated airspace above 10,000 feet mean sea level without being required to operate the aircraft transponders.

Grant, 09/27/00, Exemption No. 4633H

Docket No.: 30070

Petitioner: The Lancair Company

Section of the 14 CFR Affected: 14 CFR 47.65.

Description of Relief Sought/

Disposition: To permit petitioner to obtain a Dealer's Aircraft Registration Certificate without meeting the United States citizenship requirements.

Grant, 08/30/00, Exemption No. 7330

Docket No.: 29491

Petitioner: Am-Safe, Inc.

Section of the 14 CFR Affected: 14 CFR 21.325(b)(3).

Description of Relief Sought/

Disposition: To permit Am-Safe to issue export airworthiness approvals for Class II and III products manufactured by Am-Safe, Ltd., in England under Am-Safe's technical standard order authorization (TSOAs).

Grant, 09/08/00, Exemption No. 7354

Docket No.: 29335

Petitioner: Honeywell International, Inc.

Section of the 14 CFR Affected: 14 CFR 21.325(b)(3).

Description of Relief Sought/

Disposition: To permit AlliedSignal, Inc., Aerospace Equipment Systems (AES Tempe) to issue export airworthiness approval tags for Class II and Class III products manufactured in Singapore by its AlliedSignal Singapore facility as an approved supplier to AES Tempe under AES Tempe's PMA No. PQ1222NM.

Grant, 09/13/00, Exemption No. 7075A

[FR Doc. 00-26240 Filed 10-11-00; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2000-8072]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44

U.S.C. 3501 *et seq.*) this notice announces the Maritime Administration's (MARAD) intentions to request Office of Management and Budget (OMB) approval of a currently approved information collection titled "Port Facility Conveyance Information," OMB Number 2133-0524.

DATES: Comments should be submitted on or before December 11, 2000.

FOR FURTHER INFORMATION CONTACT: William J. Aird, Office of Ports and Domestic Shipping, MAR-830, Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-1901 or fax-202-366-6988. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Port Facility Conveyance Information.

Type of Request: Extension of a currently approved information collection.

OMB Control Number: 2133-0524.

Form Number: None.

Expiration Date of Approval: Three years from the date of approval.

Summary of Collection of Information: Public Law 103-160 authorizes the Department of Transportation to convey to public entities surplus Federal property needed for the development or operation of a port facility. The information collection will allow MARAD to approve the conveyance of property and administer the port facility conveyance program.

Need and Use of the Information: The information collection is necessary for MARAD to determine whether (1) the community is committed to the redevelopment/reuse plan; (2) the redevelopment /reuse plan is viable and is in the best interest of the public; and (3) the property is being used in accordance with the terms of the conveyance and applicable statutes and regulations.

Description of Respondents: Eligible port entities.

Annual Responses: 30 responses.

Annual Burden: 1,280 hours.

Comments: Comments regarding this information collection 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 function of the agency and will have practical utility, accuracy of the burden

estimates, ways to minimize this burden, and ways to enhance 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., Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

Dated: October 5, 2000.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 00-26147 Filed 10-11-00; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33929]

State of New Hampshire Department of Transportation—Acquisition Exemption—Line of Boston and Maine Corporation

The State of New Hampshire Department of Transportation (NHDOT), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to acquire approximately 2.8 miles $\pm$ of rail line from Boston and Maine Corporation (B&M) from milepost 140.00 to milepost 142.78 in West Lebanon, NH. NHDOT certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

This transaction is related to a simultaneously filed notice of exemption in STB Finance Docket No. 33930, *Claremont Concord Railroad Corporation—Operation Exemption—Line of the State of New Hampshire Department of Transportation*, wherein Claremont Concord Railroad Corporation seeks to operate the track being acquired by NHDOT.

The transaction is expected to be consummated on or shortly after October 6, 2000.¹

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.

¹ NHDOT reported that it intended to consummate the transaction on or shortly after September 25, 2000. The earliest the transaction can be consummated is October 6, 2000, the effective of the exemption (7 days after the exemption was filed). NHDOT's representative has been notified and has confirmed that consummation would not take place before October 6, 2000.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33929, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 5, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00-26199 Filed 10-11-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33930]

Claremont Concord Railroad Corporation—Operation Exemption—Line of the State of New Hampshire Department of Transportation

Claremont Concord Railroad Corporation (CCRR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to operate pursuant to an agreement entered into with the State of New Hampshire Department of Transportation (NHDOT) approximately 2.8 miles $\pm$ from milepost 140.00 to milepost 142.78 in West Lebanon, NH. CCRR certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

This transaction is related to a simultaneously filed notice of exemption in STB Finance Docket No. 33929, *State of New Hampshire Department of Transportation—Acquisition Exemption—Line of Boston and Maine Corporation*, wherein NHDOT seeks to acquire track owned and operated by Boston and Maine Corporation.

The transaction is expected to be consummated on or shortly after October 6, 2000.¹

If the notice contains false or misleading information, the exemption

¹ CCRR reported that it intended to consummate the transaction on or shortly after September 25, 2000. The earliest the transaction can be consummated is October 6, 2000, the effective of the exemption (7 days after the exemption was filed). CCRR's representative has been notified and has confirmed that consummation would not take place before October 6, 2000.

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. 33930, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 5, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00-26200 Filed 10-11-00; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI-59-91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI-59-91 (TD 8674), Debt Instruments With Original Issue Discount; Contingent Payments; Anti-Abuse Rule (§§ 1.1275-2, 1.1275-3, 1.1275-4, and 1.1275-6).

DATES: Written comments should be received on or before December 11, 2000.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be

directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Debt Instruments With Original Issue Discount; Contingent Payments; Anti-Abuse Rule.

OMB Number: 1545-1450.

Regulation Project Number: FI-59-91.

Abstract: This regulation relates to the tax treatment of debt instruments that provide for one or more contingent payments. The regulation also treats a debt instrument and a related hedge as an integrated transaction. The regulation provides general rules, definitions, and reporting and recordkeeping requirements for contingent payment debt instruments and for integrated debt instruments.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and state, local, or tribal governments.

Estimated Number of Respondents: 180,000.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 89,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26207 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-209322-82]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-209322-82 (TD 8841), Return of Partnership Income (§ 1.6031(a)-1).

DATES: Written comments should be received on or before December 11, 2000.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Return of Partnership Income.

OMB Number: 1545-1583.

Regulation Project Number: REG-209322-82.

Abstract: Section 1.6031(a)-1 requires partnerships to file a partnership return. The information in this section is required to enable the IRS to verify that a taxpayer is reporting the correct amount of income or gain or claiming the correct amount of losses, deductions, or credits from that

taxpayer's interest in the partnership. The partnership return is filed on Form 1065.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and farms.

The burden is reflected in the burden estimate of Form 1065.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26208 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-209463-82]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, REG-209463-82, Required Distributions From Qualified Plans and Individual Retirement Plans (§ 1.401(a)(9)-(1)).

DATES: Written comments should be received on or before December 11, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Required Distributions From Qualified Plans and Individual Retirement Plans.

OMB Number: 1545-1573.

Regulation Project Number: REG-209463-82.

Abstract: This regulation permits a taxpayer to name a trust as the beneficiary of the employee's benefit under a retirement plan and use the life expectancies of the beneficiaries of the trust to determine the required minimum distribution, if certain conditions are satisfied.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 333.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26209 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-209373-81]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-209373-81 (TD 8797), Election to Amortize Start-Up Expenditures for Active Trade or Business (§ 1.195-1).

DATES: Written comments should be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election to Amortize Start-Up Expenditures for Active Trade or Business.

OMB Number: 1545-1582.

Regulation Project Number: REG-209373-81.

Abstract: Section 1.195-1 of the regulation provides that start-up expenditures may, at the discretion of the taxpayer, be amortized over a period of not less than 60 months beginning with the month the active trade or business begins. Taxpayers may elect to amortize start-up expenditures by filing a statement with their tax return for the taxable year in which the trade or business begins.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 150,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 37,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 5, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26210 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-248900-96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-248900-96 (TD 8712), Definition of Private Activity Bonds (§§ 1.141-1, 1.141-12, 1.142-2, and 1.148-6).

DATES: Written comments should be received on or before December 11, 2000.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Definition of Private Activity Bonds.

OMB Number: 1545-1451.

Regulation Project Number: REG-248900-96.

Abstract: Internal Revenue Code section 103 provides generally that interest on certain State or local bonds is excluded from gross income. However, under Code sections 103(b)(1) and 141, interest on private activity bonds (other than qualified bonds) is not excluded. This regulation provides rules, for purposes of Code section 141, to determine how bond proceeds are measured and used and how debt service for those bonds is paid or secured.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 10,100.

Estimated Time Per Respondent: 2 hours, 59 minutes.

Estimated Total Annual Burden Hours: 30,100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: October 5, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26211 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA-54-90]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA-54-90 (TD 8459), Settlement Funds (§§ 1.468B-1, 1.468B-2, 1.468B-3, and 1.468B-5).

DATES: Written comments should be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Settlement Funds.

OMB Number: 1545-1299.

Regulation Project Number: IA-54-90.

Abstract: This regulation prescribes reporting requirements for settlement funds, which are funds established or approved by a governmental authority to resolve or satisfy certain liabilities, such as those involving tort or breach of contract. The regulation relates to the tax treatment of transfers to these funds, the taxation of income earned by the funds, and the tax treatment of distributions made by the funds.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not for-profit institutions, farms and Federal, state, local or tribal governments.

Estimated Number of Respondents: 1,500.

Estimated Time Per Respondent: 2 hours, 22 minutes.

Estimated Total Annual Burden Hours: 3,542.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 2, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26212 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 97-48

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 97-48, Automatic Relief for Late S Corporation Elections.

DATES: Written comments should be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Automatic Relief for Late S Corporation Elections.

OMB Number: 1545-1562.

Revenue Procedure Number: Revenue Procedure 97-48.

Abstract: The Small Business Job Protection Act of 1996 provides the IRS with the authority to grant relief for late S corporation elections. This revenue procedure provides that, in certain situations, taxpayers whose S corporation election was filed late can obtain relief by filing Form 2553 and attaching a statement explaining that the requirements of the revenue procedure have been met.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information

displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26213 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000-41

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000-41, Change in Minimum Funding Method.

DATES: Written comments should be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Change in Minimum Funding Method.

OMB Number: 1545-1704.

Revenue Procedure Number: Revenue Procedure 2000-41.

Abstract: Revenue Procedure 2000-41 provides a mechanism whereby a plan sponsor or plan administrator may obtain a determination from the Internal Revenue Service that its proposed change in the method of funding its pension plan(s) meets the standards of section 412 of the Internal Revenue Code.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 300.

Estimated Time Per Respondent: 18 hours.

Estimated Total Annual Burden Hours: 5,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26214 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 98-46 and Revenue Procedure 97-44

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 98-46 and Revenue Procedure 97-44, LIFO Conformity Requirement.

DATES: Written comments should be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the revenue procedures should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: LIFO Conformity Requirement.

OMB Number: 1545-1559.

Revenue Procedure Number: Revenue Procedure 98-46 and Revenue Procedure 97-44.

Abstract: Revenue Procedure 97-44 permits automobile dealers that comply

with the terms of the revenue procedure to continue using the LIFO inventory method despite previous violations of the LIFO conformity requirements of Internal Revenue Code section 472(c) or (e)(2). Revenue Procedure 98-46 modified Revenue Procedure 97-44 by allowing medium- and heavy-duty truck dealers to take advantage of the favorable relief provided in Revenue Procedure 97-44.

Current Actions: There are no changes being made to these revenue procedures at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 20 hours.

Estimated Total Annual Burden

Hours: 100,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26215 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY**Internal Revenue Service****[EE-81-88]****Proposed Collection; Comment Request For Regulation Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE-81-88 (TD 8599), Deductions for Transfers of Property (§ 1.83-6(a)).

DATES: Written comments should be received on or before December 11, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Deductions for Transfers of Property.

OMB Number: 1545-1448.

Regulation Project Number: EE-81-88.

Abstract: Section 1.83-6(a) of the regulation provides that when property is transferred in connection with the performance of services, the recipient of service may claim a deduction for the amount included as compensation in the gross income of the service provider. The service provider will be deemed to have included an amount in gross income if the service recipient provides a timely Form W-2 or 1099, as appropriate.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, and farms.

The estimated annual burden of reporting will be reflected in the reporting burden for Forms W-2 and 1099-MISC.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00-26216 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of Citizen Advocacy Panel, Brooklyn District**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Thursday, November 16, 2000.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1-888-912-1227 or 718-488-3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Thursday, November 16, 2000, 6:00 p.m. to 9:20 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1-888-912-1227 or 718-488-3555. The public is invited to make oral comments from 8:30 p.m. to 9:00 p.m. on Thursday, November 16, 2000. Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 718-488-3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY 11201.

The Agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 5, 2000.

M. Cathy Vanhorn,

Director, CAP, Communications & Liaison, Taxpayer Advocate Service.

[FR Doc. 00-26205 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of Citizen Advocacy Panel, Pacific-Northwest District**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Pacific-Northwest Citizen Advocacy Panel will be held in Olympia, Washington.

DATES: The meeting will be held Friday, November 17, 2000 and Saturday, November 18, 2000.

FOR FURTHER INFORMATION CONTACT: Judi Nicholas at 1-888-912-1227 or 206-220-6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday, November 17, 2000, 8:30 a.m. to 4:30

p.m. at the John L. O'Brien Bldg, Capitol Campus, Olympia, Washington 98501 and Saturday, November 18, 2000, 9:00 a.m. to Noon at the Phoenix Inn, Phoenix Room, 415 Capitol Way N, Olympia, Washington 98501. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 206-220-6096, or write Judi Nicholas, CAP Office, 915 2nd Avenue, Room 442, Seattle, WA 98174. Due to limited conference space, notification of intent to attend the meeting must be made with Judi Nicholas. Ms. Nicholas can be reached at 1-888-912-1227 or 206-220-6096.

The Agenda will include the following: Various IRS issue updates.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 5, 2000.

M. Cathy Vanhorn,

Director, CAP, Communications & Liaison, Taxpayer Advocate Service.

[FR Doc. 00-26206 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974: Computer Matching Program

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of matching program.

SUMMARY: Pursuant to section 552a(e)(12) of the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given of the conduct of the Internal Revenue Service Disclosure of Information to Federal, State and Local Agencies (DIFSLA) Computer Matching Program.

EFFECTIVE DATE: This notice will be effective November 13, 2000.

ADDRESSES: Inquiries may be mailed to the Director, Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: D.G. Lee, Project Manager, Office of Governmental Liaison, Internal Revenue Service, 202-622-3941.

SUPPLEMENTARY INFORMATION: The notice of the matching program was last published on August 11, 1998, at 63 FR 42908. Members of the public desiring

specific information concerning an ongoing matching activity may request a copy of the agreement at the address provided above.

Purpose: The purpose of this program is to prevent or reduce fraud and abuse in certain federally assisted benefit programs while protecting the privacy interest of the subjects of the match. Information is disclosed by the Internal Revenue Service only for the purpose of, and to the extent necessary in, determining eligibility for, and/or the correct amount of, benefits for individuals applying for or receiving certain benefit payments.

Authority: In accordance with section 6103(l)(7) of the Internal Revenue Code (IRC) of 1986, the Secretary shall, upon written request, disclose current return information from returns with respect to unearned income from the Internal Revenue Service files to any Federal, State, or local agency administering a program listed below:

(i) A State program funded under part A of title IV of the Social Security Act;

(ii) Medical assistance provided under a State plan approved under title XIX of the Social Security Act;

(iii) Supplemental security income benefits under title XVI of the Social Security Act, and federally administered supplementary payments of the type described in section 1616(a) of such Act (including payments pursuant to an agreement entered into under section 212(a) of Public Law 93-66);

(iv) Any benefits provided under a State plan approved under title I, X, XIV, or XVI of the Social Security Act (as those titles apply to Puerto Rico, Guam, and the Virgin Islands);

(v) Unemployment compensation provided under a State law described in section 3304 of the Internal Revenue Code;

(vi) Assistance provided under the Food Stamp Act of 1977;

(vii) State-administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Public Law 93-66);

(viii)(I) Any needs-based pension provided under Chapter 15 of title 38, United States Code, or under any other law administered by the Secretary of Veterans Affairs;

(II) Parents' dependency and indemnity compensation provided under section 1315 of title 38, United States Code;

(III) Health-care services furnished under sections 1710(a)(2)(G) (formerly 1710(a)(1)(I)), 1710(a)(3) (formerly

1710(a)(2)), 1710(b) and 1712(a)(2)(B) of USC title 38; and

(ix) Any housing assistance program administered by the Department of Housing and Urban Development that involves initial and periodic review of an applicant's or participant's income, except that return information may be disclosed under this clause only on written request by the Secretary of Housing and Urban Development and only for use by officers and employees of the Department of Housing and Urban Development with respect to applicants for and participants in such programs.

Name of recipient agency: Internal Revenue Service.

Categories of records covered in the match: Internal Revenue Service Wage and Information Returns Processing File (Treas./IRS System 22.061 (IRP)) for the latest tax year. This file contains information returns (e.g., Forms 1099-DIV, 1099-INT and W-2G) filed by payers of income.

Name of source agencies and categories of records covered in the match:

A. Federal agencies expected to participate and their Privacy Act systems of records are:

1. Department of Housing and Urban Development: Real Estate Assessment Center—Tenant Eligibility Verification Files, HUD/REAC-1;
2. Department of Veterans Affairs: Veterans Benefits Administration—Compensation, Pension, Education and Rehabilitation Records, 58 VA 21/22, and Veterans Health Administration—Patient Medical Records—VA, 24VA136;
3. Social Security Administration: Office of Program Benefits Policy—Supplemental Security Record (SSR), HHS/SSA/OSR 90-60-0103.

B. State agencies expected to participate using nonfederal records are:

1. Alabama Department of Human Resources
2. Alabama Medicaid Agency
3. Alaska Department of Health and Social Services
4. Arizona Department of Economic Security
5. Arizona Health Care Cost Containment System
6. Arkansas Department of Human Services
7. California Department of Social Services
8. Colorado Department of Human Services
9. Connecticut Department of Social Services
10. Delaware Health and Social Services

11. District of Columbia Department of Human Services
12. Florida Department of Children and Families
13. Georgia Department of Human Resources
14. Guam Department of Public Health and Social Services
15. Hawaii Department of Human Services
16. Idaho Department of Health and Welfare
17. Illinois Department of Human Services
18. Indiana Family and Social Services Administration
19. Iowa Department of Human Services
20. Kansas Department of Social and Rehabilitation Services
21. Kentucky Cabinet for Families and Children
22. Louisiana Department of Health and Hospitals
23. Louisiana Department of Social Services
24. Maine Department of Human Services
25. Maryland Department of Human Resources
26. Massachusetts Department of Transitional Assistance
27. Massachusetts Division of Medical Assistance
28. Michigan Family Independence Agency
29. Minnesota Department of Human Services
30. Mississippi Division of Medicaid
31. Mississippi Department of Human Services
32. Missouri Department of Social Services
33. Montana Department of Public Health and Human Services
34. Nebraska Department of Health and Human Services
35. Nevada Department of Human Resources
36. New Hampshire Department of Health and Human Services
37. New Jersey Department of Human Services
38. New Mexico Human Services Department
39. New York Office of Temporary and Disability Assistance
40. North Carolina Department of Health and Human Services
41. North Dakota Department of Human Services
42. Ohio Department of Human Services
43. Oklahoma Department of Human Services
44. Oregon Department of Human Services
45. Pennsylvania Department of Public Welfare
46. Puerto Rico Department of the Family
47. Puerto Rico Department of Health
48. Rhode Island Department of Human Services
49. South Carolina Department of Social Services
50. South Dakota Department of Social Services
51. Tennessee Department of Human Services
52. Texas Department of Human Services
53. Utah Department of Health
54. Utah Department of Workforce Services
55. Vermont Department of Prevention, Assistance, Transition, and Health Access
56. Virgin Islands Bureau of Health Insurance and Medical Assistance
57. Virgin Islands Department of Human Services
58. Virginia Department of Social Services
59. Washington Department of Social and Health Services
60. West Virginia Department of Human Services
61. Wisconsin Department of Workforce Development
62. Wyoming Department of Family Services

Beginning and completion dates: The matches are conducted on an ongoing basis in accordance with the terms of the computer matching agreement in effect with each participant as approved by the applicable Data Integrity Board(s). The term of these agreements is expected to cover the 18-month period, January 1, 2001 through June 30, 2002. Ninety days prior to expiration of the agreement, the parties to the agreement may request a 12-month extension in accordance with 5 U.S.C. 552a(o).

Dated: October 2, 2000.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

[FR Doc. 00-26177 Filed 10-11-00; 8:45 am]

BILLING CODE 4830-01-P

Corrections

Federal Register
Vol. 65, No. 198
Thursday, October 12, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21
RIN 2900-AI74

Veterans Training: Vocational Rehabilitation Subsistence Allowance Rates

Correction

In rule document 00-21722 beginning on page 51763 in the issue of Friday,

August 25, 2000, make the following corrections:

§21.260 [Corrected]

- 1. On page 51766, in §21.260, in paragraph (b)(3), in the table, in the last line, “¼ time¾su” should read “¼ time¾”.
- 2. On the same page, in the same table, in the same line, the data should be shifted one column to the right, so that “96.97” is in the column for “No dependents”, “120.17” is in the column for “One dependent”, “141.25” is in the column for “Two dependents”, and “10.54” is in the column for “Additional amount for each dependent over two”.
- 3. On page 51767, in the same section, in paragraph (b)(5), in the table, eight lines down, “¾” should read “¾ time”.
- 4. On page 51768, in the same section, in paragraph (b)(7), in the table, 12 lines

down, “Full-time only” should read “Full-time”.

5. On the same page, in the same table, in footnote 3, “(Authority: 38 U.S.C. 3108, 3115(a)(1); Pub. L. 103-446)” is moved from the footnote to its own line below, to appear as follows:

(Authority: 38 U.S.C. 3108, 3115(a)(1); Pub. L. 103-446)

[FR Doc. C0-21722 Filed 10-11-00; 8:45 am]

BILLING CODE 1505-01-D



Federal Register

**Thursday,
October 12, 2000**

Part II

Office of Personnel Management

**Expected Service; Consolidated Listing of
Schedules A, B, and C Exceptions; Notice**

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedules A, B, and C Exceptions

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 2000, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. Title 5, Code of Federal Regulations, § 213.103(c), further requires that a consolidated listing, current as of June 30 of each year, be published annually as a notice in the **Federal Register**. That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by writing to the Washington Service Center, Employment Service, Room 2469, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, or by calling (202) 606-2575.

The following exceptions were current on June 30, 2000:

Schedule A

Section 213.3102 Entire Executive
Civil Service

(a) Positions of Chaplain and
Chaplain's Assistant.

(b) (Reserved).

(c) Positions to which appointments
are made by the President without
confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions.

Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment that was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu
interpreters.

(g) Any nontemporary position the
duties of which are part-time or
intermittent in which the appointee will

receive compensation during his or her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS-3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary project employment.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Temporary and less-than-full time positions for which examining is impracticable. These are:

(1) Positions in remote/isolated locations where examination is impracticable. A remote/isolated location is outside of the local commuting area of a population center from which an employee can reasonably be expected to travel on short notice under adverse weather and/or road conditions which are normal for the area. For this purpose, a population center is a town with housing, schools, health care, stores and other businesses in which the servicing examining office can schedule tests and/or reasonably expect to attract applicants. An individual appointed under this authority may not be employed in the same agency under a combination of this and any other appointment to positions involving related duties and requiring the same qualifications for more than 1,040 working hours in a service year. Temporary appointments under this authority may be extended in 1-year increments, with no limit on the number of such extensions, as an exception to the service limits in § 213.104.

(2) Positions for which a critical hiring needs exists. This includes both short-term positions and continuing positions that an agency must fill on an interim basis pending completion of competitive examining, clearances, or other procedures required for a longer appointment. Appointments under this authority may not exceed 30 days and may be extended up to an additional 30 days if continued employment is essential to the agency's operations. The appointments may not be used to extend

the service limit of any other appointing authority. An agency may not employ the same individual under this authority for more than 60 days in any 12-month period.

(3) Other positions for which OPM determines that examining is impracticable.

(j) Positions filled by current or former Federal employees eligible for placement under special statutory provisions. Appointments under this authority are subject to the following conditions:

(1) *Eligible employees.* (i) Persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) who are entitled to placement under § 353.110 of this chapter, or who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) or 5 U.S.C. 8456 by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment;

(ii) Executive branch employees (other than employees of intelligence agencies) who are entitled to placement under § 353.110 but who are not eligible for reinstatement or noncompetitive appointment under the provisions of part 315 of this chapter.

(iii) Legislative and judicial branch employees and employees of the intelligence agencies defined in 5 U.S.C. 2302(a)(2)(C)(ii) who are entitled to placement assistance under § 353.110.

(2) *Employees excluded.* Employees who were last employed in Schedule C or under a statutory authority that specified the employee served at the discretion, will, or pleasure of the agency are not eligible for appointment under this authority.

(3) *Position to which appointed.* Employees who are entitled to placement under § 353.110 will be appointed to a position that OPM determines is equivalent in pay and grade to the one the individual left, unless the individual elects to be placed in a position of lower grade or pay. National Guard Technicians whose eligibility is based upon a disability may be appointed at the same grade, or equivalent, as their National Guard Technician position or at any lower grade for which they are available.

(4) *Conditions of appointment.* (i) Individuals whose placement eligibility is based on an appointment without time limit will receive appointments without time limit under this authority. These appointees may be reassigned, promoted, or demoted to any position within the same agency for which they qualify.

(ii) Individuals who are eligible for placement under § 353.110 based on a time-limited appointment will be given appointments for a time period equal to the unexpired portion of their previous appointment.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, and technical experts for consultation purposes.

(m) (Reserved).

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p)–(q) (Reserved).

(r) Positions established in support of fellowship and similar programs that are filled from limited applicant pools and operate under specific criteria developed by the employing agency and/or a non-Federal organization. These programs may include: internship or fellowship programs that provide developmental or professional experiences to individuals who have completed their formal education; training and associateship programs designed to increase the pool of qualified candidates in a particular occupational specialty; professional/industry exchange programs that provide for a cross-fertilization between the agency and the private sector to foster mutual understanding, an exchange of ideas, or to bring experienced practitioners to the agency; residency programs through which participants gain experience in a Federal clinical environment; and programs that require a period of Government service in exchange for educational, financial or other assistance. Appointment under this authority may not exceed 4 years.

(s) Positions with compensation fixed under 5 U.S.C. 5351–5356 when filled by student-employees assigned or attached to Government hospitals, clinics or medical or dental laboratories. Employment under this authority may not exceed 4 years.

(t) Positions when filled by mentally retarded persons in accordance with the guidance in Federal Personnel Manual chapter 306. Upon completion of 2 years of satisfactory service under this

authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(u) Positions when filled by severely physically handicapped persons who: (1) Under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(v)–(w) (Reserved).

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia, and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1 year. An initial appointment may be extended for one or more periods not to exceed 1 additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1 year beyond the date of that person's release from custody.

(y) (Reserved).

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of OPM except

when the authority is specifically included in a delegated examining agreement with OPM.

(cc)–(ee) (Reserved).

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Public Law 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he/she ceases to be in a qualifying program only as long as he/she remains in the same agency without a break in service.

(gg)–(hh) (Reserved).

(ii) Positions of Presidential Intern, GS–9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS–9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to 1 additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj)–(kk) (Reserved).

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time, or intermittent basis.

Section 213.3103 Executive Office of the President

(a) *Office of Administration.* (1) Not to exceed 75 positions to provide administrative services and support to the White House office.

(b) *Office of Management and Budget.* (1) Not to exceed 15 positions at grades GS–5/15.

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–9 through 15 on the staff of the Council.

(d)–(f) (Reserved).

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS–15; Policy Analyst, GS–11/14; and Policy Research Assistant, GS–9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

(i) *Office of National Drug Control Policy.* (1) Not to exceed 15 positions, GS–15 and below, of senior policy analysts and other personnel with expertise in drug-related issues and/or

technical knowledge to aid in anti-drug abuse efforts.

Section 213.3104 Department of State

(a) *Office of the Secretary.* (1) All positions, GS-15 and below, on the staff of the Family Liaison Office, Director General of the Foreign Service and the Director of Personnel, Office of the Under Secretary for Management.

(2) One position of Museum Curator (Arts), in the Office of the Under Secretary for Management, whose incumbent will serve as Director, Diplomatic Reception Rooms. No new appointments may be made after February 28, 1997.

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c)–(f) (Reserved).

(g) *Bureau of Population, Refugees, and Migration.* (1) Not to exceed 10 positions at grades GS-5 through 11 on the staff of the Bureau.

(h) *Bureau of Administration.* (1) One Presidential Travel Officer. No new appointments may be made under this authority after June 11, 1981.

(2) One position of the Director, Art in Embassies Program, GM-1001-15.

Section 213.3105 Department of the Treasury

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS-13 through GS-17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade, and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(3) Not to exceed 20 positions in the Office of the Under Secretary (Enforcement). Employment under this authority may not exceed 4 years, and no new appointments may be made after July 31, 2001.

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2)–(5) (Reserved).

(6) Three hundred positions of Criminal Investigator for special assignments and 10 positions for oversight policy and direction of sensitive law enforcement activities.

(7)–(8) (Reserved).

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(d) *Office of Thrift Supervision.* (1) All positions in the supervision policy and supervision operations functions of OTS. No new appointments may be made under this authority after December 31, 1993.

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) (Reserved).

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(2) One non-permanent Senior Level (SL) Criminal Investigator to serve as a senior advisor to the Assistant Director (Firearms, Explosives, and Arson).

Section 213.3106 Department of Defense

(a) *Office of the Secretary.* (1)–(5) (Reserved).

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache 1 systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the staffs of the chaplains in the military services.

(5) Positions under the program for utilization of alien scientists, approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense, when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when

filled by dependents of military or civilian employees of the U.S. Government residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or separation of a dependent's sponsor: *Provided*, that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds that the additional employment is in the interest of management.

(7) Twenty secretarial and staff support positions at GS-12 or below on the White House Support Group.

(8) Positions in DOD research and development activities occupied by participants in the DOD Science and Engineering Apprenticeship Program for High School Students. Persons employed under this authority shall be bona fide high school students, at least 14 years old, pursuing courses related to the position occupied and limited to 1,040 working hours a year. Children of DOD employees may be appointed to these positions, notwithstanding the sons and daughters restriction, if the positions are in field activities at remote locations. Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR Part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(d) *General.* (1) Positions concerned with advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to cryptologic and communications intelligence activities/functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the

applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.*

(1) Positions of President, Vice Presidents, Assistant Vice Presidents, Deans, Deputy Deans, Associate Deans, Assistant Deans, Assistants to the President, Assistants to the Vice Presidents, Assistants to the Deans, Professors, Associate Professors, Assistant Professors, Instructors, Visiting Scientists, Research Associates, Senior Research Associates, and Postdoctoral Fellows.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS-15, at the Strategic Concepts Development Center. Initial appointments to these positions may not exceed 6 years, but may be extended thereafter in 1-, 2-, or 3-year increments, indefinitely.

(g) *Defense Communications Agency.* (1) Not to exceed 10 positions at grades GS-10/15 to staff and support the Crisis Management Center at the White House.

(h) *Defense Systems Management College, Fort Belvoir, Va.* (1) The Provost and professors in grades GS-13 through 15.

(i) *George C. Marshall European Center for Security Studies, Garmisch, Germany.*

(1) The Director, Deputy Director, and positions of professor, instructor, and lecturer at the George C. Marshall European Center for Security Studies, Garmisch, Germany, for initial employment not to exceed 3 years, which may be renewed in increments from 1 to 2 years thereafter.

(j) *Asia-Pacific Center for Security Studies, Honolulu, Hawaii.* (1) The Director, Deputy Director, Dean of Academics, Director of College, deputy department chairs, and senior positions of professor, associate professor, and research fellow within the Asia Pacific Center. Appointments may be made not to exceed 3 years and may be extended for periods not to exceed 3 years.

Section 213.3107 Department of the Army

(a)-(c) (Reserved).

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, Chapel Organist and Choir-Master, Director of Intercollegiate Athletics, Associate Director of Intercollegiate Athletics, coaches, Facility Manager, Building Manager, three Physical Therapists (Athletic Trainers), Associate Director of Admissions for Plans and Programs, Deputy Director of Alumni Affairs; and librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a U.S. Military Academy graduate retired as a regular commissioned officer for disability.

(e)-(f) (Reserved).

(g) *Defense Language Institute.* (1) All positions (professors, instructors, lecturers) which require proficiency in a foreign language or a knowledge of foreign language teaching methods.

(h) *Army War College, Carlisle Barracks, PA.* (1) Positions of professor, instructor, or lecturer associated with courses of instruction of at least 10 months duration for employment not to exceed 5 years, which may be renewed in 1-, 2-, 3-, 4-, or 5-year increments indefinitely thereafter.

(i) (Reserved).

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head, and Instructor.

(k) *U.S. Army Command and General Staff College, Fort Leavenworth, Kansas.* (1) Positions of professor, associate professor, assistant professor, and instructor associated with courses of instruction of at least 10 months duration, for employment not to exceed up to 5 years, which may be renewed in 1, 2, 3, 4, or 5-year increments indefinitely thereafter.

Section 213.3108 Department of the Navy

(a) *General.* (1)-(14) (Reserved).

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(16) All positions necessary for the administration and maintenance of the official residence of the Vice President.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; the Director of Academic Planning, Naval Postgraduate School; and the Librarian, Organist-Choirmaster, Registrar, the Dean of Admissions, and social counselors at the Naval Academy.

(c) *Chief of Naval Operations.* (1) One position at grade GS-12 or above that will provide technical, managerial, or administrative support on highly classified functions to the Deputy Chief of Naval Operations (Plans, Policy, and Operations).

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e) *Pacific Missile Range Facility, Barking Sands, Hawaii.* (1) All positions. This authority applies only to positions that must be filled pending final decision on contracting of Facility operations. No new appointments may be made under this authority after July 29, 1988.

(f) (Reserved).

(g) *Office of Naval Research.* (1) Scientific and technical positions, GS/GM-13/15, in the Office of Naval Research Asian Office in Tokyo, Japan, which covers East Asia, New Zealand and Australia. Positions are to be filled by personnel having specialized experience in scientific and/or technical disciplines of current interest to the Department of the Navy.

Section 213.3109 Department of the Air Force

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Ninety-five positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 20 professional positions, GS-11 through GS-15, in Detachments 6 and 51, SM-ALC, Norton and McClellan Air Force Bases, California, which will provide logistic support management to specialized research and development projects.

(d) *U.S. Air Force Academy, Colorado.* (1) (Reserved).

(2) Positions of Professor, Associate Professor, Assistant Professor, and Instructor, in the Dean of Faculty, Commandant of Cadets, Director of Athletics, and Preparatory School of the United States Air Force Academy.

(e) (Reserved).

(f) *Air Force Office of Special Investigations.* (1) Not to exceed 350 positions of Criminal Investigators/

Intelligence Research Specialists, GS-5 through GS-15.

(g) Not to exceed eight positions, GS-12 through 15, in Headquarters Air Force Logistics Command, DCS Material Management, Office of Special Activities, Wright-Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects.

(h) *Air University, Maxwell Air Force Base, Alabama.* (1) Positions of Professor, Instructor, or Lecturer.

(i) *Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio.*

(1) Civilian deans and professors.

(j) *Air Force Logistics Command.* (1) One Supervisory Logistics Management Specialist, GM-346-14, in Detachment 2, 2762 Logistics Management Squadron (Special), Greenville, Texas.

(k) One position of Supervisory Logistics Management Specialist, GS-346-15, in the 2762nd Logistics Squadron (Special), at Wright-Patterson Air Force Base, Ohio.

(1) One position of Commander, Air National Guard Readiness Center, Andrews Air Force Base, Maryland.

Section 213.3110 Department of Justice

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions at GS-15 and below on the staff of an office of a special counsel.

(3)-(5) (Reserved).

(6) Positions of Program Manager and Assistant Program Manager supporting the International Criminal Investigative Training Assistance Program in foreign countries. Initial appointments under this authority may not exceed 2 years, but may be extended for an additional period not to exceed 2 years.

(b) *Immigration and Naturalization Service.* (1) (Reserved).

(2) Not to exceed 500 positions of interpreters and language specialists, GS-1040-5/9.

(3) Not to exceed 25 positions, GS-15 and below, with proficiency in speaking, reading, and writing the Russian language and serving in the Soviet Refugee Processing Program with permanent duty location in Moscow, Russia.

(c) *Drug Enforcement Administration.* (1) (Reserved).

(2) Four hundred positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS-132 series, grades GS-9 through GS-15.

(3) Not to exceed 200 positions of Criminal Investigator (Special Agent). New appointments may be made under this authority only at grades GS-7/11.

(d) *National Drug Intelligence Center.* All positions.

Section 213.3112 Department of the Interior

(a) *General.* (1) Technical, maintenance, and clerical positions at or below grades GS-7, WG-10, or equivalent, in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS-7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, that an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such

as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum wage rate. Employment under this authority may not exceed 10 weeks.

(b) (Reserved).

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) (Reserved).

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) (Reserved).

(2) Not to exceed four positions of Territorial Management Interns, grades GS-5, GS-7, or GS-9, when filled by territorial residents who are U.S. citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. citizens upon termination of the U.S. trusteeship. Employment under this authority may not exceed 6 months.

(3) (Reserved).

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his or her immediate staff.

(f) *National Park Service.* (1) (Reserved).

(2) Positions established for the administration of Kalaupapa National Historic Park, Molokai, Hawaii, when filled by appointment of qualified patients and Native Hawaiians, as provided by Public Law 95-565.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Public Law 95-250.

(4) One Special Representative of the Director.

(5) All positions in the Grand Portage National Monument, Minnesota, when filled by the appointment of recognized members of the Minnesota Chippewa Tribe.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values on conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS-5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

Section 213.3113 Department of Agriculture

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service or the National Agricultural Statistics Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural commodity grader (grain) and (meat), (poultry), and (dairy), agricultural commodity aid (grain), and tobacco inspection positions.

(2)–(4) (Reserved).

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: Field assistants for subprofessional services; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a

service year: *Provided*, that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraph (i) of § 213.3102 or positions within the Forest Service.

(6) (Reserved).

(7) Not to exceed 34 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new appointment may be made under this authority after December 31, 1985.

(b)–(c) (Reserved).

(d) *Farm Service Agency.* (1) (Reserved).

(2) Members of State Committees: *Provided*, that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(e) *Rural Development.* (1) (Reserved).

(2) County committeemen to consider, recommend, and advise with respect to the Rural Development program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended for one additional period not to exceed 1 year, but may, with prior approval of OPM be further extended for additional periods not to exceed 1 year each.

(4)–(5) (Reserved).

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(f) *Agricultural Marketing Service.* (1) Positions of Agricultural Commodity Graders, Agricultural Commodity

Technicians, and Agricultural Commodity Aids at grades GS-9 and below in the tobacco, dairy, and poultry commodities; Meat Acceptance Specialists, GS-11 and below; Clerks, Office Automation Clerks, and Computer Clerks at GS-5 and below; Clerk-Typists at grades GS-4 and below; and Laborers under the Wage System. Employment under this authority is limited to either 1,280 hours or 180 days in a service year.

(2) Positions of Agricultural Commodity Graders, Agricultural Commodity Technicians, and Agricultural Commodity Aids at grades GS-11 and below in the cotton, raisin, and processed fruit and vegetable commodities and the following positions in support of these commodities: Clerks, Office Automation Clerks, and Computer Clerks and Operators at GS-5 and below; Clerk-Typists at grades GS-4 and below; and, under the Federal Wage System, High Volume Instrumentation (HVI) Operators and HVI Operator Leaders at WG/WL-2 and below, respectively, Instrument Mechanics/Workers/Helpers at WG-10 and below, and Laborers. Employment under this authority may not exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year. Cotton Agricultural Commodity Graders, GS-5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the service year limitation.

(3) Milk Market Administrators.

(4) All positions on the staffs of the Milk Market Administrators. (g)–(k) (Reserved).

(l) *Food Safety and Inspection Service.* (1)–(2) (Reserved).

(3) Positions of meat and poultry inspectors (veterinarians at GS-11 and below and nonveterinarians at appropriate grades below GS-11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Grain Inspection, Packers and Stockyards Administration.* (1) One hundred and fifty positions of Agricultural Commodity Aid (Grain), GS-2/4; 100 positions of Agricultural Commodity Technician (Grain), GS-4/7; and 60 positions of Agricultural Commodity Grader (Grain), GS-5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

(n) *Alternative Agricultural Research and Commercialization Corporation.* (1) Executive Director.

Section 213.3114 Department of Commerce

(a) *General.* (1)–(2) (Reserved).

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in the continental United States for periods of orientation, training, analysis of data, and report writing.

(b)–(c) (Reserved).

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for time-limited employment to conduct a census.

(2) Current Program Interviewers employed in the field service. (e)–(h) (Reserved).

(i) *Office of the Under Secretary for International Trade.*

(1) Fifteen positions at GS–12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(2) (Reserved).

(3) Not to exceed 15 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit procedures applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of OPM, be extended for an additional period of 2 years.

(j) *National Oceanic and Atmospheric Administration.* (1)–(2) (Reserved).

(3) All civilian positions on vessels operated by the National Ocean Service.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Service. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(k) (Reserved).

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS–13 through GS–15.

Section 213.3115 Department of Labor

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and eight members, Benefits Review Board. (b)–(c) (Reserved).

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of Supervisory Manpower Development Specialist and Manpower Development Specialist, GS–7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

Section 213.3116 Department of Health and Human Services

(a) *General.* (1) Intermittent positions, at GS–15 and below and WG–10 and below, on teams under the National Disaster Medical System including Disaster Medical Assistance Teams and specialty teams, to respond to disasters, emergencies, and incidents/events involving medical, mortuary and public health needs.

(b) *Public Health Service.* (1) (Reserved).

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) (Reserved).

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the participating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5)–(6) (Reserved).

(7) Not to exceed 50 positions associated with health screening programs for refugees.

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human

Services is responsible for defining the term "Indian."

(9) (Reserved).

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11)–(14) (Reserved).

(15) Not to exceed 200 staff positions, GS–15 and below, in the Immigration Health Service, for an emergency staff to provide health related services to foreign entrants.

(c)–(e) (Reserved).

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants.

Section 213.3117 Department of Education

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

Section 213.3124 Board of Governors, Federal Reserve System

(a) All positions.

Section 213.3127 Department of Veterans Affairs

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS–3 through GS–11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) *Board of Veterans' Appeals.* (1) Positions, GS–15, when filled by a member of the Board. Except as provided by section 201(d) of Public Law 100–687, appointments under this authority shall be for a term of 9 years, and may be renewed.

(2) Positions, GS–15, when filled by a non-member of the Board who is awaiting Presidential approval for appointment as a Board member.

(d) Not to exceed 600 positions at grades GS–3 through GS–11, involved in the Department's Vietnam Era Veterans Readjustment Counseling Service.

Section 213.3132 Small Business Administration

(a) When the President under 42 U.S.C. 1855–1855g, the Secretary of

Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by time-limited appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior Office approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855–1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by time-limited appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

Section 213.3133 Federal Deposit Insurance Corporation

(a)–(b) (Reserved).

(c) Temporary positions located at closed banks or savings and loan institutions that are concerned with liquidating the assets of the institutions, liquidating loans to the institutions, or paying the depositors of closed insured institutions. New appointments may be made under this authority only during the 60 days immediately following the institution's closing date. Such appointments may not exceed 1 year, but may be extended for not to exceed 1 additional year.

Section 213.3136 U.S. Soldiers' and Airmen's Home

(a) (Reserved).

(b) Positions when filled by member-residents of the Home.

Section 213.3138 Federal Communications Commission

(a) Fifteen positions of Telecommunications Policy Analyst, GS–301–13/14/15. Initial appointment

to these positions will be for a period of not to exceed 2 years with provision for two 1-year extensions. No new appointments may be made under this authority after May 31, 1998.

Section 213.3142 Export-Import Bank of the United States

(a) One Special Assistant to the Board of Directors, grade GS–14 and above.

Section 213.3146 Selective Service System

(a) State Directors.

Section 213.3148 National Aeronautics and Space Administration

(a) One hundred and fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

Section 213.3155 Social Security Administration

(a) Six positions of Social Insurance Representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(b) Seven positions of Social Insurance Representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(c) Two positions of Social Insurance Representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointments of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

Section 213.3162 The President's Crime Prevention Council

(a) Up to 7 positions established in the President's Crime Prevention Council office created by the Violent Crime Control and Law Enforcement Act of 1994. No new appointments may be made under this authority after March 31, 1998.

Section 213.3165 Chemical Safety and Hazard Investigation Board

(a) Up to 37 positions established to create the Chemical Safety and Hazard Investigation Board. No new appointments may be made under this authority after December 31, 2000.

Section 213.3174 Smithsonian Institution

(a) (Reserved).

(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

(c) Positions at GS–15 and below in the National Museum of the American Indian requiring knowledge of, and experience in, tribal customs and culture. Such positions comprise approximately 10 percent of the Museum's positions and, generally, do not include secretarial, clerical, administrative, or program support positions.

Section 213.3175 Woodrow Wilson International Center for Scholars

(a) One Asian Studies Program Administrator, one International Security Studies Program Administrator, one Latin American Program Administrator, one Russian Studies Program Administrator, one West European Program Administrator, one Environmental Change & Security Studies Program Administrator, one United States Studies Program Administrator, and two Social Science Program Administrators.

Section 213.3178 Community Development Financial Institutions Fund

(a) All positions in the Fund and positions created for the purpose of establishing the Fund's operations in accordance with the Community Development Banking and Financial Institutions Act of 1994, except for any positions required by the Act to be filled by competitive appointment. No new appointments may be made under this authority after September 23, 1998.

Section 213.3180 Utah Reclamation and Conservation Commission

(a) Executive Director.

Section 213.3182 National Foundation on the Arts and the Humanities

(a) *National Endowment for the Arts.*
(1) Artistic and related positions at grades GS–13 through GS–15 engaged in the review, evaluation and administration of applications and grants supporting the arts, related research and assessment, policy and program development, arts education, access programs and advocacy or evaluation of critical arts projects and outreach programs. Duties require artistic stature, in-depth knowledge of arts disciplines and/or artistic-related leadership qualities.

Section 213.3190 African Development Foundation

(a) One Enterprise Development Fund Manager. Appointment authority is

limited to four years unless extended by the Office.

Section 213.3191 Office of Personnel Management

(a)–(c) (Reserved).

(d) Part-time and intermittent positions of test examiners at grades GS–8 and below.

Section 213.3194 Department of Transportation

(a) *U.S. Coast Guard.* (1) (Reserved).

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Connecticut.

(b)–(d) (Reserved).

(e) *Maritime Administration.* (1)–(2) (Reserved).

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)–(5) (Reserved).

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers, including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

Section 213.3195 Federal Emergency Management Agency

(a) Field positions at grades GS–15 and below, or equivalent, which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort.

(b) Not to exceed 30 positions at grades GS–15 and below in the Offices of Executive Administration, General Counsel, Inspector General, Comptroller, Public Affairs, Personnel, Acquisition Management, and the State and Local Program and Support Directorate which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Public Law 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency, or for long-term duties or work not directly necessitated by the emergency response effort. No one may be reappointed under this authority for service in connection with a different emergency unless at least 6 months have elapsed since the individual's latest appointment under this authority.

(c) Not to exceed 350 professional and technical positions at grades GS–5 through GS–15, or equivalent, in Mobile Emergency Response Support Detachments (MERS).

Section 213.3199 Temporary Organizations

(a) Positions on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s), does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of the Office is obtained.

(b) Positions on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a

single organization during a period longer than 4 years only with prior approval of the Office.

Schedule B

Section 213.3202 Entire Executive Civil Service

(a) *Student Educational Employment Program—Student Temporary Employment Program.* (1) Students may be appointed to the Student Temporary Employment Program if they are pursuing any of the following educational programs:

- (i) High School Diploma or General Equivalency Diploma (GED);
- (ii) Vocational/Technical certificate;
- (iii) Associate degree;
- (iv) Baccalaureate degree;
- (v) Graduate degree; or
- (vi) Professional degree

* * * * *

[The remaining text of provisions pertaining to the Student Temporary Employment Program can be found in 5 CFR 213.3202(a).]

(b) *Student Educational Employment Program—Student Career Experience Program.* (1)(i) Students may be appointed to the Student Career Experience Program if they are pursuing any of the following educational programs:

- (A) High school diploma or General Equivalency Diploma (GED);
- (B) Vocational/Technical certificate;
- (C) Associate degree;
- (D) Baccalaureate degree;
- (E) Graduate degree; or
- (F) Professional degree.

(ii) Student participants in the Harry S. Truman Foundation Scholarship Program under the provision of Public Law 93–842 are eligible for appointments under the Student Career Experience Program.

[The remaining text of provisions pertaining to the Student Career Experience Program can be found in 5 CFR 213.3202(b).]

* * * * *

(c)–(i) (Reserved).

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding 3 years for one individual.

(k) Positions at grades GS–15 and below when filled by individuals who (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are

certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

(l) (Reserved).

(m) Positions when filled under any of the following conditions: (1) Appointment at grades GS-15 and above, or equivalent, in the same or a different agency without a break in service from a career appointment in the Senior Executive Service (SES) of an individual who:

(i) Has completed the SES probationary period;

(ii) Has been removed from the SES because of less than fully successful executive performance or a reduction in force; and

(iii) Is entitled to be placed in another civil service position under 5 U.S.C. 3594(b).

(2) Appointment in a different agency without a break in service of an individual originally appointed under paragraph (m)(1).

(3) Reassignment, promotion, or demotion within the same agency of an individual appointed under this authority.

(n) Positions when filled by preference eligibles or veterans who have been separated from the armed forces under honorable conditions after 3 years or more of continuous active service and who, in accordance with 5 U.S.C. 3304(f) (Pub. L. 105-339), applied for these positions under merit promotion procedures when applications were being accepted by the agency from individuals outside its own workforce. These veterans may be promoted, demoted, or reassigned, as appropriate, to other positions within the agency but would remain employed under this excepted authority as long as there is no break in service. No new appointments may be made under this authority after November 30, 1999.

Section 213.3203 Executive Office of the President

(a) (Reserved).

(b) *Office of the Special Representative for Trade Negotiations.* (1) Seventeen positions of economist at grades GS-12 through GS-15.

Section 213.3204 Department of State

(a)–(c) (Reserved).

(d) Fourteen positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) (Reserved).

(f) Scientific, professional, and technical positions at grades GS-12 to GS-15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

Section 213.3205 Department of the Treasury

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b)–(c) (Reserved).

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years; or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever comes first.

(e) Positions, grades GS-5 through 12, of Treasury Enforcement Agent in the Bureau of Alcohol, Tobacco, and Firearms; and Treasury Enforcement Agent, Pilot, Marine Enforcement Officer, and Aviation Enforcement Officer in the U.S. Customs Service. Service under this authority may not exceed 3 years and 120 days.

Section 213.3206 Department of Defense

(a) *Office of the Secretary.* (1) (Reserved).

(2) Professional positions at GS-11 through GS-15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)–(4) (Reserved).

(5) Four Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general

administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(2) Eight positions, GS-15 or below, in the White House Military Office, providing support for airlift operations, special events, security, and/or administrative services to the Office of the President.

(c) *National Defense University.* (1) Sixty-one positions of Professor, GS-13/15, for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in any increment from 1 to 6 years indefinitely thereafter.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS-301-15, U.S. European Command.

(2) Acquisition positions at grades GS-5 through GS-11, whose incumbents have successfully completed the required course of education as participants in the Department of Defense scholarship program authorized under 10 U.S.C. 1744.

(e) *Office of the Inspector General.* (1) Positions of Criminal Investigator, GS-1811-5/15.

(f) *Department of Defense Polygraph Institute, Fort McClellan, Alabama.* (1) One Director, GM-15.

(g) *Defense Security Assistance Agency.* All faculty members with instructor and research duties at the Defense Institute of Security Assistance Management, Wright Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period, which may be followed by an appointment of indefinite duration.

Section 213.3207 Department of the Army

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

Section 213.3208 Department of the Navy

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of Oceanographer, grade GS-14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

(c) One Director and four Research Psychologists at the professor or GS-15

level in the Defense Personnel Security Research and Education Center.

(d) All civilian professor positions at the Marine Corps Command and Staff College.

(e) One position of Staff Assistant, GS-301-15, whose incumbent will manage the Navy's Executive Dining facilities at the Pentagon.

(f) One position of Housing Management Specialist, GM-1173-14, involved with the Bachelor Quarters Management Study. No new appointments may be made under this authority after February 29, 1992.

Section 213.3209 Department of the Air Force

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Initial appointments are made not to exceed 3 years, with an option to renew or extend the appointments in increments of 1, 2, or 3 years indefinitely thereafter.

(b)-(c) (Reserved).

(d) Positions of Instructor or professional academic staff at the Air University, associated with courses of instruction of varying durations, for employment not to exceed 3 years, which may be renewed for an indefinite period thereafter.

(e) One position of Director of Development and Alumni Programs, GS-301-13, with the U.S. Air Force Academy, Colorado.

Section 213.3210 Department of Justice

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS-5 through 11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed upon between the Department and OPM.

(b) (Reserved).

(c) Not to exceed 400 positions at grades GS-5 through 15 assigned to regional task forces established to conduct special investigations to combat drug trafficking and organized crime.

(d) (Reserved).

(e) Positions, other than secretarial, GS-6 through GS-15, requiring knowledge of the bankruptcy process, on the staff of the offices of United

States Trustees or the Executive Office for U.S. Trustees.

Section 213.3213 Department of Agriculture

(a) *Foreign Agricultural Service.* (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 5 years on a single project for any individual unless delayed completion of a project justifies an extension up to but not exceeding 2 years.

(b) *General.* (1) Temporary positions of professional Research Scientists, GS-15 or below, in the Agricultural Research Service and the Forest Service, when such positions are established to support the Research Associateship Program and are filled by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and the agency. Appointments are limited to proposals approved by the appropriate Administrator. Appointments may be made for initial periods not to exceed 2 years and may be extended for up to 2 additional years. Extensions beyond 4 years, up to a maximum of 2 additional years, may be granted, but only in very rare and unusual circumstances, as determined by the Personnel Officer, Agricultural Research Service, or the Personnel Officer, Forest Service.

(2) Not to exceed 55 Executive Director positions, GM-301-14/15, with the State Rural Development Councils in support of the Presidential Rural Development Initiative.

Section 213.3214 Department of Commerce

(a) *Bureau of the Census.* (1) (Reserved).

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS-5 through GS-12.

(3) Not to exceed 300 Community Awareness Specialist positions at the equivalent of GS-7 through GS-12. Employment under this authority may not exceed December 31, 1992.

(b)-(c) (Reserved).

(d) *National Telecommunications and Information Administration.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS-11 through 15. Employment under this authority may not exceed 2 years.

Section 213.3215 Department of Labor

(a) Chairman, two Members, and one Alternate Member, Administrative Review Board.

(b) (Reserved).

(c) *Bureau of International Labor Affairs.* (1) Positions in the Office of Foreign Relations, which are paid by outside funding sources under contracts for specific international labor market technical assistance projects. Appointments under this authority may not be extended beyond the expiration date of the project.

Section 213.3217 Department of Education

(a) Seventy-five positions, not in excess of GS-13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Office of Personnel Management, be extended for an additional period of 1 year.

Section 213.3227 Department of Veterans Affairs

(a) Not to exceed 800 principal investigatory, scientific, professional, and technical positions at grades GS-11 and above in the medical research program.

(b) Not to exceed 25 Criminal Investigator (Undercover) positions, GS-1811, in grades 5 through 12, conducting undercover investigations in the Veterans Health Administration supervised by the VA, Office of Inspector General. Initial appointments shall be greater than 1 year, but not to exceed 4 years and may be extended indefinitely in 1-year increments.

Section 213.3236 U.S. Soldiers' and Airmen's Home

(a) (Reserved).

(b) Director, Health Care Services; Director, Member Services; Director, Logistics; and Director, Plans and Programs.

Section 213.3240 National Archives and Records Administration

(a) Executive Director, National Historical Publications and Records Commission.

Section 213.3248 National Aeronautics and Space Administration

(a) Not to exceed 40 positions of Command Pilot, Pilot, and Mission Specialist candidates at grades GS-7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

Section 213.3274 Smithsonian Institution

(a) (Reserved).

(b) *Freer Gallery of Art*. (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS-9 through GS-15.

Section 213.3276 Appalachian Regional Commission

(a) Two Program Coordinators.

Section 213.3278 Armed Forces Retirement Home

(a) *Naval Home, Gulfport, Mississippi*. (1) One Resource Management Officer position and one Public Works Officer position, GS/GM-15 and below.

Section 213.3282 National Foundation on the Arts and the Humanities

(a) (Reserved).

(b) *National Endowment for the Humanities*. (1) Professional positions at grades GS-11 through GS-15 engaged in the review, evaluation, and administration of grants supporting scholarship, education, and public programs in the humanities, the duties of which require indepth knowledge of a discipline of the humanities.

Section 213.3285 Pennsylvania Avenue Development Corporation

(a) One position of Civil Engineer (Construction Manager).

Section 213.3291 Office of Personnel Management

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS-13 and GS-14. Appointments may be made for any period up to 3 years and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS-13 through 15, at the Federal Executive Institute. Initial appointments under this authority may be made for any period up to 3 years

and may be extended in 1-, 2-, or 3-year increments indefinitely thereafter.

Schedule C

Section 213.3303 Executive Office of the President

Council of Economic Advisers

CEA 1 Confidential Assistant to the Chairman

CEA 4 Confidential Assistant to the Chairman

CEA 5 Administrative Operations Assistant to a Member

CEA 6 Administrative Operations Assistant to a Member

Council on Environmental Quality

CEQ 10 Special Assistant to the Chair, Council on Environmental Quality

CEQ 15 Public Affairs Specialist/Deputy Director to Director for Communications

CEQ 16 Special Assistant to the Chair

CEQ 17 Special Assistant for Outreach and Strategic Planning to the Chief of Staff

Office of Management and Budget

OMB 80 Executive Assistant to the Deputy Director, Office of Management and Budget

OMB 92 Confidential Assistant to the Associate Director for Legislative Reference and Administration

OMB 97 Confidential Assistant to the Administrator, Office of Information and Regulatory Affairs

OMB 102 Special Assistant to the Director, Office of Management and Budget

OMB 107 Senior Public Affairs Specialist to the Director, Office of Management and Budget

OMB 117 Confidential Assistant to the Associate Director, Health/Personnel

OMB 118 Special Assistant to the Controller

OMB 119 Confidential Assistant to the Associate Director, National Security and International Affairs

OMB 123 Legislative Analyst to the Associate Director for Legislative Affairs

OMB 129 Special Assistant for Policy and Legislation to Associate Director, Legislative Affairs

OMB 131 Special Assistant for Policy and Legislation to the Associate Director for Legislative Affairs

OMB 134 Special Assistant to the Director, Office of Management and Budget

OMB 135 Legislative Analyst to the Associate Director for Legislative Affairs

OMB 136 Public Affairs Specialist to the Associate Director for Communication

OMB 137 Legislative Assistant to the Associate Director, Legislative Affairs

OMB 138 Public Affairs Officer to the Associate Director for Communications

Office of National Drug Control Policy
ONDCP 83 Chief, Press Relations to the Director

ONDCP 87 Confidential Administrative Assistant to the Deputy Director

ONDCP 88 Strategic Analyst (Speech writer) to the Chief of Staff

ONDCP 95 Policy Advisor to the Deputy Director

ONDCP 96 Deputy Events Manager to the Director, Strategic Affairs

ONDCP 97 Assistant Director, to the Director, Strategic Planning

ONDCP 98 Staff Assistant to the Chief of Staff

ONDCP 100 Press Relations Assistant (Typing) to the Chief of Press Relations

ONDCP 104 Confidential Assistant to the Director

ONDCP 105 Staff Assistant to the Chief of Staff

ONDCP 108 Special Assistant to the Chief of Staff

ONDCP 109 Staff Assistant to the Director

ONDCP 110 Staff Assistant to the Deputy Director, Supply Reduction

Office of Science and Technology Policy

OSTP 21 Confidential Assistant to the Associate Director Technology Division

OSTP 27 Confidential Assistant to the Associate Director for Science

OSTP 29 Public Affairs Specialist (Assistant) to the Chief of Staff

Office of the United States Trade Representative

USTR 56 Confidential Assistant to the Deputy U.S. Trade Representative

USTR 67 Confidential Assistant to the Chief of Staff

USTR 69 Private Sector Liaison to the Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison

USTR 70 Deputy Assistant for Congressional Affairs to the Assistant U.S. Trade Representative

Official Residence of the Vice President

ORVP 1 Special Assistant, Official Residence of the Vice President to the Chief of Staff to Mrs. Gore

President's Commission on White House Fellowships

PCWHF 7 Education Director to the Director, President's Commission on White House Fellowships

PCWHF 13 Special Assistant to the Director, President's Commission on White House Fellowships

Section 213.3304 Department of State

- ST 101 Secretary (Steno O/A) to the Deputy Director
- ST 102 Secretary (O/A) to the Under Secretary (Director)
- ST 104 Special Assistant to the Under Secretary (Director)
- ST 105 Congressional Affairs Specialist to the Director, Congressional Affairs
- ST 106 Special Assistant to the Director, Bureau of Education and Cultural Affairs
- ST 107 Deputy Chief to the Chief, Cultural Programs Division
- ST 108 Legislative Management Officer to the Assistant Secretary, Bureau of Legislative Affairs
- ST 109 Special Assistant to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 110 Senior Advisor to the Director, Bureau of Educational and Cultural Affairs
- ST 111 Program Officer to the Director, Bureau of Educational and Cultural Affairs
- ST 112 Senior Technology Advisor to the Director, Office of International Information Programs
- ST 113 Public Affairs Specialist to the Deputy Assistant Secretary, Public Affairs
- ST 114 Senior Advisor to the Under Secretary for Public Diplomacy and Public Affairs
- ST 115 Staff Director, Fulbright Foreign Scholarship Fund to the Assistant Secretary, Education and Cultural Affairs
- ST 116 Special Projects Officer to the Director, Educational and Cultural Affairs
- ST 117 Special Assistant to the Director, Office of International Information Programs
- ST 118 Senior Advisor to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 119 Director, New York Foreign Press Center to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 121 Special Assistant to the Special Assistant, New York Reception Area
- ST 122 Deputy Director to the Director, Intergovernmental Affairs, Bureau of Public Affairs
- ST 123 Special Assistant to the Director, Office of International Information Programs
- ST 220 Special Assistant to the Assistant Secretary, Bureau of Public Affairs
- ST 329 Staff Assistant to the Deputy Secretary of State
- ST 399 Confidential Assistant to the Secretary of State
- ST 405 Supervisory Protocol Officer (Visits) to the Foreign Affairs Officer (Visits)
- ST 406 Staff Assistant to the Under Secretary for Economic, Business and Agricultural Affairs
- ST 416 Protocol Officer (Visits) to the Supervisory Protocol Officer for Visits
- ST 429 Special Assistant to the Director, Foreign Service Institute
- ST 433 Correspondence Officer to the Assistant Secretary, Bureau of Legislative Affairs
- ST 451 Special Assistant to the Ambassador-at-Large
- ST 460 Staff Assistant to the Chief of Staff
- ST 461 Senior Advisor to the Director, Policy Planning Staff
- ST 465 Special Assistant to the Secretary of State
- ST 467 Foreign Affairs Officer (Visits) to the Chief of Protocol
- ST 468 Protocol Officer (Ceremonials) to the Foreign Affairs Officer (Assistant Chief of Protocol for Ceremonials)
- ST 478 Special Coordinator to the Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor
- ST 485 Member Policy Planning Staff to the Director
- ST 491 Policy Advisor to the Assistant Secretary, European and Canadian Affairs
- ST 495 Senior Coordinator to the Assistant Secretary, Bureau of Democracy, Human Rights and Labor
- ST 497 Legislative Management Officer to the Assistant Secretary, Legislative Affairs
- ST 500 Staff Assistant to the Special Coordinator for Cyprus
- ST 511 Special Assistant to the Legal Advisor
- ST 514 Protocol Officer (Visits) to the Foreign Affairs Officer
- ST 519 Supervisory Public Affairs Specialist to the Deputy Assistant Secretary
- ST 521 Special Assistant to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 523 Office Director (Foreign Affairs) to the Assistant Secretary, Bureau of Democracy, Human Rights and Labor
- ST 524 Special Assistant to the Assistant Secretary, Bureau of African Affairs
- ST 527 Staff Assistant to the Deputy Assistant Secretary, Bureau of Administration
- ST 528 Foreign Affairs Officer (Ceremonials) to the Chief of Protocol
- ST 529 Deputy Assistant Secretary to the Assistant Secretary, Bureau of Democracy, Human Rights and Labor
- ST 530 Special Assistant to the Assistant Secretary, Asian and Pacific Affairs
- ST 531 Special Assistant to the Senior Advisor to the Secretary and White House Liaison
- ST 533 Special Assistant to the Ambassador-at-Large for War Crimes Issues
- ST 535 Special Assistant to the Women's Coordinator
- ST 536 Coordinator, Office of Business Affairs to the Under Secretary for Economic, Business and Agricultural Affairs
- ST 539 Foreign Affairs Officer to the Under Secretary for Global Affairs
- ST 542 Special Assistant to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 543 Special Assistant to the Assistant Secretary, Bureau of Population, Refugees and Migration
- ST 546 Special Assistant to the Assistant Secretary, International Narcotics and Law Enforcement Affairs
- ST 547 Special Assistant to the Deputy Assistant Secretary, International Narcotics and Law Enforcement Affairs
- ST 548 Member to the Director, Policy and Planning Staff
- ST 549 Special Advisor to the Deputy Assistant Secretary
- ST 550 Special Assistant to the Chief of Protocol
- ST 551 Foreign Affairs Officer to the Deputy Secretary of State
- ST 552 Special Assistant to the Senior Advisor
- ST 553 Special Assistant to the Assistant Secretary for International Organization Affairs
- ST 554 Legislative Management Officer to the Assistant Secretary, Legislative Affairs
- ST 555 Legislative Management Officer to the Deputy Assistant Secretary, Legislative Affairs
- ST 556 Legislative Management Officer to the Deputy Assistant Secretary
- ST 557 Legislative Management Officer to the Assistant Secretary, Bureau of Legislative Affairs
- ST 558 Staff Assistant to the Assistant Secretary, Legislative Affairs
- ST 559 Staff Assistant to the Deputy Assistant Secretary, Legislative Affairs
- ST 560 Special Advisor to the Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement
- ST 561 Foreign Affairs Officer to the Under Secretary for Global Affairs
- ST 562 Legislative Management Officer to the Assistant Secretary, Legislative Affairs
- ST 563 Foreign Affairs Officer to the Deputy Director, Office of Policy Planning
- ST 565 Public Affairs Specialist to the Deputy Assistant Secretary
- ST 566 Public Affairs Specialist to the Deputy Assistant Secretary,

- Department Spokesman, Bureau of Public Affairs
- ST 568 Public Affairs Specialist to the Deputy Assistant Secretary, Public Affairs
- ST 569 Public Affairs Specialist to the Deputy Assistant Secretary, Public Affairs
- ST 570 Senior Policy Advisor to the Assistant Secretary, Bureau of Legislative Affairs
- ST 571 Special Assistant to the Assistant Secretary, Bureau of European Affairs
- ST 572 Senior Advisor to the Assistant Secretary, Bureau of South Asian Affairs
- ST 573 Resources, Plans and Policy Advisor to the Director, Resources, Plans and Policy
- ST 574 Resources, Plans and Policy Advisor to the Director, Resources, Plans and Policy
- ST 576 Special Assistant to the Under Secretary for Public Diplomacy and Public Affairs
- ST 578 Special Assistant to the Chairman
- ST 579 Staff Assistant to the Senior Advisor, Office of the Under Secretary
- ST 580 Senior Advisor to the Under Secretary for Public Diplomacy and Public Affairs
- ST 581 Staff Assistant to the Under Secretary for Economic, Business and Agricultural Affairs
- ST 582 Staff Assistant to the Deputy to the Chief of Staff
- ST 583 Program Officer to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 584 Management Analyst to the Deputy Assistant Secretary for Logistics Management
- ST 585 Protocol Officer (Visits) to the Chief of Protocol
- ST 586 Legislative Management Officer to the Deputy Assistant Secretary, Legislative Affairs
- ST 587 Foreign Affairs Officer to the Under Secretary for Global Affairs
- ST 588 Special Assistant to the Chief of Protocol
- ST 589 Foreign Affairs Officer to the Deputy Director
- ST 590 Public Affairs Specialist to the Assistant Secretary, Bureau of Public Affairs
- ST 591 Public Affairs Specialist to the Deputy Assistant Secretary, Public Affairs
- ST 592 Public Affairs Specialist to the Deputy Assistant Secretary
- ST 593 Special Assistant to the Assistant Secretary, Bureau of Oceans, International Environmental and Scientific Affairs
- ST 594 Supervisory Public Affairs Specialist to the Deputy Assistant Secretary, Bureau of Public Affairs
- ST 595 Special Assistant to the Deputy Assistant Secretary for Public Affairs
- ST 596 Program Officer to the Director Foreign Press Center
- ST 597 Special Assistant to the United States Representative to the American States, Bureau of Western Hemisphere Affairs
- ST 598 Staff Assistant to the Assistant Secretary, Bureau of Legislative Affairs
- ST 599 Public Affairs Specialist to the Deputy Assistant Secretary
- International Boundary and Water Commission, United States and Mexico
- IBWC 1 Confidential Assistant (OA) to the Commissioner, United States Section, International Boundary and Water Commission, United States and Mexico
- Section 213.3305 Department of the Treasury*
- TREA 230 Public Affairs Specialist to the Director, Office of Public Affairs
- TREA 250 Director, Office of Public Affairs to the Deputy Assistant Secretary
- TREA 254 Deputy Executive Secretary to the Executive Secretary
- TREA 316 Public Affairs Specialist to the Director, Office of Public Affairs
- TREA 317 Public Affairs Specialist to the Director, Office of Public Affairs
- TREA 318 Deputy to the Assistant Secretary, Legislative Affairs and Public Liaison
- TREA 342 Deputy Treasurer to the Treasurer of the United States
- TREA 351 Public Affairs Specialist to the Director, Office of Public Affairs
- TREA 357 Director, Public Correspondence & Deputy to the Executive Secretary
- TREA 375 Senior Advisor for Public Affairs to the Director of the U.S. Mint
- TREA 378 Chief of Staff to the Under Secretary for Enforcement
- TREA 380 Deputy to the Assistant Secretary to the Assistant Secretary, Legislative Affairs and Public Liaison
- TREA 381 Senior Advisor to the Assistant Secretary for Legislative Affairs and Public Liaison
- TREA 384 Special Assistant and Associate White House Liaison to the Chief of Staff
- TREA 387 Enforcement Policy Advisor to the Director, Policy Development
- TREA 391 Associate Director of Scheduling and Advance to the Director, Strategic Planning, Scheduling and Advance
- TREA 394 Executive Secretary to the Chief of Staff
- TREA 396 Director, Public and Business Liaison to the Deputy Assistant Secretary for Public Liaison
- TREA 397 Senior Deputy to the Assistant Secretary, Legislative Affairs and Public Liaison
- TREA 403 Special Assistant to the Assistant Secretary for Economic Policy
- TREA 404 Special Assistant to the Assistant Secretary for Financial Institutions
- TREA 405 Special Assistant to the Assistant Secretary, Legislative Affairs and Public Liaison
- TREA 406 Director, Public and Business Liaison to the Deputy Assistant Secretary Public Liaison, Office of Legislative Affairs and Public Liaison
- TREA 408 Senior Policy Advisor to the Deputy Assistant Secretary for Policy Enforcement
- TREA 409 Deputy to the Assistant to the Assistant Secretary for Legislative Affairs and Public Liaison
- TREA 410 Executive Assistant to the Deputy Secretary
- TREA 411 Special Assistant to the Assistant Secretary for Public Affairs
- TREA 412 Special Assistant for Scheduling and Advance to the Director, Strategic Planning, Scheduling and Advance
- TREA 413 White House Liaison to the Chief of Staff
- TREA 414 Senior Advisor to the Deputy Secretary of the Treasury
- TREA 415 Public Affairs Specialist to the Deputy Assistant Secretary, Public Affairs
- TREA 416 Associate to the Deputy Assistant Secretary, Management Operations
- TREA 417 Senior Advisor to the Deputy Assistant Secretary, Government Financial Policy
- TREA 418 Special Assistant to the Executive Secretary
- TREA 419 Senior Advisor to the Under Secretary (Enforcement)
- TREA 420 Special Assistant to the Assistant Secretary, Legislative Affairs and Public Liaison
- TREA 421 Special Assistant to the Assistant Secretary, Legislative Affairs and Public Liaison
- TREA 422 Attorney-Advisor to the General Counsel
- Section 213.3306 Department of Defense*
- DOD 24 Chauffeur to the Secretary of Defense
- DOD 33 Personal Secretary to the Deputy Secretary of Defense
- DOD 271 Private Secretary to the Assistant Secretary of Defense (Reserve Affairs)
- DOD 279 Personal and Confidential Assistant to the Director Operational Test and Evaluation

- DOD 295 Personal and Confidential Assistant to the Under Secretary of Defense for Personnel and Readiness
- DOD 300 Confidential Assistant to the Under Secretary (Acquisition and Technology)
- DOD 312 Director, Cooperative Threat Reduction to the Assistant Secretary of Defense (Strategy and Threat Reduction)
- DOD 319 Confidential Assistant to the Secretary of Defense
- DOD 332 Personal and Confidential Assistant to the Assistant Secretary of Defense (Regional Security)
- DOD 355 Special Assistant for Strategic Modernization to the Assistant Secretary of Defense (Legislative Affairs)
- DOD 368 Personal and Confidential Assistant to the Assistant Secretary of Defense for Legislative Affairs
- DOD 428 Staff Assistant to the Special Assistant to the Secretary of Defense for White House Liaison
- DOD 440 Personal and Confidential Assistant to the Deputy Under Secretary of Defense for Acquisition Reform
- DOD 449 Staff Specialist to the Assistant to the Secretary of Defense for Public Affairs
- DOD 459 Public Affairs Specialist to the Assistant to the Secretary of Defense for Public Affairs
- DOD 464 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
- DOD 468 Staff Specialist (International) to the Director, Defense Information Systems Agency
- DOD 471 Defense Fellow to the Special Assistant for White House Liaison
- DOD 473 Personal and Confidential Assistant to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict
- DOD 474 Program Analyst to the Deputy Under Secretary (Environmental Security)
- DOD 480 Executive Assistant to the Assistant Secretary of Defense (Strategy Requirements and Resources)
- DOD 488 Personal and Confidential Assistant to the Under Secretary of Defense (Comptroller)
- DOD 500 Staff Specialist to the Special Assistant for White House Liaison
- DOD 501 Special Assistant to the Special Assistant to the Secretary of Defense for White House Liaison
- DOD 519 Private Secretary to the Assistant Secretary of Defense (Regional Security Affairs)
- DOD 535 Special Assistant to the Deputy to the Under Secretary of Defense for Policy Support
- DOD 545 Public Affairs Specialist to the Assistant to the Secretary of Defense (Public Affairs)
- DOD 571 Secretary (OA) to the Inspector General, Department of Defense
- DOD 577 Special Assistant to the Assistant Secretary (Legislative Affairs)
- DOD 578 Personal and Confidential Assistant to the Under Secretary of Defense (Policy)
- DOD 580 Defense Fellow to the Special Assistant for White House Liaison
- DOD 581 Staff Specialist to the Special Assistant for White House Liaison
- DOD 582 Defense Fellow to the Special Assistant for White House Liaison
- DOD 583 Speech writer to the Assistant Secretary of Defense for Public Affairs
- DOD 588 Director of Communications to the Assistant Secretary of Defense for Legislative Affairs
- DOD 595 Confidential Assistant to the Assistant Secretary for Public Affairs
- DOD 601 Defense Fellow to the Special Assistant for White House Liaison
- DOD 605 Deputy Press Secretary to the Chief Speech Writer for Foreign Affairs
- DOD 606 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
- DOD 607 Staff Specialist to the Assistant to the President/Director, White House Office for Women's Initiative and Outreach, Office of the Secretary
- DOD 609 Private Secretary to the Deputy Secretary of Defense
- DOD 610 Special Assistant to the Assistant Secretary for Health Affairs
- DOD 611 Personal and Confidential Assistant to the Secretary of Defense
- DOD 613 Staff Assistant to the Secretary of Defense
- DOD 614 Staff Specialist to the Chief of Staff to the President
- DOD 615 Special Assistant to the Deputy Under Secretary of Defense for Industrial Affairs
- DOD 621 Defense Fellow to the Special Assistant for White House Liaison
- DOD 624 Defense Fellow to the Special Assistant for White House Liaison
- DOD 629 Special Assistant to the Assistant Secretary of Defense, Strategy and Threat Reduction
- DOD 631 Staff Specialist to the Director, NATO Policy
- DOD 632 Director for Communications Strategy to the Assistant Secretary of Defense for Public Affairs
- DOD 634 Special Assistant to the Assistant Secretary of Defense for Legislative Affairs
- DOD 635 Director of Public Services to the Assistant Secretary of Defense (Reserve Affairs)
- DOD 636 Civilian Executive Assistant to the Chairman, Joint Chiefs of Staff
- DOD 638 Director of Editorial Services to the Assistant Secretary of Defense for Public Affairs (European and NATO Affairs)
- DOD 639 Staff Specialist to the Assistant Secretary of Defense, (International Security Affairs)
- DOD 640 Staff Specialist to the Assistant Secretary of Defense for Strategy and Threat Reduction
- DOD 641 Foreign Affairs Specialist to the Deputy Assistant Secretary (Asian and Pacific Affairs)
- DOD 642 Special Assistant to the Director, National Partnership for Reinventing Government
- DOD 643 Staff Specialist to the Under Secretary for Acquisition and Technology
- DOD 646 Defense Fellow to the Special Assistant for White House Liaison
- DOD 647 Special Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense
- DOD 649 Confidential Assistant to the Assistant Secretary of Defense for Health Affairs
- DOD 650 Speech writer to the Assistant Secretary for Public Affairs
- DOD 651 Defense Fellow to the Special Assistant for White House Liaison
- DOD 652 Special Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense
- DOD 653 Personal and Confidential Assistant to the Principal Deputy Under Secretary of Defense for Policy
- DOD 654 Staff Specialist to the Director, Legislative Affairs
- DOD 655 Staff Specialist to the Special Assistant to the President/Senior Director for Intelligence Programs
- DOD 658 Speech writer to the Assistant Secretary of Defense for Public Affairs
- DOD 660 Staff Specialist to the Special Assistant to the Secretary and Deputy Secretary of Defense
- DOD 662 Protocol Specialist to the Director of Protocol
- DOD 663 Public Affairs Specialist to the Deputy Assistant Secretary for Communications
- DOD 664 International Counterdrug Program Officer to the Principal Director, Drug Enforcement Policy and Support
- DOD 665 Special Assistant to the Under Secretary of Defense for Policy
- DOD 666 Special Assistant to the Assistant Secretary for Legislative Affairs
- DOD 667 Defense Fellow to the Special Assistant for White House Liaison
- DOD 668 Defense Fellow to the Special Assistant for White House Liaison
- DOD 669 Foreign Affairs Specialist to the Deputy Assistant Secretary for Peacekeeping and Humanitarian Affairs

- DOD 670 Foreign Affairs Specialist to the Deputy Assistant Secretary for Inter-American Affairs
- DOD 671 Confidential Assistant to the Director, Defense Research and Engineering
- DOD 672 Special Assistant to the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)
- DOD 673 Special Assistant for Outreach to the Deputy Under Secretary of Defense (Environmental Security)
- DOD 674 Defense Fellow to the Special Assistant to the Secretary of Defense
- DOD 675 Special Assistant to the Under Secretary of Defense for Industrial Affairs
- DOD 676 Special Assistant for Counter Terrorism/Crisis Management to the Assistant Secretary of Defense for Legislative Affairs
- DOD 677 Assistant for Terrorism Consequence Management Policy and Programs to the Deputy Assistant Secretary of Defense
- DOD 678 Staff Assistant to the Deputy Assistant Secretary of Defense (Inter-American Affairs)
- DOD 679 Defense Fellow to the Special Assistant to Secretary of Defense for White House Liaison
- DOD 680 Confidential Assistant to the Deputy Secretary of Defense
- DOD 681 Public Affairs Specialist to the Principal Deputy Assistant Secretary of Defense for Public Affairs
- DOD 682 Confidential Assistant to the Assistant Secretary of Defense for Public Affairs
- DOD 683 Foreign Affairs Specialist to the Deputy Assistant Secretary of Defense (Peacekeeping and Humanitarian Affairs)
- DOD 684 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison
- Section 213.3307 Department of the Army (DOD)*
- ARMY 1 Executive Staff Assistant to the Secretary of the Army
- ARMY 5 Secretary (Office Automation) to the Assistant Secretary of the Army (Installations, Logistics and Environment)
- ARMY 17 Secretary (Office Automation) to the Assistant Secretary of the Army (Civil Works)
- ARMY 21 Secretary (Office Automation) to the General Counsel of the Army
- ARMY 43 Assistant for Public Liaison to the Secretary of the Army
- ARMY 55 Secretary (Office Automation) to the Assistant Secretary of the Army (Financial Management)
- ARMY 73 Special Assistant to the Secretary of the Army
- ARMY 76 Special Assistant to the Assistant Secretary, Research, Development and Acquisition
- ARMY 77 Secretary (Office Automation) to the Assistant Secretary of the Army for Research, Development and Acquisition
- ARMY 78 Personal and Confidential Assistant to the Under Secretary of the Army
- ARMY 79 Speech writer to the Secretary of the Army
- Section 213.3308 Department of the Navy (DOD)*
- NAV 56 Staff Assistant to the Assistant Secretary of the Navy (Financial Management)
- NAV 62 Attorney Advisor to the Principal Deputy General Counsel
- NAV 66 Staff Assistant to the Secretary of the Navy
- NAV 68 Special Assistant to the Residence Manager/Social Secretary
- NAV 69 Staff Assistant to the Under Secretary of the Navy
- NAV 70 Staff Assistant to the Assistant Secretary of the Navy for Research, Development and Acquisition
- Section 213.3309 Department of the Air Force (DOD)*
- AF 5 Secretary (Steno) to the Assistant Secretary Acquisition
- AF 6 Secretary (Steno) to the Assistant Secretary (Manpower and Reserve Affairs, Installation and Environment)
- AF 8 Secretary (Steno/OA) to the General Counsel of the Air Force
- AF 22 Secretary (Stenography/OA) to the Assistant to the Vice President for National Security Affairs
- AF 31 Staff Assistant to the Assistant to the Vice President for National Security Affairs
- AF 42 Staff Assistant to the Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations and Environment).
- AF 44 Confidential Assistant to the Secretary of the Air Force
- Section 213.3310 Department of Justice*
- JUS 21 Chief of Staff to the Director, Community Oriented Policing Services
- JUS 25 Confidential Assistant to the Assistant Attorney General, Criminal Division
- JUS 27 Counsel to the Assistant Attorney General, Environmental and Natural Resources Division
- JUS 40 Secretary (OA) to the United States Attorney, Eastern District of Michigan
- JUS 47 Secretary (OA) to the United States Attorney, Northern District of West Virginia
- JUS 97 Assistant to the Attorney General
- JUS 114 Staff Assistant to the Attorney General
- JUS 115 Special Assistant to the Director, Community Oriented Policing Services
- JUS 122 Public Affairs Specialist to the Director, Office of Public Affairs
- JUS 133 Staff Assistant to the Assistant to the Attorney General
- JUS 140 Attorney Advisor to the Assistant Attorney General
- JUS 144 Special Assistant to the Solicitor General
- JUS 150 Special Assistant to the Chairman, U.S. Parole Commission
- JUS 166 Counsel to the Attorney General
- JUS 198 Special Assistant to the Assistant Attorney General, Criminal Division
- JUS 207 Staff Assistant to the Director, Office of Public Affairs
- JUS 209 Confidential Assistant to the Assistant Attorney General for Civil Rights Division
- JUS 211 Secretary (Office Automation) to the United States Attorney, Nevada
- JUS 217 Special Assistant to the Assistant Attorney General
- JUS 264 Confidential Assistant to the Assistant Attorney General
- JUS 266 Staff Assistant to the Director, Office of Public Affairs
- JUS 267 Counsel to the Assistant Attorney General
- JUS 273 Special Assistant to the Director, Violence Against Women Office
- JUS 283 Assistant Director to the Director, Intergovernmental Affairs
- JUS 298 Staff Assistant to the Director, Office of Public Affairs
- JUS 312 Senior Counsel to the Assistant Attorney General
- JUS 316 Special Assistant to the Director, Bureau of Justice Assistance, Office of Justice Programs
- JUS 357 Confidential Assistant to the Deputy Attorney General
- JUS 360 Deputy Assistant Attorney General to the Assistant Attorney General, Office of Policy Development
- JUS 383 Staff Assistant to the Attorney General
- JUS 385 Staff Assistant to the Attorney General
- JUS 404 Assistant to the Attorney General
- JUS 406 Public Affairs Specialist to the Director, Office of Public Affairs
- JUS 412 Deputy Director, Office of Public Affairs to the Director, Office of Public Affairs
- JUS 418 Secretary (OA) to the U.S. Attorney, District of Nebraska
- JUS 420 Confidential Assistant to the United States Attorney, Eastern District of Pennsylvania

JUS 425 Secretary (OA) to the United States Attorney, Middle District of Pennsylvania
 JUS 426 Secretary (OA) to the United States Attorney, District of Maryland
 JUS 427 Secretary (OA) to the United States Attorney, District of New Hampshire
 JUS 428 Secretary (OA) to the United States Attorney
 JUS 431 Secretary (OA) to the United States Attorney, District of Oregon, Portland, OR
 JUS 433 Secretary (OA) to the United States Attorney, Middle District of Louisiana
 JUS 436 Secretary (OA) to the United States Attorney, Middle District of Alabama
 JUS 445 Special Assistant to the Director, Community Relations Service
 JUS 448 Secretary (OA) to the U.S. Attorney

Section 213.3312 Department of the Interior

INT 172 Special Assistant to the Commissioner of Reclamation
 INT 375 Special Assistant to the Secretary and White House Liaison to the Chief of Staff
 INT 467 Special Assistant to the Deputy Chief of Staff
 INT 479 Special Assistant to the Associate Director for Policy and Management Improvement
 INT 490 Special Assistant (Advance) to the Deputy Chief of Staff
 INT 502 Special Assistant to the Assistant Secretary for Policy, Management and Budget
 INT 505 Special Assistant to the Director, National Park Service
 INT 508 Special Assistant to the Deputy Secretary
 INT 509 Special Assistant to the Director, National Park Service
 INT 511 Special Assistant to the Deputy Chief of Staff
 INT 512 Deputy Director, Office of Intergovernmental Affairs to the Deputy Chief of Staff
 INT 513 Special Assistant to the Director, Office of Surface Mining
 INT 514 Special Assistant to the Director, Bureau of Land Mines
 INT 515 Special Assistant to the Chief of Staff
 INT 518 Special Assistant to the Deputy Director, Bureau Land Management
 INT 519 Senior Advisor to the Assistant Secretary for Water and Science
 INT 520 Director of Scheduling and Advance to the Chief of Staff, Office of the Secretary
 INT 523 Chief of Staff to the Deputy Secretary
 INT 524 Special Assistant to the Director, Bureau of Land Management

INT 525 Communications Director to the Assistant Secretary for Indian Affairs
 INT 526 Deputy Director to the Director, Office of Communications
 INT 527 Special Assistant to the Director, Office of Communications
 INT 528 Special Assistant for Scheduling to the Deputy Director for External Affairs
 INT 529 Special Assistant to the Deputy Director, U.S. Geological Survey
 INT 531 Attorney Advisor (General) to the Solicitor
 INT 532 Special Assistant to the Deputy Chief of Staff
 INT 533 Deputy Scheduler (Outreach) to the Deputy Chief of Staff
 INT 534 Special Assistant to the Director, Office of Surface Mining
 INT 535 Special Assistant to the Director, Minerals Management Service
 INT 537 Special Assistant to the Director, Office of Congressional and Legislative Affairs
 INT 538 Special Assistant to the Chief of Staff
 INT 539 Special Assistant to the White House Liaison
 INT 540 Special Assistant to the Director, Fish and Wildlife Service
 INT 541 Special Assistant to the Director, Minerals Management Service
 INT 542 Communications Director to the Deputy Secretary
 INT 543 Deputy Director, Office of Intergovernmental Affairs to the Deputy Chief of Staff
 INT 544 Staff Assistant to the Director, Office of Surface Mining
 INT 545 Special Assistant for Hawaiian Affairs to the Director, Office of Insular Affairs
 INT 546 Deputy Director, to the Director, Office of Insular Affairs
 INT 547 Special Assistant to the Chief of Staff
 INT 548 Deputy Assistant Secretary for Workforce Diversity to the Assistant Secretary for Policy, Management and Budget
 INT 549 Special Assistant to the Deputy Chief of Staff
 INT 550 Senior Advisor to the Assistant Secretary, Policy, Management and Budget
 INT 551 Special Assistant to the Deputy Chief of Staff
 INT 552 Senior Advisor to the Director, Bureau of Land Management
 INT 553 Special Assistant to the Deputy Chief of Staff
 INT 554 Special Assistant to the Deputy Assistant Secretary, Policy and International Affairs
 INT 555 Administrative Aide to the Director of Intergovernmental Affairs

INT 556 Director of Scheduling and Advance to the Deputy Chief of Staff
 INT 557 Special Assistant to the Deputy Chief of Staff
 INT 558 Special Assistant to the Deputy Assistant Secretary, Policy and International Affairs
 INT 559 Special Assistant to the Deputy Chief of Staff
 INT 560 Deputy Director, Office of Intergovernmental Affairs to the Deputy Chief of Staff

Section 213.3313 Department of Agriculture

AGR 32 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service
 AGR 35 Staff Assistant to the Administrator, Federal Service Agency
 AGR 64 Confidential Assistant to the Administrator, Rural Utilities Service
 AGR 77 Director, Intergovernmental Affairs to the Assistant Secretary for Congressional Relations
 AGR 79 Confidential Assistant to the Administrator, Farmers Home Administration
 AGR 100 Special Assistant for Nutrition Education to the Administrator, Food and Consumer Service
 AGR 131 Private Secretary to the Under Secretary for Natural Resources and Environment
 AGR 151 Associate Administrator to the Administrator, Agricultural Marketing Service
 AGR 159 Special Assistant to the Administrator, Foreign Agricultural Service
 AGR 160 Confidential Assistant to the Associate Administrator, Foreign Agricultural Service
 AGR 161 Special Assistant to the Director, Office of Public Affairs
 AGR 162 Confidential Assistant to the Administrator, Agricultural Marketing Service
 AGR 188 Northeast Area Director to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service
 AGR 192 Area Director, South West Area to the Administrator, Farm Service Agency
 AGR 205 Confidential Assistant to the Director, Office of Consumer Affairs
 AGR 224 Chief of Staff to the Administrator, Risk Management Agency
 AGR 231 Director, Office of Communications to the Deputy Under Secretary for Rural Development
 AGR 258 Confidential Assistant to the Administrator, Foreign Agricultural Service

- AGR 263 Special Assistant to the Chief, Natural Resources Conservation Service
- AGR 267 Special Assistant to the Director, Office of Communications
- AGR 268 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 270 Director, Office of the Executive Secretariat to the Secretary of Agriculture
- AGR 275 Confidential Assistant to the Assistant Secretary for Congressional Relations
- AGR 281 Confidential Assistant to the Administrator, Farm Service Agency
- AGR 285 Confidential Assistant to the Executive Assistant to the Secretary
- AGR 286 Confidential Assistant to the Administrator, Foreign Agricultural Service
- AGR 294 Confidential Assistant to the Administrator, Animal and Plant Health Inspection Service
- AGR 303 Staff Assistant to the Chief, Natural Resources Conservation Service
- AGR 311 Confidential Assistant to the Administrator, Agricultural Research Service
- AGR 313 Special Assistant to the Administrator, Rural Housing Service
- AGR 318 Staff Assistant to the Administrator, Foreign Agricultural Service
- AGR 332 Confidential Assistant to the Administrator, Rural Business Service
- AGR 352 Confidential Assistant to the Director, Communications and Governmental Affairs
- AGR 355 Speech Writer to the Director, Office of Communications
- AGR 369 Confidential Assistant to the Director, Office of Communications
- AGR 371 Confidential Assistant to the Deputy Under Secretary for Policy and Planning
- AGR 377 Confidential Assistant to the Deputy Administrator, Rural Business Service
- AGR 384 Confidential Assistant to the Secretary of Agriculture
- AGR 386 Special Assistant to the Director, Empowerment Zone/Enterprise Community
- AGR 393 Special Assistant to the Administrator, Rural Business-Cooperative Service
- AGR 402 Confidential Assistant to the Director, Office of Communications
- AGR 404 Confidential Assistant to the Director of Personnel
- AGR 413 Special Assistant to the Chief of Natural Resources Conservation Service
- AGR 415 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 418 Confidential Assistant to the Chief, Natural Resources Conservation Service
- AGR 422 Special Assistant to the Administrator, Farm Service Agency
- AGR 426 Deputy Director, Special Projects to the Director, Office of Communications
- AGR 427 Confidential Assistant to the Deputy Secretary
- AGR 428 Confidential Assistant to the Administrator, Rural Business and Cooperative Development Service
- AGR 435 Confidential Assistant to the Administrator, Grain Inspection, Packers and Stockyards Administration
- AGR 436 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 438 Confidential Assistant to the Chief, Natural Resources Conservation Service
- AGR 440 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 448 Confidential Assistant to the Deputy Administrator for Community Development, Rural Business Cooperative-Service
- AGR 450 Confidential Assistant to the Administrator, Agricultural Research Service
- AGR 452 Confidential Assistant to the Administrator, Rural Housing Service
- AGR 455 Director, Community Outreach Division to the Deputy Administrator, Community Development
- AGR 456 Special Assistant to the Administrator, Rural Development/Rural Housing Service
- AGR 458 Confidential Assistant to the Deputy Under Secretary, Policy and Planning
- AGR 459 Confidential Assistant to the Administrator, Farm Agency Service
- AGR 461 Special Assistant to the Chief, Forest Service
- AGR 465 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 471 Confidential Assistant to the Administrator, Agricultural Marketing Service
- AGR 473 Confidential Assistant to the Administrator, Farm Service Agency
- AGR 474 Confidential Assistant to the Director, Communications and Governmental Affairs
- AGR 477 Special Assistant to the Associate Administrator, Rural Business Service
- AGR 478 Confidential Assistant to the Director, Tobacco and Peanuts Division, Farm Service Agency
- AGR 479 Special Assistant to the Administrator, Risk Management Agency
- AGR 482 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 483 Confidential Assistant to the Administrator, Rural Business Service
- AGR 485 Special Assistant to the Administrator, Food and Inspection Service
- AGR 487 Confidential Assistant to the Administrator, Farm Service Agency
- AGR 488 Confidential Assistant to the Administrator, Economic Research Service
- AGR 489 Confidential Assistant to the Chief Financial Officer
- AGR 490 Confidential Assistant to the Administrator, Foreign Agricultural Service
- AGR 491 Special Assistant to the Administrator, Agricultural Marketing Service
- AGR 492 Special Assistant to the Administrator, Risk Management Agency
- AGR 493 Special Assistant to the Administrator, Grain Inspection, Packers and Stockyards Administration
- AGR 494 Confidential Assistant to the Administrator, Rural Business Service
- AGR 496 Confidential Assistant to the Chief, Natural Resources Conservation Service
- AGR 497 Executive Assistant to the Administrator, Rural Housing Service
- AGR 498 Confidential Assistant to the Chief Information Officer, Policy Analysis and Coordination Center
- AGR 499 Confidential Assistant to the Special Assistant to the Secretary
- AGR 501 Confidential Assistant to the Director, Office of Civil Rights
- AGR 503 Staff Assistant to the Executive Director
- AGR 504 Confidential Assistant to the Administrator, Food and Nutrition Service
- AGR 507 Confidential Assistant to the Administrator, Farm Service Agency
- AGR 509 Regional Director, Outreach to the Associate Chief, Natural Resources Conservation Service
- AGR 510 Speech Writer to the Director, Office of Communications
- AGR 515 Confidential Assistant to the Administrator, Rural Business-Cooperative Service
- AGR 517 Confidential Assistant to the Administrator, Risk Management Agency
- AGR 518 Regional Director, Davis, California, to the Administrator, Farm Service Agency
- AGR 519 Staff Assistant to the Chief, Natural Resources Conservations Service
- AGR 520 Staff Assistant to the Confidential Assistant to the Secretary of Agriculture
- AGR 521 Staff Assistant to the Secretary of Agriculture
- AGR 522 Special Assistant to the Director, Office of Civil Rights
- AGR 524 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 525 Confidential Assistant to the Administrator, Farm Services Agency

- AGR 527 Special Assistant to the Administrator, Foreign Agricultural Service
- AGR 528 Confidential Assistant to the Administrator, Farm Service Agency
- AGR 529 Special Assistant to the Assistant Secretary for Congressional Relations
- AGR 530 Special Assistant to the Confidential Assistant to the Director, Office Civil Rights
- AGR 531 Confidential Assistant to the Deputy Administrator, Community Development
- AGR 532 Confidential Assistant to the Deputy Administrator, Office of Community Development
- AGR 533 Special Assistant to the Deputy Administrator, Community Development
- AGR 534 Confidential Assistant to the Director, Office of Communications
- AGR 536 Special Assistant to the Deputy Chief Information Officer
- AGR 537 Confidential Assistant to the Administrator, Rural Housing Service
- AGR 538 Special Assistant to the Associate Chief, Chief Operation Officer, Forest Service
- AGR 539 Confidential Assistant to the Administrator, Food Safety and Inspection Service
- AGR 542 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 544 Confidential Assistant to the Chief, Natural Resources Conservation Service
- AGR 546 Deputy Press Secretary to the Director, Office of Communications
- AGR 547 Staff Assistant to the Press Secretary to the Director, Office of Communications
- AGR 548 Confidential Assistant to the Director, Office of Communications
- AGR 549 Staff Assistant to the Chief (Program Support Assistant) to the Chief, Natural Resources and Environment
- AGR 550 Confidential Assistant to the Director, Office of Communications
- AGR 551 Special Assistant to the Administrator, Agricultural Research Service
- AGR 552 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 553 Staff Assistant to the Administrator, Agricultural Marketing Service
- AGR 555 Staff Assistant to the Director, Office of Communications
- AGR 556 Confidential Assistant to the Administrator, Animal and Plant Health Inspection Service
- AGR 557 Special Assistant to the Chief, Natural Resources Conservation Service
- AGR 558 Special Assistant to the Administrator, Foreign Agricultural Service
- AGR 559 Confidential Assistant to the Administrator, Risk Management Agency
- AGR 560 Senior Policy Director to the Deputy Under Secretary, Policy and Planning
- AGR 561 Staff Assistant to the Director, Legislative Liaison, Executive Secretariat and Public Affairs Staff
- AGR 562 Confidential Assistant to the Administrator, Rural Housing Service
- AGR 563 Confidential Assistant Chief, Natural Resources Conservation Service
- AGR 564 Confidential Assistant to the Assistant Secretary for Congressional Relations
- AGR 565 Confidential Assistant to the Administrator, Animal and Plant Inspection Service
- AGR 566 Confidential Assistant to the Director, Legislative and Public Affairs Staff
- AGR 567 Confidential Assistant to the Administrator, Inspection, Packers and Stockyards Administration
- AGR 568 Confidential Assistant to the Administrator, External Affairs Staff
- AGR 569 Deputy Press Secretary to the Press Secretary
- AGR 570 Confidential Assistant to the Administrator, Rural Utilities Service
- AGR 571 Staff Assistant to the Director, Office of Communications
- AGR 572 Confidential Assistant to the Assistant Secretary for Congressional Relations
- AGR 573 Confidential Assistant to the Administrator, Animal Plant and Health Inspection Service
- AGR 574 Confidential Assistant to the Administrator, Agricultural Research Service
- AGR 575 Special Assistant to the Administrator, Food and Safety Inspection Service
- AGR 576 Confidential Assistant to the Administrator, Farm Service Agency
- AGR 577 Staff Assistant to the Press Secretary
- AGR 578 Confidential Assistant to the Administrator, Rural Utilities Service
- Section 213.3314 Department of Commerce*
- COM 1 Deputy Director to the Director, Office of Business Liaison
- COM 2 Confidential Assistant to the Director, Office of External Affairs
- COM 30 Confidential Assistant to the Director, Minority Business Development Agency
- COM 70 Director, Office of Communications and Congressional Liaison to the Assistant Secretary, Economic Development Administration
- COM 162 Senior Advisor to the Assistant Secretary for Market Access and Compliance
- COM 163 Special Assistant to the Deputy Assistant Secretary
- COM 165 Director, Office of Business Liaison to the Secretary of Commerce
- COM 190 Director, Office of Congressional Affairs to the Assistant Secretary for Communication and Information
- COM 191 Special Counsel to the General Counsel
- COM 200 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs
- COM 202 Legislative Affairs Specialist to the Deputy Assistant Secretary for Legislative and Intergovernmental Affairs
- COM 204 Special Assistant to the Chief Scientist, National Oceanic and Atmospheric Administration
- COM 228 Senior Advisor to the Director, Office of Sustainable Development and Intergovernmental Affairs
- COM 259 Director of Congressional Affairs to the Under Secretary for International Trade
- COM 290 Confidential Assistant to the Director, Office of Business Liaison
- COM 291 Special Assistant to the Director, Office of Public Affairs and Press Secretary
- COM 292 Legislative Affairs Specialist to the Assistant Secretary for Legislative and Intergovernmental Affairs
- COM 294 Executive Director for Electronic Commerce Coordination to the Chief of Staff
- COM 309 Senior Advisor to the Director, Minority Business Development Agency
- COM 342 Deputy Director, to the Director, Office of the White House Liaison
- COM 345 Senior Advisor to the Counselor to the Department, International Trade
- COM 354 Special Assistant to the Assistant Secretary for National Telecommunications and Information Administration
- COM 365 Senior Advisor to the Director, Minority Business Development Agency
- COM 387 Confidential Assistant to the Under Secretary for Oceans and Atmosphere
- COM 393 Legislative Affairs Specialist to the Assistant Secretary for Legislative and Intergovernmental Affairs
- COM 416 Director, Office of Consumer Affairs to the Secretary of Commerce
- COM 423 Senior Advisor to the Assistant Secretary and Commissioner, Patent and Trademark Office

- COM 425 Director of Public Affairs to the Under Secretary, International Trade Administration
- COM 444 Senior Advisor to the Assistant Secretary for Economic Development Administration
- COM 447 Confidential Assistant to the Chief of Staff
- COM 461 Senior Policy Advisor to the Assistant to the Secretary and Director, Office of Strategic Planning
- COM 462 Special Assistant to the Under Secretary for Intellectual Property and Director of the U.S. Patent and Trademark Office
- COM 473 Special Assistant to the General Counsel
- COM 486 Speech writer to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning
- COM 491 Deputy Director for External Affairs and Director of Scheduling to the Director, Office of External Affairs
- COM 504 Chief, Office of Congressional Affairs to the Assistant Director for Communications
- COM 518 Special Assistant to the Under Secretary for Oceans and Atmospheric Administration
- COM 527 Executive Assistant to the Secretary of Commerce
- COM 530 Special Assistant to the Under Secretary of Commerce for Technology
- COM 533 Special Assistant to the Under Secretary for Intellectual Property and Director of the U.S. Patent and Trademark Office
- COM 546 Confidential Assistant to the Chief of Staff
- COM 551 Special Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs
- COM 561 Special Assistant to the Assistant Secretary and Commissioner, Patent and Trademark Office
- COM 576 Special Assistant to the Deputy Director, Office of Policy and Strategic Planning
- COM 578 Special Assistant to the Under Secretary for Export Administration
- COM 579 Director of Legislative, Intergovernmental and Public Affairs to the Under Secretary, Bureau of Export Administration
- COM 583 Special Assistant to the Chief of Staff
- COM 589 Special Assistant to the Director, Office of Sustainable Development and Intergovernmental Affairs
- COM 612 Senior Advisor to the Deputy Assistant Secretary for Basic Industries
- COM 613 Executive Assistant to the Deputy Secretary of Commerce
- COM 618 Special Assistant to the Director, Executive Secretariat Staff
- COM 622 Special Assistant to the Assistant Secretary for Economic Development Administration
- COM 639 Public Affairs Specialist to the Director, Office of Public Affairs and Press Secretary
- COM 645 Senior Advisor for Communications to the Under Secretary for Export Administration, Bureau of Export Administration
- COM 652 Special Assistant to the Director, Office of Public Affairs
- COM 672 Senior Policy Advisor to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning
- COM 674 Special Assistant to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning
- COM 677 Deputy Director for External Affairs to the Director of External Affairs
- COM 684 Special Assistant to the Senior Advisor to the Department for Puerto Rico Initiatives
- COM 688 Confidential Assistant to the Director of External Affairs
- COM 692 Director, Secretariat for Electronic Commerce to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning
- COM 694 Senior Advisor to the Under Secretary for Economic Affairs
- COM 695 Senior Advisor and Counsel to the Director, Office of Policy and Strategic Planning
- COM 697 Ombudsman to the Under Secretary for Oceans and Atmosphere
- Section 213.3315 Department of Labor*
- LAB 3 Special Assistant to the Director, Office of Public Liaison
- LAB 24 Special Assistant to the Director of the Women's Bureau
- LAB 25 Associate Director to the Assistant Secretary for Congressional and Intergovernmental Affairs
- LAB 35 Special Assistant to the Director, Women's Bureau
- LAB 43 Special Assistant to the Assistant Secretary for Occupational Safety and Health
- LAB 66 Executive Assistant to the Deputy Assistant Secretary, Office of Federal Contracts Compliance Programs, Employment Standards Administration
- LAB 83 Special Assistant to the Assistant Secretary, Pension and Welfare Benefits Administration
- LAB 93 Special Assistant to the Secretary of Labor
- LAB 99 Special Assistant to the Assistant Secretary of Labor
- LAB 103 Secretary's Representative, Boston, MA to the Office of the Associate Director
- LAB 104 Secretary's Representative to the Assistant Secretary, Office of Congressional and Intergovernmental Affairs
- LAB 105 Secretary's Representative, Philadelphia, PA to the Assistant Secretary, Office of Congressional and Intergovernmental Affairs
- LAB 106 Secretary's Representative, Atlanta, GA to the Director, Office of Intergovernmental Affairs
- LAB 107 Secretary's Representative Chicago, Ill to the Associate Director, Congressional and Intergovernmental Affairs
- LAB 109 Secretary's Representative Kansas City, MO, to the Associate Director
- LAB 110 Secretary's Representative to the Associate Director, Congressional and Intergovernmental Affairs
- LAB 111 Secretary's Representative to the Associate Director, Office of Congressional and Intergovernmental Affairs
- LAB 112 Secretary's Representative, Seattle, WA to the Director, Office of Intergovernmental Affairs
- LAB 125 Chief of Staff to the Assistant Secretary, Employment Standards Administration
- LAB 126 Special Assistant for Public Affairs to the Assistant Secretary, Employment Standards Administration
- LAB 129 Special Assistant to the Assistant Secretary for Occupational Safety and Health, Occupational Safety and Health Administration
- LAB 130 Special Assistant to the Executive Secretary
- LAB 132 Associate Director for Congressional Affairs to the Assistant Secretary for Congressional and Intergovernmental Affairs
- LAB 139 Special Assistant to the Wage Hour Administrator
- LAB 143 Special Assistant to the Administrator, Office of Job Training Programs, Employment and Training
- LAB 145 Intergovernmental Officer to the Associate Director Intergovernmental Affairs
- LAB 147 Attorney-Advisor to the Solicitor of Labor
- LAB 150 Special Assistant to the Director of Public Liaison
- LAB 153 Director of Policy to the Assistant Secretary for Occupational Safety and Health
- LAB 159 Special Assistant to the Deputy Under Secretary for International Affairs, Bureau of International Labor Affairs
- LAB 160 Director of Scheduling and Advance to the Chief of Staff
- LAB 161 Special Assistant to the Secretary (Scheduling) to the Director of Scheduling and Advance
- LAB 164 Director of Communications and Public Information to the

Assistant Secretary for Employment and Training
 LAB 171 Special Assistant to the Secretary of Labor
 LAB 172 Special Assistant to the Deputy Secretary of Labor
 LAB 175 Special Assistant to the Assistant Secretary for Policy
 LAB 178 Special Assistant to the Deputy Assistant Secretary for Federal Contract Compliance Programs
 LAB 179 Special Assistant to the Assistant Secretary, Employment Standards Administration
 LAB 180 Director, Intergovernmental Affairs to the Assistant Secretary, Congressional and Intergovernmental Affairs
 LAB 181 Special Assistant to the Deputy Under Secretary for International Labor Affairs
 LAB 182 Special Assistant to the Deputy Secretary of Labor
 LAB 187 Special Assistant to the Assistant Secretary for Employment and Training
 LAB 190 Chief of Staff to the Assistant Secretary, Office of Congressional and Intergovernmental Affairs
 LAB 196 Executive Assistant to the Assistant Secretary, Veterans Employment and Training
 LAB 204 Special Assistant to the Assistant Secretary for Veterans Employment and Training
 LAB 211 Special Assistant to the Director of Scheduling and Advance
 LAB 213 Deputy Chief of Staff to the Assistant Secretary for Employment and Training
 LAB 215 Special Assistant to the Director, Women's Bureau
 LAB 217 Associate Director to the Assistant Secretary for Congressional and Intergovernmental Affairs
 LAB 218 Staff Assistant to the Director of Scheduling and Advance
 LAB 220 Senior Public Affairs Advisor to the Assistant Secretary for Public Affairs
 LAB 221 Special Assistant to the Assistant Secretary for Public Affairs
 LAB 225 Special Assistant to the Assistant Secretary for Pension and Welfare Benefits Administration
 LAB 226 Special Assistant to the Assistant Secretary
 LAB 230 Special Assistant to the Assistant Secretary for Public Affairs
 LAB 233 Special Assistant to the Assistant Secretary, Employment Standards Administration
 LAB 237 Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
 LAB 239 White House Liaison to the Secretary of Labor
 LAB 240 Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
 LAB 244 Special Assistant to the Secretary of Labor
 LAB 248 Special Assistant to the Chief of Staff
 LAB 252 Speech Writer to the Assistant Secretary for Public Affairs
 LAB 254 Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
 LAB 263 Special Assistant to the Administrator, Wage and Hour Division
 LAB 269 Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
 LAB 280 Special Assistant to the Assistant Secretary for Occupational Safety and Health
 LAB 283 Advisor to the Assistant Secretary for Mine Safety and Health
 LAB 284 Legislative Officer to the Assistant Secretary, Office of Policy and Research, Employment and Training Administration
 LAB 288 Special Assistant to the Assistant Secretary for Public Affairs
 LAB 289 Special Assistant to the Assistant Secretary for Policy

Section 213.3316 Department of Health and Human Services
 HHS 2 Special Assistant to the Chief of Staff
 HHS 14 Special Assistant to the Executive Secretary
 HHS 17 Director of Scheduling to the Chief of Staff,
 HHS 31 Special Assistant to the Secretary of Health and Human Services
 HHS 120 Special Assistant to the General Counsel
 HHS 187 Special Assistant to the Deputy Assistant Secretary for Public Affairs (Media)
 HHS 293 Special Assistant to the Commissioner, Administration for Children, Youth and Families
 HHS 315 Special Assistant to the Director, Office of Intergovernmental Affairs
 HHS 331 Special Assistant to the Administrator, Health Care Financing Administration
 HHS 336 Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services)
 HHS 340 Executive Assistant to the Assistant Secretary for Legislation
 HHS 346 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation (Congressional Liaison)
 HHS 359 Congressional Liaison to the Deputy Assistant Secretary for Legislation (Congressional Liaison)
 HHS 361 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation (Congressional Liaison)
 Secretary for Legislation (Congressional Liaison)
 HHS 368 Senior Press Officer to the Administrator, Health Care Financing Administration
 HHS 373 Confidential Assistant to the Executive Secretary
 HHS 395 Special Assistant to the Director, Office of Community Services, Administration for Children and Families.
 HHS 399 Special Assistant to the Assistant Secretary for Children and Families
 HHS 419 Special Assistant to the Secretary of Health and Human Services
 HHS 427 Executive Director, President's Committee on Mental Retardation to the Assistant Secretary for Children and Families
 HHS 436 Associate Commissioner for Family and Youth Services to the Commissioner, Administration for Children and Youth Families
 HHS 487 Confidential Assistant to the Administrator, Health Care Financing Administration
 HHS 489 Special Assistant to the Assistant Secretary for Children and Families
 HHS 513 Confidential Assistant to the Administrator, Health Care Financing Administration
 HHS 526 Confidential Assistant to the Executive Associate Administrator, Health Care Financing Administration
 HHS 527 Confidential Assistant (Scheduling) to the Director of Scheduling
 HHS 529 Confidential Assistant (Scheduling) to the Director of Scheduling and Advance
 HHS 553 Director of Communications to the Deputy Assistant Secretary for Public Affairs (Policy and Strategy)
 HHS 556 Director of Speech writing to the Deputy Assistant Secretary for Public Affairs
 HHS 558 Confidential Assistant to the Assistant Secretary for Public Affairs
 HHS 585 Special Assistant (Speech writer) to the Director of Speech writing
 HHS 588 Director, Office of Intergovernmental Affairs to the Deputy Assistant Secretary for Policy and External Affairs
 HHS 589 Speech writer to the Director of Speech writing
 HHS 590 Confidential Assistant (Advance) to the Director of Scheduling and Advance
 HHS 593 Special Assistant to the Principal Deputy Assistant Secretary for Children and Families
 HHS 615 Special Assistant to the Director of Communications

- HHS 625 Special Assistant to the Deputy Assistant Secretary for Public Affairs (Policy and Strategy)
- HHS 632 Special Outreach Coordinator to the Assistant Secretary for Public Affairs
- HHS 634 Special Assistant to the Deputy Director, Office of Child Support Enforcement
- HHS 636 Senior Advisor to the Director, Indian Health Service
- HHS 643 Executive Assistant for Legislative Projects to the Assistant Secretary for Health
- HHS 644 White House Liaison to the Chief of Staff
- HHS 645 Strategic Planning and Policy Coordinator to the Deputy Assistant Secretary for Public Affairs (Policy and Strategy)
- HHS 646 Deputy Chief of Staff to the Chief of Staff
- HHS 657 Executive Director, Presidential Advisory Council on HIV/AIDS to the Assistant Secretary for Public Health and Science
- HHS 659 Special Assistant to the Deputy Secretary
- HHS 660 Confidential Assistant to the Executive Secretary
- HHS 661 Special Assistant to the Deputy Secretary of Health and Human Services
- HHS 665 Deputy Director for Policy to the Director of Intergovernmental Affairs
- HHS 666 Deputy Director for Operations to the Director of Intergovernmental Affairs
- HHS 667 Confidential Assistant to the Executive Secretary to the Department of Health and Human Services
- HHS 668 Special Assistant Community Outreach and Liaison to the Administrator, Substance Abuse and Mental Health Services Administration
- HHS 672 Deputy Director of Scheduling to the Director of Scheduling
- HHS 673 Senior Advisor to the Assistant Secretary for Health
- HHS 674 Special Assistant to the Deputy Director, Office of Child Support Enforcement
- HHS 675 Special Assistant to Principal Deputy Assistant for Aging
- HHS 678 Confidential Assistant to the Deputy Assistant Secretary for Health
- HHS 679 Confidential Assistant to the Strategic Planning and Policy Coordinator
- HHS 680 Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services)
- HHS 681 Special Assistant to the Commissioner, Administration for Children, Youth and Families
- HHS 682 Executive Director, President's Advisory Commission and White House Initiative on Asian Americans and Pacific Islanders to the Principal Deputy Assistant Secretary for Health
- HHS 683 Confidential Assistant to the Executive Secretary
- Section 213.3317 Department of Education*
- EDU 1 Special Assistant to the Secretary's Regional Representative, Region IX
- EDU 2 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 3 Special Assistant to the Deputy Secretary
- EDU 4 Deputy Secretary's Regional Representative to the Secretary's Regional Representative, Region IV, Office of Intergovernmental and Interagency Affairs
- EDU 5 Special Assistant to the Senior Advisor to the Secretary
- EDU 6 Confidential Assistant to the Director, Office of Public Affairs
- EDU 8 Special Assistant to the Assistant Secretary for Postsecondary Education
- EDU 9 Special Assistant to the Counselor to the Secretary
- EDU 11 Confidential Assistant to the Senior Advisor to the Secretary of Education
- EDU 13 Special Assistant to the Director, Empowerment Zone, Enterprise Community Task Force Staff
- EDU 14 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 16 Special Assistant to the Director, Office of Public Affairs
- EDU 17 Special Assistant to the Director, Office of Public Affairs
- EDU 18 Special Assistant to the Deputy Assistant Secretary for Regional and Community Services
- EDU 19 Director, Intergovernmental and Interagency Affairs Coordination to the Deputy Assistant Secretary, Intergovernmental and Interagency Affairs Coordination
- EDU 20 Steward to the Chief of Staff
- EDU 21 Confidential Assistant to the Director of Scheduling and Briefing, Office of the Secretary
- EDU 23 Special Assistant to the Assistant Secretary, Office of Post Secondary Education
- EDU 24 Special Assistant to the Deputy Assistant Secretary for Regional and Community Services, Intergovernmental and Interagency Affairs
- EDU 28 Confidential Assistant to the Senior Advisor to the Secretary
- EDU 29 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services
- EDU 30 Director, Scheduling and Briefing Staff to the Chief of Staff, Office of the Secretary
- EDU 31 Deputy Director, Scheduling and Briefing Staff to the Director Scheduling and Briefing Staff
- EDU 32 Confidential Assistant to the Chief of Staff
- EDU 34 Special Assistant to the Commissioner, Rehabilitation Service Administration
- EDU 35 Special Assistant to the Deputy Assistant Secretary for Office of Intergovernmental and Interagency Affairs
- EDU 36 Special Assistant to the Senior Advisor to the Secretary (Director, America Reads Challenge)
- EDU 37 Special Assistant to the Assistant Secretary, Office for Civil Rights
- EDU 38 Special Assistant to the Inspector General
- EDU 40 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 41 Confidential Assistant to the Assistant Secretary, Office of Legislative and Congressional Affairs
- EDU 42 Special Assistant to the Assistant Secretary for Elementary and Secondary Education
- EDU 44 Deputy Assistant Secretary for Intergovernmental, Constituent Relations and Corporate Liaison to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs
- EDU 47 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 48 Special Assistant/Chief of Staff to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 49 Special Assistant to the Assistant Secretary, Office of Civil Rights
- EDU 50 Special Assistant to the Director, Office of Public Affairs
- EDU 51 Director, White House Initiatives on Tribal Colleges and Universities to the Assistant Secretary, Office of Vocational and Adult Education
- EDU 52 Special Assistant to the Chief of Staff
- EDU 53 Special Assistant to the Assistant Secretary, Office of Vocational and Adult Education
- EDU 54 Confidential Assistant to the Assistant Secretary for Legislation and Congressional Affairs
- EDU 55 Special Assistant to the Director, Historically Black Colleges and Universities Staff
- EDU 56 Special Assistant to the Secretary's Regional Representative, Region VII

- EDU 57 Special Assistant to the Assistant Secretary, Office of Legislative and Congressional Affairs
- EDU 58 Confidential Assistant to the Deputy Secretary
- EDU 59 Special Assistant to the Deputy Secretary
- EDU 60 Confidential Assistant to the Chief of Staff, Office of the Deputy Secretary
- EDU 64 Special Assistant to the Director, Scheduling and Briefing Staff
- EDU 65 Special Assistant to the Director, Scheduling and Briefing
- EDU 66 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services
- EDU 67 Special Assistant to the Secretary of Education
- EDU 69 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 70 Special Assistant to the Deputy Assistant Secretary, Regional and Community Service
- EDU 71 Executive Assistant to the Deputy Secretary
- EDU 73 Confidential Assistant to the Director, Intergovernmental and Interagency Coordination
- EDU 76 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 78 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 79 Special Assistant to the Director, Office of Public Affairs
- EDU 81 Special Assistant to the Secretary of Education
- EDU 82 Deputy Director to the Director, Office of Bilingual Education and Minority Language Affairs
- EDU 84 Special Assistant to the Director Scheduling and Briefing Staff
- EDU 89 Special Assistant to the Counselor to the Secretary
- EDU 93 Confidential Assistant to the Director, White House Liaison
- EDU 94 Special Assistant to the Assistant Secretary, Office of Vocational and Adult Education
- EDU 96 Special Assistant to the Director, Scheduling and Briefing, Office of the Secretary
- EDU 97 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 100 Confidential Assistant to the Special Assistant to the Counselor to the Secretary, Office of the Secretary
- EDU 103 Secretary's Regional Representative, Region VIII—Denver, CO, to the Assistant Secretary for Intergovernmental and Interagency Affairs
- EDU 104 Special Assistant to the Counselor to the Secretary
- EDU 107 Secretary's Regional Representative, Region V, Chicago, IL to the Deputy Assistant Secretary
- EDU 109 Secretary's Regional Representative, Region VII, Kansas City, MO, to the Director, of the State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs
- EDU 110 Secretary's Regional Representative—Region II—New York, N.Y. to the Deputy Assistant Secretary for Regional Services
- EDU 113 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services
- EDU 114 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 117 Director, Historically Black Colleges to the Assistant Secretary, Office of Postsecondary Education
- EDU 118 Special Assistant to the Deputy Assistant Secretary, Intergovernmental, Constituent Relations, and Corporate Liaison
- EDU 122 Deputy Secretary's Regional Representative Region VI, Dallas, Texas to the Secretary's Regional Representative
- EDU 123 Secretary's Regional Representatives Region VI—Dallas, TX, to the Assistant Secretary for Intergovernmental and Interagency Affairs
- EDU 127 Secretary's Regional Representative, Region I, Boston, Massachusetts to the Director, Regional Services Team
- EDU 128 Confidential Assistant to the Secretary's Regional Representative, Texas
- EDU 130 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 131 Secretary's Regional Representative, Region IX, San Francisco, CA, to the Director, State, Local and Regional Services Staff, Office of Governmental and Interagency Affairs
- EDU 132 Special Assistant to the Director, Office of Educational Technology, Office of the Deputy Secretary
- EDU 134 Special Assistant to the Assistant Secretary, Office of Interagency Affairs and Community Service
- EDU 135 Confidential Assistant to the Director, White House Liaison
- EDU 139 Special Assistant to the General Counsel
- EDU 140 Liaison for Community and Junior Colleges to the Assistant Secretary for Vocational and Adult Education
- EDU 145 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 146 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 149 Director, White House Initiative on Hispanic Education to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs
- EDU 150 Special Assistant to the Deputy Assistant Secretary, Intergovernmental and Interagency Affairs
- EDU 156 Special Assistant to the Deputy Secretary
- EDU 157 Special Assistant to the Assistant Secretary, Office of Postsecondary Education
- EDU 161 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 164 Special Assistant to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs
- EDU 166 Special Assistant to the Deputy Assistant Secretary for Regional and Community Services
- EDU 170 Special Assistant to the Deputy Assistant Secretary for Regional and Community Services
- EDU 173 Special Assistant to the Counselor to the Secretary
- EDU 174 Special Assistant to the Director, Office of Educational Technology
- EDU 176 Confidential Assistant to the Assistant Secretary, Office of Elementary and Secondary Education
- EDU 177 Special Assistant to the Deputy Assistant Secretary, for Regional and Community Services, Office of Intergovernmental and Interagency Affairs
- EDU 178 Confidential Assistant to the Director, White House Initiative on Hispanic Education
- EDU 186 Confidential Assistant to the Director, America Reads Challenge
- EDU 188 Confidential Assistant to the Senior Advisor to the Secretary
- EDU 190 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Educations
- EDU 191 Confidential Assistant to the Senior Advisor to the Secretary
- EDU 194 Confidential Assistant to the Deputy Assistant Secretary, Office of Intergovernmental and Interagency Affairs
- EDU 197 Confidential Assistant to the Deputy Assistant Secretary for Regional and Community Services
- EDU 198 Special Assistant to the Deputy Secretary
- EDU 217 Confidential Assistant to the Assistant Secretary for Intergovernmental and Interagency Affairs

EDU 219 Special Assistant to the Senior Advisor to the Secretary
 EDU 224 Confidential Assistant to the Deputy Assistant Secretary
 EDU 226 Confidential Assistant to the Director, America Reads Challenge
 EDU 227 Confidential Assistant to the Director, Scheduling and Briefing Staff
 EDU 228 Confidential Assistant to the Chief of Staff
 EDU 256 Special Assistant to the Chief of Staff
 EDU 332 Confidential Assistant to the Special Assistant to the Secretary, Office of the Secretary
 EDU 340 Deputy Secretary's Regional Representative, Region II, New York, NY, to the Secretary's Regional Representative
 EDU 347 Secretary's Regional Representative, Region X, Seattle, WA, to the Director of the State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs
 EDU 356 Deputy Director to the Director Office of Public Affairs
 EDU 374 Confidential Assistant to the Director, Scheduling and Briefing Staff
 EDU 404 Secretary's Regional Representative, Region IV, Atlanta, GA, to the Director, State, Local and Regional Services Staff, Office of Intergovernmental and Interagency Affairs

Section 213.3318 Environmental Protection Agency

EPA 175 Director, Office of the Executive Secretariat to the Chief of Staff, Office of the Administrator
 EPA 187 Counsel to the Assistant Administrator for Air and Radiation
 EPA 221 Director, Executive Secretariat to the Chief of Staff
 EPA 226 Special Assistant to the Regional Administrator
 EPA 228 Senior Policy Advisor to the Regional Administrator
 EPA 230 Congressional Liaison Specialist to the Assistant Administrator for the Office of Congressional and Intergovernmental Relations
 EPA 231 Deputy Chief of Staff (Scheduling) to the Chief of Staff
 EPA 232 Press Secretary to the Administrator to the Associate Administrator, Office of Communications, Education and Media Relations
 EPA 233 Senior Advisor to the Assistant Administrator, Office of Resources and Management
 EPA 235 Deputy Director, Office of Communications and Governmental Relations to the Deputy Regional Administrator, Region Nine

EPA 237 Congressional Liaison Specialist to the Associate Administrator, Office of Congressional and Intergovernmental Affairs
 EPA 238 Special Counsel to the Regional Administrator
 EPA 239 Special Assistant to the Deputy Administrator
 EPA 240 Special Assistant to the Deputy Administrator

Section 213.3328 Federal Communications Commission

FCC 20 Associate Director, Office of Media Relations to the Director, Office of Media Relations
 FCC 24 Special Assistant to the Director, Office of Media Relations
 FCC 28 Special Assistant for Policy and Communication to the Director, Office of Media Relations
 FCC 29 Senior Advisor to the Director, Legislative and Intergovernmental Affairs
 FCC 30 Assistant Director to the Director, Office of Media Relations

Section 213.3323 Overseas Private Investment Corporation

OPIC 18 Confidential Assistant to the President and Chief Executive Officer
 OPIC 20 Director, Protocol and Special Initiatives to the Vice President, Investment Development Department

Section 213.3325 United States Tax Court

TCOUS 41 Secretary and Confidential Assistant to a Judge
 TCOUS 42 Secretary and Confidential Assistant to a Judge
 TCOUS 43 Secretary (Confidential Assistant) to a Judge
 TCOUS 44 Secretary and Confidential Assistant to a Judge
 TCOUS 45 Secretary and Confidential Assistant to a Judge
 TCOUS 46 Secretary and Confidential Assistant to a Judge
 TCOUS 47 Secretary (Confidential Assistant) to a Judge
 TCOUS 48 Secretary and Confidential Assistant to a Judge
 TCOUS 49 Secretary and Confidential Assistant to a Judge
 TCOUS 50 Secretary and Confidential Assistant to a Judge
 TCOUS 51 Secretary and Confidential Assistant to a Judge
 TCOUS 52 Secretary (Confidential Assistant) to a Judge
 TCOUS 53 Secretary and Confidential Assistant to a Judge
 TCOUS 56 Secretary and Confidential Assistant to a Judge
 TCOUS 59 Secretary and Confidential Assistant to a Judge
 TCOUS 60 Secretary (Confidential Assistant) to a Judge

TCOUS 61 Secretary and Confidential Assistant to a Judge
 TCOUS 62 Secretary and Confidential Assistant to a Judge
 TCOUS 63 Secretary and Confidential Assistant to a Judge.
 TCOUS 64 Secretary and Confidential Assistant to a Judge
 TCOUS 65 Secretary and Confidential Assistant to a Judge
 TCOUS 66 Trial Clerk to a Judge
 TCOUS 67 Trial Clerk to a Judge
 TCOUS 68 Trial Clerk to a Judge
 TCOUS 69 Trial Clerk to a Judge
 TCOUS 71 Trial Clerk to a Judge
 TCOUS 72 Trial Clerk to a Judge
 TCOUS 73 Trial Clerk to a Judge
 TCOUS 74 Trial Clerk to a Judge
 TCOUS 75 Trial Clerk to a Judge
 TCOUS 77 Trial Clerk to a Judge
 TCOUS 78 Trial Clerk to a Judge
 TCOUS 79 Trial Clerk to a Judge
 TCOUS 80 Secretary (Confidential Assistant) to a Judge

Section 213.3327 Department of Veterans Affairs

VA 72 Special Assistant to the Principal Deputy Assistant Secretary for Congressional Affairs
 VA 78 Special Assistant to the Assistant Secretary for Finance and Information Resources Management
 VA 79 Special Assistant to the Assistant Secretary for Human Resources and Administration
 VA 84 Special Assistant to the Assistant Secretary for Congressional Affairs
 VA 90 Executive Assistant to the Deputy Secretary of Veterans Affairs
 VA 92 Special Assistant to the Deputy Secretary of Veterans Affairs
 VA 96 Special Assistant to the Assistant Secretary for Public and Intergovernmental Affairs
 VA 97 Special Assistant to the Assistant Secretary for Policy and Planning
 VA 100 Special Assistant to the Deputy Assistant Secretary for International Affairs
 VA 101 Special Assistant White House Liaison/Special Projects Staff to the Assistant Secretary for Human Resources and Administration
 VA 103 Special Assistant to the Secretary of Veterans Affairs
 VA 104 Confidential Assistant to the Secretary of Veterans Affairs
 VA 105 Special Assistant to the Chief of Staff
 VA 106 Executive Assistant to the Assistant Secretary for Congressional Affairs

Section 213.3328 Broadcasting Board of Governors

BBG 1 Staff Director to the Chairman, Advisory Board for Cuba Broadcasting
 BBG 2 Writer to the Director, Office of Policy, International Broadcasting Bureau

BBG 3 Confidential Assistant to the Director, Office of Cuba Broadcasting
 BBG 4 Public Affairs Officer to the Director, Voice of America
 BBG 5 Senior Advisor to the Director, International Broadcasting Bureau
 BBG 6 Development Officer to the Director, International Broadcasting Bureau
 BBG 7 Confidential Assistant to the Director, Voice of America

Section 213.3330 Securities and Exchange Commission

SEC 2 Confidential Assistant to a Commissioner
 SEC 3 Confidential Assistant to a Commissioner
 SEC 4 Confidential Assistant to the Chief of Staff
 SEC 5 Confidential Assistant to a Commissioner
 SEC 6 Confidential Assistant to a Commissioner
 SEC 8 Secretary (OA) to the Chief Accountant
 SEC 9 Secretary to the General Counsel
 SEC 11 Confidential Assistant to the Chairman
 SEC 12 Director of Public Affairs to the Chairman,
 SEC 14 Secretary to the Director
 SEC 16 Secretary to the Director
 SEC 18 Secretary to the Director, Division of Investment Management
 SEC 19 Secretary to the Director, Corporation Finance
 SEC 24 Secretary to the Chief Economist
 SEC 28 Confidential Assistant to the Chairman
 SEC 29 Secretary to the Deputy Director of Market Regulation
 SEC 31 Special Assistant to the Director, Office of Investor Education and Assistance
 SEC 32 Public Affairs Specialist to the Director, Office of Public Affairs, Policy Evaluation and Research
 SEC 33 Confidential Assistant to the Director of Public Affairs
 SEC 39 Director of Legislative Affairs to the Chairman
 SEC 40 Special Advisor to the Chairman
 SEC 41 Legislative Affairs Specialist to the Director, Legislative Affairs
 SEC 42 Secretary to the Director, Office of Compliance Inspections and Examinations

Section 213.3331 Department of Energy

DOE 189 Special Assistant to the Assistant Secretary for International Affairs
 DOE 220 Special Assistant to the Assistant Secretary for Defense Program
 DOE 223 Associate Director to the Director, Office of Policy

DOE 231 Public Affairs Specialist to the Director, Office of Public Affairs
 DOE 232 Special Assistant to the Assistant Secretary, Office of Environment, Safety and Health
 DOE 301 Senior Advisor for Intergovernmental Affairs to the Deputy Assistant Secretary for Intergovernmental and External Affairs
 DOE 320 Special Assistant to the Chief Financial Officer
 DOE 345 Special Assistant to the Director, Office of Scheduling and Advance
 DOE 501 Executive Officer to the Assistant Secretary, Office of Fossil Energy
 DOE 511 Senior Policy Advisor to the Secretary of Energy
 DOE 578 Director, Office of Materials Management Policy to the Director, Office of Policy
 DOE 587 Senior Advisor on Health Policy to the Assistant Secretary for Environment, Safety and Health
 DOE 603 Special Assistant to the Director, Office of Strategic Planning and Analysis
 DOE 610 Staff Assistant to the Director, Office of Energy Research
 DOE 622 Legislative Affairs Liaison Officer to the Deputy Assistant Secretary for Senate Liaison, Office of Congressional and Intergovernmental Affairs
 DOE 631 Special Assistant to the Press Secretary, Press Services Division, Office of Public and Consumer Affairs
 DOE 644 Staff Assistant to the Assistant Secretary for Efficiency and Renewable Energy
 DOE 654 Confidential Staff Assistant to the Deputy Director for Small and Disadvantaged Business Utilization
 DOE 655 Special Assistant for Regulatory Compliance to the Deputy Assistant Secretary for Compliance and Program Coordination
 DOE 663 Assistant Director for Energy Research (Communications and Development) to the Director, Office of Energy Research
 DOE 666 Special Assistant to the Director, Press Services Division
 DOE 667 Staff Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy
 DOE 676 Confidential Assistant to the Deputy Assistant Secretary for Management and Evaluation
 DOE 679 Special Assistant to the Assistant Secretary for Policy and International Affairs
 DOE 680 Staff Assistant to the Chief Financial Officer
 DOE 681 Special Assistant to the Director, Office of Worker and Community Transition

DOE 684 Program Specialist to the Director, International Policy and Analysis Division
 DOE 699 Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy
 DOE 701 Special Assistant to the Assistant Secretary for Defense Programs
 DOE 702 Special Assistant to the Director, Office for Worker and Community Transition
 DOE 707 Executive Assistant to the Secretary of Energy
 DOE 709 Senior Advisor to the Assistant Secretary for Environment, Safety and Health
 DOE 712 Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy
 DOE 714 Senior Advisor to the Assistant Secretary for Fossil Energy
 DOE 718 Intergovernmental Specialist to the Deputy Assistant Secretary, Office of Planning, Budget and Policy
 DOE 720 Director of Communications to the Assistant Secretary for Energy Efficiency and Renewable Energy
 DOE 722 Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy
 DOE 730 Confidential Assistant to the Director, Office of Economic Impact and Diversity
 DOE 735 Special Assistant to the Director, Office of Science
 DOE 736 Special Assistant to the Director, Office of Energy Research
 DOE 740 Special Assistant to the Director, Office of Civilian Radioactive Management
 DOE 741 Special Assistant to the Deputy Assistant Secretary for Natural Gas and Petroleum Technology
 DOE 747 Deputy Assistant Secretary for Senate Liaison to the Assistant Secretary for Congressional and Intergovernmental Affairs
 DOE 755 Special Assistant to the Director, Office of Human Resources
 DOE 756 Senior Policy Advisor to the Secretary of Energy
 DOE 757 Special Assistant to the Director, Office of Advance and Special Projects
 DOE 758 Special Assistant to the Secretary of Energy
 DOE 759 Executive Assistant to the Secretary of Energy
 DOE 762 Special Assistant to the Secretary of Energy
 DOE 763 Senior Management Advisor to the Director, Office of Nuclear Energy, Science and Technology
 DOE 766 Special Assistant for Community Outreach to the Assistant Secretary for Environment, Safety and Health
 DOE 767 Special Assistant to the Director, Scheduling and Advance

- DOE 770 Deputy Assistant Secretary for House Liaison to the Assistant Secretary for Congressional and Intergovernmental Affairs
- DOE 771 Special Projects Officer to the Director, Office of Policy and Planning
- DOE 772 Special Projects Officer to the Deputy Director, Office of Policy and Planning
- DOE 773 Special Assistant to the Principal Deputy Assistant Secretary for Environmental Management
- DOE 775 Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy
- DOE 776 Director for Indian Affairs to the Assistant Secretary for Congressional and Intergovernmental Affairs
- DOE 777 Senior Policy Advisor to the Director of Management and Administration
- DOE 778 Special Assistant to the Director of Scheduling and Advance
- DOE 779 Special Assistant to the Assistant Secretary for Policy and International Affairs
- DOE 780 Associate Chief Financial Officer for Budget, Planning and Financial Management to the Chief Financial Management
- DOE 782 Special Assistant to the Director, Office of Arms Control and Nonproliferation
- DOE 783 Congressional Liaison Officer to the Deputy Assistant Secretary for House Liaison
- DOE 784 Congressional Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs
- DOE 787 Special Assistant to the Assistant Secretary for Environmental Management
- DOE 788 Daily Scheduler to the Director, Office of Scheduling and Advance
- DOE 789 Daily Scheduler to the Director, Office of Scheduling and Advance
- DOE 791 Advisor to the Chief of Staff
- DOE 792 Special Assistant to the Deputy Secretary of Energy
- DOE 793 Special Assistant to the Director, Consumer Information
- DOE 794 Special Assistant to the Director, Office of Scheduling and Advance
- DOE 795 Special Assistant to the Director, Office of Scheduling and Advance
- DOE 796 Special Assistant to the Director, Office of Consumer Information
- DOE 797 Director, Consumer Information to the Director, Management and Administration
- DOE 798 Staff Assistant to the Assistant Secretary for Policy
- DOE 799 Special Assistant to the Principal Deputy Assistant Secretary
- DOE 800 Special Assistant to the Director, Office of Public Affairs
- DOE 801 Staff Assistant to the Director of Scheduling and Advance
- DOE 802 Special Assistant to the Assistant Secretary for International Affairs
- DOE 803 Senior Policy Advisor to the Assistant Secretary for Defense Programs
- DOE 805 Special Assistant to the Deputy Assistant Secretary for Transportation Technologies
- DOE 806 Special Projects Officer to the Deputy Assistant Secretary, Office of Power Technology
- DOE 808 Special Assistant for Communications to the Assistant Secretary for Environmental Management
- DOE 809 Director, Energy Advisory Board to the Secretary of Energy
- DOE 810 Public Affairs Specialist to the Director, Office of Public Affairs
- DOE 811 Public Affairs Specialist to the Director, Office of Public Affairs
- DOE 812 Senior Policy Advisor to the Secretary of Energy
- DOE 813 Special Assistant to the Deputy Assistant Secretary for Natural Gas and Petroleum Technology
- DOE 814 Senior Policy Advisor to the Secretary of Energy
- DOE 815 Special Assistant for Regulatory Compliance to the Assistant Secretary for Environmental Management
- DOE 816 Special Assistant to the Director, Office of Science
- DOE 817 Special Assistant to the Director, Office of Economic Impact and Diversity
- DOE 818 Special Assistant to the Director, Office of Scheduling and Advance
- DOE 820 Deputy Assistant Secretary for Intergovernmental and External Affairs to the Principal Deputy Assistant Secretary for Congressional and Intergovernmental Affairs
- DOE 821 Special Assistant to the Director, Scheduling and Briefing
- DOE 822 Special Assistant to the Director, Office of Scheduling and Advance
- DOE 824 Special Assistant to the Principal Deputy Assistant Secretary for Congressional and Intergovernmental Affairs
- Federal Energy Regulatory Commission
- FERC 1 Special Assistant to the Director, Office of External Affairs
- FERC 2 Confidential Assistant to a Member
- FERC 3 Confidential Assistant to a Member
- FERC 13 Technical Advisor to a Member
- FERC 14 Ombudsman to the Director, Office of External Affairs
- FERC 15 Special Assistant to the Chief Information Officer
- FERC 16 Regulatory Policy Analyst to the Director, Office of Markets, Tariffs and Rates
- Section 213.3332 Small Business Administration*
- SBA 11 Deputy Assistant Administrator for Congressional and Legislative Affairs to the Assistant Administrator for Congressional and Legislative Affairs
- SBA 30 National Director for Native American Outreach to the Associate Deputy Administrator for Entrepreneurial Development
- SBA 35 Senior Advisor to the Associate Deputy Administrator for Government Contracting and Minority Enterprise Development
- SBA 55 Senior Advisor to the Associate Deputy Administrator for Management
- SBA 59 Assistant Administrator for Public Communications to the Associate Administrator for Communications and Public Liaison
- SBA 100 Special Assistant to the Regional Administrator, Dallas Regional Office
- SBA 157 Senior Advisor to the Associate Deputy Administrator for Capital Access
- SBA 160 Special Assistant to the Assistant Administrator, Office of International Trade
- SBA 169 Regional Administrator, Region I, Boston, MA, to the Administrator, Small Business Administration
- SBA 170 Regional Administrator to the Associate Administrator for Field Administrations
- SBA 172 Regional Administrator, Region VII, Kansas City, MO to the Administrator, Small Business Administration
- SBA 173 Regional Administrator, Region VI, Dallas, TX to the Project Director for Field Operations
- SBA 174 Regional Administrator, Region V, Chicago, IL to the Assistant Director, for Field Operations
- SBA 175 Regional Administrator, Region IV, Atlanta, GA, to the Administrator, Small Business Administration
- SBA 176 Regional Administrator, Region II, New York, NY, to the Administrator, Small Business Administration
- SBA 178 Regional Administrator, Region III, Philadelphia, PA, to the Administrator, Small Business Administration

- SBA 179 Press Officer and Senior Advisor to the Assistant Administrator for Public Communications
- SBA 180 Senior Advisor for Communications and Public Liaison to the Associate Administrator for Marketing and Customer Service
- SBA 182 Assistant Administrator for Marketing and Outreach to the Associate Administrator for Communications and Public Liaison
- SBA 188 Regional Administrator, Region IX, San Francisco, to the Administrator, Small Business Administration
- SBA 189 Regional Administrator to the Assistant Administrator, Field Operations
- SBA 190 Deputy Chief of Staff to the Chief of Staff
- SBA 194 Special Assistant to the Administrator to the Chief of Staff
- SBA 195 Associate Director for Field Operations to the Associate Administrator for Field Operations
- SBA 205 Deputy Scheduler to the Chief of Staff
- SBA 206 National Director for Community Outreach to the Administrator, Small Business Administration
- SBA 208 Senior Advisor to the Associate Deputy Administrator of Entrepreneurial Development
- SBA 211 Speech Writer to the Associate Administrator for Communications and Public Liaison
- SBA 212 Assistant General Counsel to the General Counsel
- SBA 214 Assistant Administrator for International Trade to the Associate Deputy Administrator for Capital Access
- SBA 216 Senior Advisor to the Associate Deputy Administrator for Entrepreneurial Development
- SBA 217 Director for Intergovernmental Affairs to the Associate Administrator for Commerce and Public Liaison
- SBA 218 Senior Advisor to the Deputy Administrator
- Section 213.3333 Federal Deposit Insurance Corporation*
- FDIC 11 Secretary to the Chairman
- FDIC 15 Administrative Specialist to the Deputy to the Chairman
- FDIC 16 Confidential Assistant to the Deputy to the Chairman
- Section 213.3334 Federal Trade Commission*
- FTC 2 Director of Public Affairs (Supervisory Public Affairs Specialist) to the Chairman
- FTC 14 Congressional Liaison Specialist to the Director of Congressional Relations
- FTC 23 Special Assistant to a Commissioner
- FTC 24 Special Assistant to a Commissioner
- FTC 25 Director, Congressional Relations to the Chairman
- FTC 26 Confidential Assistant to a Commissioner
- Section 213.3337 General Services Administration*
- GSA 24 Special Assistant to the Commissioner, Public Buildings Service
- GSA 44 Senior Advisor to the Chief of Staff
- GSA 51 Special Assistant to the Administrator
- GSA 69 Congressional Relations Officer to the Associate Administrator for Congressional and Intergovernmental Affairs
- GSA 90 Deputy Associate Administrator to the Associate Administrator for Congressional and Intergovernmental Affairs
- GSA 94 Senior Policy Advisor to the Associate Administrator, Office of Congressional and Intergovernmental Affairs
- GSA 102 Special Assistant to the Regional Administrator, National Capital Region
- GSA 113 Special Assistant to the Regional Administrator (Boston, MA)
- GSA 114 Special Assistant to the Regional Administrator
- GSA 130 Special Assistant to the Regional Administrator, Region 7
- Section 213.3339 U.S. International Trade Commission*
- ITC 5 Executive Assistant to a Commissioner
- ITC 6 Staff Assistant (Economics) to a Commissioner
- ITC 7 Staff Assistant to a Commissioner
- ITC 12 Confidential Assistant/Advisor to a Commissioner
- ITC 13 Senior Economist to a Commissioner
- ITC 15 Confidential Assistant to a Commissioner
- ITC 17 Attorney-Advisor (General) to a Commissioner
- ITC 18 Staff Assistant (Legal) to a Commissioner
- ITC 19 Staff Economist to a Commissioner
- ITC 22 Staff Assistant to a Commissioner
- ITC 25 Staff Assistant (Economics) to a Commissioner
- ITC 30 Confidential Assistant to a Commissioner
- ITC 31 Executive Assistant to a Commissioner
- ITC 33 Special Assistant (Economics) to a Commissioner
- ITC 36 Executive Assistant to a Commissioner
- Section 213.3340 National Archives and Records Administration*
- NARA 3 Presidential Diarist to the Archivist of the United States
- Section 213.3341 National Labor Relations Board*
- NLRB 1 Confidential Assistant to the Chairman
- Section 213.3342 Export-Import Bank of the United States*
- EXIM 3 Administrative Assistant to the President and Chairman
- EXIM 30 Administrative Assistant to the Director
- EXIM 44 Personal and Confidential Assistant to the First Vice President and Vice Chairman
- EXIM 44 Personal and Confidential Assistant to the First Vice President and Vice Chairman
- EXIM 45 Administrative Assistant to the Director, a Member of the Bank Board of Directors
- EXIM 46 Special Assistant to the First Vice President and Vice Chairman
- EXIM 48 Administrative Assistant to the Director, Member of the Board
- EXIM 49 Deputy Chief of Staff to the Chief of Staff
- EXIM 50 Special Assistant to the President and Chairman
- EXIM 53 Special Assistant to the Chairman
- EXIM 54 Administrative Specialist to the President and Chairman
- EXIM 55 Administrative Specialist to the President and Chairman
- EXIM 56 Administrative Specialist to the President and Chairman
- EXIM 57 Special Assistant to the President and Chairman
- Section 213.3343 Farm Credit Administration*
- FCA 2 Special Assistant to the Chairman, Farm Credit Administration
- FCA 8 Secretary of the Board to the Chief Executive Officer
- FCA 12 Public and Congressional Affairs Specialist to the Director, Office of Congressional and Public Affairs
- FCA 13 Special Assistant to a Member
- FCA 16 Executive Assistant to the Chairman, Farm Credit Administration
- Section 213.3344 Occupational Safety and Health Review Commission*
- OSHRC 2 Confidential Assistant to the Chairman
- OSHRC 3 Confidential Assistant to a Member (Commissioner)

OSHRC 8 Counsel to a Member
(Commissioner)

*Section 213.3346 Selective Service
System*

SSS 16 Special Assistant to the Director
of Selective Service System

*Section 213.3348 National
Aeronautics and Space Administration*

NASA 31 Special Assistant to the NASA
Administrator

NASA 34 Manager, Multimedia
Relations to the Associate
Administrator for Public Affairs

NASA 38 Writer-Editor to the Associate
Administrator for Public Affairs

NASA 41 State Local Intergovernmental
Affairs Specialist to the Associate
Administrator for Policy and Plans

NASA 45 Legislative Affairs Specialist
to the Associate Administrator for
Legislative Affairs

NASA 47 Program Analyst to the
Deputy Associate Administrator for
External Relations

NASA 49 Staff Assistant to the
Associate Administrator for
Legislative Affairs

NASA 52 Program Support Specialist to
the Associate Administrator, Outreach
Division, Office of Legislative Affairs

NASA 53 Commercialization Specialist
to the Associate Administrator for
Public Affairs

NASA 54 Public Affairs Specialist to the
Associate Administrator for Public
Affairs

NASA 55 Legislative Affairs
Coordinator to the Associate
Administrator for Legislative Affairs

*Section 213.3351 Federal Mine Safety
and Health Review Commission*

FM 8 Attorney Advisor to a
Commissioner

FM 17 Confidential Assistant to the
Chairman

FM 26 Attorney-Advisor (General) to the
Chairman

FM 29 Attorney-Advisor to a
Commissioner

FM 30 Confidential Assistant to a
Commissioner

FM 31 Confidential Assistant to a
Commissioner

*Section 213.3352 Government Printing
Office*

GPO 21 Staff Assistant to the Public
Printer

*Section 213.3355 Social Security
Administration*

SSA 4 Special Assistant to the Chief of
Staff

SSA 6 Press Officer to the Deputy
Commissioner for Communications

SSA 8 Confidential Assistant to the
Commissioner of Social Security

SSA 9 Public Affairs Specialist (Speech
writer) to the Deputy Commissioner
for Communications

*Section 213.3356 Commission on Civil
Rights*

CCR 1 Special Assistant to the Staff
Director

CCR 10 Special Assistant to the Staff
Director, Office of the Staff Director

CCR 11 Special Assistant to a
Commissioner

CCR 12 Special Assistant to a
Commissioner

CCR 14 Acting General Counsel to the
Staff Director

CCR 23 Special Assistant to a
Commissioner

CCR 28 Special Assistant to a
Commissioner

CCR 30 Special Assistant to a
Commissioner

*Section 213.3357 National Credit
Union Administration*

NCUA 9 Staff Assistant to the Chairman
of the Board, National Credit Union
Administration

NCUA 12 Executive Assistant to a Board
Member

NCUA 20 Executive Assistant to a Board
Member

NCUA 21 Confidential Assistant to a
Board Member

NCUA 23 Special Assistant to the
Executive Director

*Section 213.3360 Consumer Product
Safety Commission*

CPSC 49 Special Assistant to a
Commissioner

CPSC 50 Staff Assistant to a
Commissioner

CPSC 53 Special Assistant to the
Chairman

CPSC 55 Executive Assistant to the
Chairman

CPSC 56 Director, Office of
Congressional Relations to the
Chairman

CPSC 60 Special Assistant to the
Chairman

CPSC 61 Staff Assistant to a
Commissioner

CPSC 62 Special Assistant to a
Commissioner

CPSC 63 Special Assistant to a
Commissioner

CPSC 64 Special Assistant (Legal) to a
Commissioner

CPSC 66 Supervisory Public Affairs
Specialist to the Executive Director

*Section 213.3365 U.S. Chemical Safety
and Hazard Investigation Board*

CSHIB 1 Special Assistant to a Board
Member

*Section 213.3367 Federal Maritime
Commission*

FMC 26 Executive Assistant to the
Chairman

FMC 42 Counsel to a Commissioner

FMC 43 Counsel to a Commissioner

FMC 44 Special Assistant to a
Commissioner

FMC 45 Counsel to a Commissioner

*Section 213.3368 Agency for
International Development*

AID 125 Executive Assistant to the Chief
of Staff

AID 127 Supervisory Public Affairs
Specialist to the Director, Office of
External Affairs

AID 149 Public Affairs Specialist to the
Chief, Legislative and Public Affairs,
Public Liaison Division

AID 151 Congressional Liaison Officer
to the Chief of Legislative and Public
Affairs, Congressional Liaison
Division

AID 152 Special Assistant to the
Assistant Administrator, Bureau for
Latin America and the Caribbean

*Section 213.3371 Office of
Government Ethics*

OGE 2 Executive Secretary to the
Director, Office of Government Ethics

*Section 213.3373 United States Trade
and Development Agency*

TDA 1 Special Assistant for Public
Affairs and Marketing to the Director
of the U.S. Trade and Development
Agency

TDA 2 Congressional Liaison Officer to
the Director, U.S. Trade and
Development Agency

TDA 2 Congressional Liaison Officer to
the Director, U.S. Trade and
Development Agency Section

*Section 213.3376 Appalachian
Regional Commission*

ARC 12 Senior Policy Advisor to the
Federal Co-Chairman

ARC 13 Policy Advisor to the Federal
Co-Chairman

*Section 213.3377 Equal Employment
Opportunity Commission*

EEOC 2 Special Assistant to the
Chairman

EEOC 13 Confidential Assistant to the
Director, Legal Counsel

EEOC 32 Senior Advisor to a
Commissioner

EEOC 36 Attorney-Advisor to the
General Counsel

*Section 213.3379 Commodity Futures
Trading Commission*

CFTC 1 Administrative Assistant to the
Chairman

CFTC 3 Administrative Assistant to a
Commissioner

CFTC 4 Administrative Assistant to a Commissioner
 CFTC 5 Administrative Assistant to a Commissioner
 CFTC 21 Governmental Affairs Officer to the Chairman
 CFTC 31 Special Assistant to a Commissioner
 CFTC 32 Special Assistant to a Commissioner

Section 213.3382 National Foundation on the Arts and Humanities

National Endowment for the Arts
 NEA 72 Director of Policy, Planning and Research to the Chairman
 NEA 76 Executive Secretary to the Chairman
 NEA 77 Director of Public Affairs to the Chairman
 NEA 78 Special Assistant to the Chairman
 NEA 79 Staff Assistant to the Chairman
 National Endowment for the Humanities
 NEH 70 Assistant Director of Government Affairs to the Director of Governmental Affairs
 NEH 71 Director of Governmental Affairs to the Chief of Staff
 NEH 72 Enterprise/Development Officer to the Chief of Staff

Section 213.3384 Department of Housing and Urban Development

HUD 36 Special Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations
 HUD 60 Director, Office of Executive Scheduling to the Chief of Staff
 HUD 65 Special Assistant to the Assistant Secretary for Community Planning and Development
 HUD 68 Special Assistant to the Assistant Secretary for Community Planning and Development
 HUD 137 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity
 HUD 143 Special Assistant to the Director, Executive Scheduling
 HUD 143 Special Assistant to the Director, Office of Executive Scheduling
 HUD 164 Intergovernmental Relations Specialist to the Deputy Assistant Secretary for Intergovernmental Relations
 HUD 188 Special Assistant to the Assistant Secretary for Administration
 HUD 193 Deputy General Counsel for Programs and Regulations to the General Counsel
 HUD 198 Special Assistant to the Senior Advisor to the Secretary
 HUD 231 Deputy Assistant Secretary for Strategic Planning to the Assistant

Secretary for Congressional and Intergovernmental Relations
 HUD 272 Deputy Assistant Secretary for Grant Programs to the Assistant Secretary for Community Planning and Development
 HUD 285 Special Assistant to the Advisor for Management Reform and Operations
 HUD 292 Special Assistant to the Deputy Assistant Secretary for Economic Development
 HUD 339 Special Assistant to the Secretary's Representative
 HUD 354 Special Assistant to the Assistant Secretary for Public and Indian Housing
 HUD 363 Special Assistant to the Assistant Secretary for Policy Development and Research
 HUD 390 Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Relations
 HUD 410 Special Assistant to the General Counsel
 HUD 412 Executive Assistant to the Secretary
 HUD 421 Assistant Director to the Director, Executive Secretariat, Office of Administration
 HUD 423 Secretary's Representative, Rocky Mountain to the Deputy Secretary
 HUD 427 Special Assistant to the Advisor to the Deputy Secretary for Management Reform
 HUD 437 Special Assistant to the Advisor for Management Reform and Operations
 HUD 438 Director, Office of Insured Health Care Facilities to the Assistant Secretary for Housing—Federal Housing Commissioner
 HUD 460 Special Assistant to the Director, Office of Executive Scheduling
 HUD 469 Special Assistant to the Deputy Assistant Secretary for Community Empowerment
 HUD 478 Special Projects Officer to the Senior Advisor to the Secretary
 HUD 482 Special Projects Officer to the Director, Special Actions Office
 HUD 483 Special Assistant (Advance/Security) to the Director, Executive Scheduling
 HUD 487 Advance/Security Coordinator to the Director of Executive Scheduling
 HUD 492 Special Assistant to the General Deputy Assistant Secretary for Community Planning and Development
 HUD 494 Intergovernmental Relations Specialist to the Deputy Assistant Secretary for Intergovernmental Relations
 HUD 496 Staff Assistant to the Deputy Assistant Secretary for Congressional and Intergovernmental Relations

HUD 506 Deputy Assistant Secretary for Community Empowerment to the Assistant Secretary for Community Planning and Development
 HUD 524 Special Counsel to the General Counsel
 HUD 526 Intergovernmental Relations Specialist to the Deputy Assistant Secretary for Intergovernmental Relations
 HUD 534 Special Assistant for Inter-Faith Community Outreach to the Director, Office of Special Actions
 HUD 537 Associate General Deputy Assistant Secretary to the Assistant Secretary for Housing
 HUD 542 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations
 HUD 543 Special Assistant to the Deputy Secretary
 HUD 548 General Deputy Assistant Secretary to the Assistant Secretary for Public and Indian Housing
 HUD 551 Scheduling Assistant to the Director of Executive Scheduling
 HUD 555 Staff Assistant to the Advisor for Management Reform and Operation
 HUD 558 Special Assistant to the Director, Intergovernmental Relations
 HUD 559 Special Assistant to the Secretary's Representative
 HUD 560 Secretary's Representative—Midwest to the Deputy Secretary, Office of the Secretary's Representative
 HUD 563 Special Assistant to the Secretary's Representative, California State Office
 HUD 565 Special Advisor to the Deputy Assistant Secretary for Policy Development
 HUD 568 Briefing Coordinator to the Director of Executive Scheduling
 HUD 569 Assistant Deputy Secretary for Field Policy and Management to the Deputy Secretary
 HUD 573 Special Counsel to the General Counsel
 HUD 576 Senior Advisor to the Assistant Secretary for Community Planning and Development
 HUD 577 Advisor for Management Reform and Operations to the Assistant Secretary for Administration
 HUD 578 Special Assistant to the Secretary's Representative, New England
 HUD 579 Special Assistant to the Assistant Secretary for Policy Development and Research
 HUD 581 Special Assistant to the Director, Office of Special Actions
 HUD 582 Advance Coordinator to the Director, Executive Scheduling
 HUD 586 Special Assistant to the Assistant Secretary for Public Affairs

- HUD 587 Deputy Assistant Secretary to the Assistant Secretary for Administration.
- HUD 590 Special Assistant to the Assistant Secretary for Community Planning and Development
- HUD 591 Special Counsel to the General Counsel
- HUD 592 Special Counsel to the General Counsel
- HUD 593 Deputy Assistant Secretary for Research to the Assistant Secretary for Policy Development and Research
- HUD 594 Special Events Coordinator to the Advisor to the Deputy Secretary for Management Reform
- HUD 595 Senior Intergovernmental Relations Officer to the Deputy Assistant Secretary for Intergovernmental Relations
- HUD 596 Special Assistant to the Assistant Secretary for Policy, Development and Research
- HUD 597 Special Assistant to the Assistant Secretary for Policy Development and Research
- HUD 598 Special Assistant to the General Counsel
- HUD 599 Congressional Relations Officer to the Deputy Assistant Secretary for Congressional Relations
- HUD 600 Special Projects Advisor to the Special Events Coordinator, Office of the Assistant Secretary for Administration
- HUD 601 Intergovernmental Relations Specialist to the Deputy Assistant Secretary for Intergovernmental Affairs
- Section 213.3389 National Mediation Board*
- NMB 53 Confidential Assistant to a Board Member
- NMB 54 Confidential Assistant to a Board Member
- Section 213.3391 Office of Personnel Management*
- OPM 65 Special Assistant to the Director, Office of Congressional Relations
- OPM 83 Special Assistant to the Director, Office of Congressional Relations
- OPM 86 Deputy Chief of Staff to the Chief of Staff/Director of Scheduling
- OPM 87 Confidential Assistant to the Director of Communications
- OPM 88 Special Assistant to the Director, Office of Communications
- OPM 89 Deputy Director to the Director of Communications
- OPM 91 Senior Speech Writer to the Director of Communications
- OPM 92 Special Assistant to the Deputy Director
- OPM 93 Special Assistant to the Director of Congressional Relations
- OPM 95 Special Assistant (White House Liaison) to the Chief of Staff
- OPM 96 Deputy Chief of Staff to the Chief of Staff
- OPM 97 Senior Advisor for Communications to the Director, Office of Communications
- OPM 98 Special Assistant to the Director, Office of the Personnel Management
- Section 213.3392 Federal Labor Relations Authority*
- FLRA 22 Director of External Affairs/Special Projects to the Chair, Federal Labor Relations Authority
- Section 213.3393 Pension Benefit Guaranty Corporation*
- PBGC 7 Assistant Executive Director for Legislative Affairs to the Executive Director
- Section 213.3394 Department of Transportation*
- DOT 38 Special Assistant to the Deputy Administrator, National Highway Traffic Safety Administration
- DOT 70 Special Assistant to the Assistant Secretary for Governmental Affairs
- DOT 100 Chief, Consumer Information Division to the Director, Office of Public and Consumer Affairs
- DOT 105 Staff Assistant to the Director of External Communications
- DOT 112 Policy Advisor to the Assistant Secretary for Transportation Policy
- DOT 117 Special Assistant to the Secretary of Transportation
- DOT 121 Deputy Director to the Director, Office of Congressional Affairs
- DOT 127 Special Assistant and Chief, Administrative Operations Staff to the Assistant Secretary for Budget and Programs
- DOT 142 Intergovernmental Liaison Officer to the Director, Office of Intergovernmental Affairs
- DOT 147 Special Assistant to the Assistant to the Secretary and Director of Public Affairs
- DOT 148 Associate Director of Media Relations and Special Projects to the Assistant to the Secretary and Director of Public Affairs
- DOT 150 Special Assistant to the Administrator, National Highway Traffic Safety Administration
- DOT 151 Special Assistant to the Secretary of Transportation
- DOT 159 Special Assistant to the Administrator, Federal Highway Administration
- DOT 173 Senior Advisor to the Administrator, Federal Railroad Administration
- DOT 185 Special Assistant to the Deputy Assistant Secretary for Aviation and International Affairs
- DOT 217 Senior Advisor to the Administrator, Research and Special Programs Administration, Office of the Administrator
- DOT 226 Director, Office of Congressional and Public Affairs to the Administrator, Maritime Administration
- DOT 235 Scheduling and Advance Assistant to the Director of Scheduling and Advance
- DOT 242 Deputy Director, to the Director, Executive Secretariat
- DOT 265 Special Assistant to the Director, Office of External Communications
- DOT 274 Special Assistant to the Associate Director for Media Relations and Special Projects
- DOT 279 Associate Director for Speechwriting and Research to the Assistant to the Secretary and Director of Public Affairs
- DOT 287 Scheduling/Advance Assistant to the Director for Scheduling and Advance, Office of the Secretary
- DOT 293 Associate Director, Office of Intergovernmental and Consumer Affairs to the Director, Office of Intergovernmental Affairs
- DOT 294 Special Assistant to the Associate Deputy Secretary
- DOT 296 Special Assistant to the Deputy Administrator, Maritime Administration
- DOT 301 Director, Office of Intergovernmental Affairs to the Assistant Secretary for Governmental Affairs
- DOT 315 Director of Intergovernmental and Congressional Affairs to the Administrator, National Highway Traffic Safety Administration
- DOT 320 Special Assistant to the Secretary of Transportation
- DOT 324 Director of Scheduling and Advance to the Chief of Staff
- DOT 338 Special Assistant to the Federal Highway Administrator, Federal Highway Administration
- DOT 351 Special Assistant to the Deputy Secretary
- DOT 355 Director for Drug Enforcement and Program Compliance to the Chief of Staff
- DOT 356 Senior Congressional Liaison Officer to the Director, Office of Congressional Affairs
- DOT 357 Special Assistant for Scheduling and Advance to the Director for Scheduling and Advance
- DOT 358 Special Assistant for Scheduling and Advance to the Director of Scheduling and Advance
- DOT 359 Senior Policy Advisor to the Deputy Secretary

DOT 361 Senior Congressional Liaison Officer to the Director, Office of Congressional Affairs
 DOT 362 Senior Advisor to the Administrator, Research and Special Programs Administration
 DOT 364 Special Assistant to the Deputy Assistant Secretary for Transportation Policy
 DOT 365 Special Assistant to the Assistant Secretary for Transportation Policy

Section 213.3395 Federal Emergency Management Agency

FEMA 53 Deputy Chief of Staff to the Director, Federal Emergency Management Agency
 FEMA 55 Assistant to the Director for Special Events to the Director, Federal Emergency Management Agency
 FEMA 56 Director of Corporate Affairs to the Director, Federal Emergency Management Agency
 FEMA 57 Special Assistant for Northridge Transition to the Deputy Chief of Staff, Office of the Director
 FEMA 59 Policy Advisor for Congressional and Legislative Affairs to the Director, Office of Congressional and Legislative Affairs
 FEMA 61 Advisor for Intergovernmental Affairs to the Director, Office of Intergovernmental Affairs
 FEMA 62 Director, Office of Public Affairs to the Director, Federal Emergency Management Agency

Section 213.3396 National Transportation Safety Board

NTSB 1 Special Assistant to the Chairman
 NTSB 2 Special Assistant to the Member
 NTSB 30 Confidential Assistant to the Chairman

NTSB 32 Family and Government Affairs Specialist to the Director, Office of Government, Public and Family Matters
 NTSB 102 Special Assistant to the Board Member
 NTSB 105 Confidential Assistant to the Chairman
 NTSB 107 Special Assistant to the Director, Office of Government, Public, and Family Matters

Section 213.3397 Federal Housing Finance Board

FHFB 6 Counselor to the Chairman

Senior Pay Level Positions

Section 213.3390 African Development Foundation

Vice President to the President

Section 213.3342 Export-Import Bank

Vice President—Office of Communications to the President and Chairman
 Special Counselor to the President and Chairman
 Vice President of Congressional and External Affairs to the President and Chairman
 General Counsel to the President and Chairman

Section 213.3382 National Foundation on the Arts and the Humanities

Executive Director, President's Committee on the Arts and Humanities

Section 213.3343 Farm Credit Administration

Director, Congressional and Public Affairs to the Chairman
 Executive Assistant to a Member
 Executive Assistant to a Member

Section 213.3393 Pension Benefit Guaranty Corporation

Deputy Executive Director and Chief Financial Officer to the Executive Director
 Deputy Executive Director/Chief of Staff to the Executive Director

Section 213.3333 Federal Deposit Insurance Corporation

General Counsel to the Chairman
 Deputy to the Chairman

Section 213.3305 Department of the Treasury

Special Assistant to the Commissioner of the Internal Revenue Service

Section 213.3357 National Credit Union Administration

Executive Director to the Board
 Executive Assistant to the Chairman
 Executive Assistant to a Member
 Executive Assistant to a Member
 Director of Community Development Credit Unions to the Board

Section 213.3331 Department of Energy

Senior Advisor for Multi-Lateral and Bi-Lateral Affairs to the Assistant Secretary for International Affairs

Section 213.3391 Office of Personnel Management

Senior Advisor to the Director

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

Janice R. Lachance,
Director.

[FR Doc. 00–26011 Filed 10–11–00; 8:45 am]

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Federal Register

**Thursday,
October 12, 2000**

Part III

Federal Emergency Management Agency

44 CFR Parts 59 and 61

**National Flood Insurance Program (NFIP);
Insurance Coverage and Rates; Final Rule**

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Parts 59 and 61**

RIN 3067-AD01

**National Flood Insurance Program
(NFIP); Insurance Coverage and Rates****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Final Rule.

SUMMARY: We (the Federal Insurance Administration of FEMA) are changing the Standard Flood Insurance Policy (SFIP). The revisions include rendering the SFIP in "plain language" and restructuring its format to resemble the homeowners policy. We are also making some changes in the policy's coverage.

EFFECTIVE DATE: December 31, 2000.**FOR FURTHER INFORMATION CONTACT:**

James S. P. Shortley, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, 202-646-3418, (facsimile) 202-646-4327, (email) James.Shortley@fema.gov.

SUPPLEMENTARY INFORMATION**Proposed Revisions to the Standard
Flood Insurance Policy and Public
Comments**

On May 31, 2000, we published a proposed rule at 65 FR 34823 that would revise the Standard Flood Insurance Policy (SFIP) so that it conforms with "plain language" standards. The rule also proposed changes that would bring the three forms of the SFIP more in line with the format of the insurance industry's homeowners policy. We also proposed a number of changes in coverage.

We received 22 letters and email messages about the proposed rule. Many of these contained multiple comments, and, in a number of cases, the submissions raised similar issues and concerns. One organization submitted two separate sets of comments.

The following submitted comments on the proposed rule:

- Three national trade associations for lenders,
- Three individual lending institutions,
- Six private insurance companies writing flood insurance under the Write Your Own program,
- One claims adjuster,
- Three vendors that provide specialized insurance services,
- Two insurance agents,
- Two private citizens, and
- One private business consulting firm.

Each of the following sections treats an issue raised by the public during the comment period and explains our reasons for adopting, rejecting, or modifying a given recommendation.

General Comments. One of the private insurance companies that write flood insurance under the Write Your Own program commended the proposed plain language revision of the SFIP in this way:

"The proposed language changes in the flood policy are excellent. The coverage additions and deletions are acceptable, and the changes in wording to 'plain language' make the policy more readable and understandable."

This company also recommended that we "prepare a document * * * to flood policyholders and agents to explain all coverage changes." This is a good suggestion. In fact, this is a practice that we follow whenever we make any major change in coverage under the National Flood Insurance Program (NFIP). We will continue that practice and put a summary of changes in the revised policy document that the policyholder receives. This will help policyholders and agents understand the most significant changes in coverage that result from this final rule. We also plan to include a summary of significant coverage changes in the updated claims manual we are preparing for adjusters to implement the new policy.

Several national associations representing the interests of lending institutions, however, expressed disappointment that we had failed in the preamble of the proposed rule to mention lenders in the paragraph titled "External Customers." The associations also expressed concern that representatives of the lending community did not sit on the work group that rewrote the SFIP.

The express purpose of the proposed rule was to make the SFIP easier to read for policyholders and easier to use by the producers and agents that sell and service flood insurance policies. The focus of our revision of the SFIP, as expressed in the preamble to the proposed rule, was to address the needs of the "two largest external groups that use the SFIP." That statement was not meant to be a complete list of our customers but rather to define the specific purposes of the revision: to render the policy in plain language and conform the SFIP with the homeowners policy. In spite of our not mentioning lenders as a constituent group in the preamble of the proposed rule, we felt that we had preserved the protections and interests of lenders by modeling the proposed revision of the SFIP's "Mortgage Clause" on the mortgage

clause of the homeowners policy. However, after reviewing lenders' specific comments and recommendations, we understand their concerns and have made a number of adjustments that address those concerns.

Several of the lenders' recommendations that we did not accept would have involved duplicating coverage already available in the private market or changing long-standing practices, such as changing the length of time flood insurance coverage continues for the benefit of the mortgagee after cancellation or non-renewal. We plan to invite representatives of the lending industry to join us in a series of meetings to discuss these and other issues.

Mortgagee as a Named Insured. We received five comments that objected to our description of the named insured under the proposed changes in "Definitions." In the proposed rule we said, "In this policy, 'you' and 'your' refer to the insured(s) shown on the Declarations Page of this policy." The five respondents expressed concern that our revision did not specifically mention the mortgagee as a named insured and potentially jeopardized the mortgagee's financial interest. The respondents requested that we reinsert in the description of the named insured(s) language that specifically mentions the mortgagee. Several respondents also pointed out that we had not included in the Dwelling Form any mention of the "spouse," if a member of the same household, as a named insured.

We have reinserted language similar to that in the current policy identifying mortgagees as a named insured and added a reference to the named insured's spouse. The final version of the Dwelling Form reads: "In this policy, 'you' and 'your' refer to the insured(s) shown on the Declarations Page of this policy and your spouse, if a resident of the same household. Insured(s) includes: Any mortgagee and loss payee named in the Application and Declarations Page, as well as any other mortgagee or loss payee determined to exist at the time of loss in the order of precedence."

The final versions of the General Property Form and the Residential Condominium Building Association Policy have similar language mentioning the mortgagee as a named insured. Absent from the description of the named insured in these two forms, however, is a reference to "your spouse, if a resident of the same household."

Mortgagees as Loss Payees. Five representatives from the lending

industry also expressed concern that the proposed change to the "Mortgage Clause" limited protection only to mortgagees of whom we had actual notice. They interpreted "mortgagees of whom we had actual notice" to mean only those on the Declarations Page, rather than to any other mortgagee or loss payee determined to exist at the time of loss. The commenters urged that we add language in the final rule that explicitly protects the rights of any mortgagee or trustee determined to exist at the time of loss.

That was our intent, and we agree to clarify this. We have modified a provision of the "Mortgage Clause" of the three policy forms to read as follows:

"The word 'mortgagee' includes trustee. Any loss payable under Coverage A—Building Property will be paid to any mortgagee of whom we have actual notice as well as any other mortgagee or loss payee determined to exist at the time of loss, and you, as interests appear. If more than one mortgagee is named, the order of payment will be the same as the order of precedence of the mortgages."

We believe that the addition of this language in the "Mortgage Clause" as well as the added language in the "Definitions" section described above addresses the lending community's major concerns, adopts their recommendations, and preserves the rights and interests of the mortgagee.

Mortgage Clause and Foreclosure. Two representatives from the lending community expressed concern that the proposed revision was silent about the rights of the mortgagee as a loss payee after a flood loss when the lender has started foreclosure on the building.

We believed we were simplifying the policy without affecting the mortgagee's rights. However, we understand this concern, and we have added the following language to the "Mortgage Clause" of the final version of the SFIP:

"The mortgagee has the right to receive loss payment even if the mortgagee has started foreclosure or similar action on the building or structure."

Transfer of Mortgage Note to the Insurer. Two respondents commented that we had removed language from the existing policy's "Mortgage Clause" that gives us the option to pay the whole principal due and to receive transfer of the mortgage under certain conditions and recommended that we reinsert similar language in the final rule.

We disagree. This provision is an option for us. We have never in the program's history exercised this option nor do we intend to do so in the future

because we do not wish to become a mortgagee. As a result, we have left any reference to our option to receive transfer of the mortgage out of the final revision of the SFIP.

Continuation of coverage for after non-renewal for the mortgagee's benefit. Three respondents objected that 30 days—the length of time we continue coverage for the benefit of the mortgagee after non-renewal—is not enough time and recommended that we increase that benefit to 45 days. The commenters pointed out that the National Flood Insurance Reform Act of 1994 gives a borrower 45 days to cure a deficiency regarding flood insurance before the lender may force-place coverage. The commenters argued that we should increase the benefit of continued coverage for the lender to 45 days to be consistent with the statute.

First, the proposed rule does not change what is currently in the policy. Our continuation of coverage under the current SFIP for the benefit of the mortgagee is 30 days, and 30 days has been the continuation of coverage benefit for years. So in the proposed rule we were not reducing a benefit for lenders. Second, there is "gap" insurance coverage in the private sector available for lenders to address such contingencies, and it is our understanding that most lenders have such coverage for all perils to protect their interests in the event a borrower fails to renew required property insurance protection. While we believe it is appropriate for us to provide some cushion for lenders, such as our 30-day benefit, providing 45 days to match the statute is unnecessary since gap coverage is available in the private market. It is not, in our view, appropriate public policy to duplicate under the NFIP coverage that is readily available in the private sector. Third, during the six years since the enactment of the National Flood Insurance Reform Act of 1994, lenders have not reported any difficulties with our long-standing practice of providing 30 days continuation of coverage for their benefit when a borrower fails to renew required property insurance coverage. We do not believe we need to change our current practice. In our continuing dialogue and planned meetings with the lending community on flood insurance, we will make certain that we carefully monitor this issue.

Policy Cancellation. Five commenters expressed concern that our proposed revision of the "Cancellation of the Policy by You" provision in the "General Conditions" section makes it appear that a policyholder may unilaterally cancel the flood policy

regardless of whether there is an existing mortgage obligation. Our intention was to remove, from the cancellation provision, language that had weighed down the policy with a number of examples of when the policyholder may be eligible for a premium refund. We did not intend in our proposed revision to undermine the mortgagee's interest, and we considered our applicable rules and regulations that the insurance agent must follow before we allow cancellation of any flood insurance policy to be sufficient to safeguard the lender's interest, i.e., when the lender has required flood insurance as a condition for the mortgage loan. Those rules and regulations remain unchanged.

We understand the concern expressed by the commenters. To make it clearer that we do not permit a unilateral cancellation of flood insurance by the policyholder, we have in this final rule changed the wording in the "Cancellation of the Policy by You" clause to read, "you may cancel this policy in accordance with the applicable rules and regulations of the NFIP."

First of all, it is not in the interests of the program to allow cancellation of policies without good reasons or adequate safeguards in our processing system. In that connection, we publish in the Flood Insurance Manual that Write Your Own companies and agents must follow when canceling an NFIP policy. Under the terms of the current "Cancellation Section," in this manual, the agent must submit a Cancellation/Nullification request to the insurer citing one of the approved reasons cited in the manual for a policy cancellation. Without documentation that the cancellation request meets approved criteria the policy does not get cancelled.

In the cases where there is a mortgage loan on the property, the manual says that the NFIP permits cancellation when, through a map revision, the property is no longer in a special flood hazard area and "the lender no longer requires the flood insurance policy." The mortgagee must confirm this in writing to the NFIP insurer. The applicable rules and regulations for agents also permit cancellation when the borrower has paid off the mortgage; however, before we allow a cancellation the agent must submit a "statement from the mortgagee stating that the mortgage has been paid off and that flood insurance was required as part of the mortgage must be attached to the Cancellation/Nullification Request Form."

In both cases, the agent must furnish documentation from the lender. In short, there are safeguards built into the program's processing and reporting system that we will continue to require before we will permit cancellation of a policy.

Our revision of the "Cancellation of the Policy by You" in the final rule then does two things: It removes from the policy unnecessary examples of situations when we will refund premiums while preventing any unilateral cancellation of the policy by the policyholder. We achieve the latter purpose by cross-referencing the applicable rules and regulations that the agent and the NFIP insurer must follow before the insurer can honor a request to cancel a policy.

Policy Reformation. We received one comment that we were using the word "restoration" incorrectly in the "General Conditions" section of the three policy forms and that we should substitute "reformation" instead. We agree with this comment and have changed the heading in the "General Conditions" section of each of the policy forms to read, "Reduction and Reformation of Coverage." We have also modified the wording in this clause to be consistent with the more precise title.

Another person expressed concern that the "Reduction and Reformation of Coverage" clause gives the insured and the mortgagee only 30 days from the date of our notification that there is insufficient premium for the requested coverage to submit the shortfall in premium. The commenter recommended that we increase the grace period to 45 days to conform with the National Flood Insurance Reform Act of 1994 which gives an insured that amount of time to make premium payment before the lender may force-place coverage.

As we mentioned in our discussion of continuation of coverage for the benefit of the mortgagee above, we do not believe we need to change our current practice. In our continuing dialogue and planned meetings with the lending community on flood insurance, we will make certain that we carefully monitor this issue as well.

Duplicate policies. Five respondents objected to the "Duplicate Policies Not Allowed" provision in "General Conditions" and argued that our allowing duplicate policies would ensure that there would be no gap between the limit of an existing SFIP and the amount required by law. The commenters cited situations involving multiple mortgagees where allowing duplicate policies would preserve every lender's interest at the time of loss. One

of the commenters suggested we develop a product like the "Contributing Insurance Endorsement" which permits multiple insurance carriers.

We considered this recommendation but believe that any perceived benefit does not outweigh our overriding concern over the problems that multiple policies present for us to assure that the statutory limits of coverage not be exceeded on any property. Duplicate policies also allow an opportunity for abuse and fraud at claim time.

The changes to those sections in the final rule, which we have already discussed, have addressed those concerns, and there is no need to alter our long-standing practice to prohibit duplicate policies under the NFIP. We have therefore not adopted this recommendation to allow duplicate policies.

Definitions: Flood. We received one comment asking us to revise our definition of "flood" that refers to the inundation of "two or more properties (one of which is your property) * * *." The respondent recommended that we replace the term "property" with "premises."

We considered the comment but believe adopting the suggestion would hurt the policyholder by making our definition of "flood" more restrictive than we intend. "Properties" is general enough for us to consider not only an insured property but also some other property such as a public road. This wording is particularly appropriate for rural or low density development areas. We have therefore retained the word "properties" in the definition of "flood" in the final rule.

The respondent also pointed out that "premises" would be more accurate in our treatment of debris removal under "Coverage C—Other Coverages." We disagree, but we have addressed this concern by simplifying the debris removal provision.

Definition: Manufactured home. We received one comment that the qualifiers ("built on a permanent chassis," "affixed to a permanent foundation" and "transported to its site in one or more sections") in the definition of "manufactured home" seem misplaced in the proposed rule and that we should modify the definition. The correspondent also suggested that we did not need the criterion of affixing the manufactured home to a permanent foundation because we have the requirement that manufactured homes be tied down.

We agree that we need to change the order of the qualifiers for the definition. This is how the revised definition reads

in the final rule: "b. A manufactured home ('a manufactured home,' also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation)." We feel however we need to continue our requirements that all manufactured homes be affixed to a permanent foundation and those in special flood hazard areas be tied down to be consistent with the NFIP's floodplain management requirement.

Land subsidence. We received one comment that the exclusion of "land subsidence" in the proposed rule is confusing since we do pay for land subsidence losses whose cause is from the kind of erosion described in the definition of "flood."

We agree with this comment and have modified the language in the policy's "Exclusions" section to clarify the difference between land subsidence not caused by this kind of erosion in contrast with subsidence caused by this kind of erosion. The final policy clarifies that we cover land subsidence caused by erosion covered under the definition of "flood."

Sewer back-up. Three people expressed concern that we had added a new criterion for honoring claims for losses from sewer back-up, namely, that flood waters had to damage, *i.e.*, touch, the building before we would pay for sewer back-up losses. (We added this criterion because we believed it was a more objective standard than just having a flood in the general area.) The argument of those objecting to the proposed criterion ran this way: for us to require that the water "touch" the building could actually prove a disincentive for policyholders to take loss avoidance measures, such as sandbagging, to hold losses to a minimum. Such a requirement, the respondents wrote, also fails to take into account consumer expectations that have built up during the program's history for such coverage since we have historically covered sewer back-up and marketed flood insurance without such a criterion. Their arguments were convincing.

Since our proposal was a major departure in flood insurance coverage for consumers from the current policy, we have removed the proposed criterion that flood waters touch the insured building in order for us to honor sewer back-up losses, and we have restored the criterion that the proximate cause of the sewer back-up damage must be from general and temporary condition of flooding in the area.

Still, we believe this issue warrants further study and monitoring, and we

plan to look into future loss experience to see whether we need to adjust coverage or the criteria for coverage in the future regarding sewer back-up.

References to Adjusters. We received one comment on the use of the term "our adjuster" in "J. Requirements in Case of Loss" in the "General Conditions" section of the policy forms. The commenter pointed out that because the adjuster is an independent contractor we should therefore change the term to "the adjuster."

We agree with this comment and have made the change in the policy forms since we say later that "we have not authorized the adjuster to approve or disapprove claims" to describe the independent stature of the adjuster.

The same person also made this point about the use of the indefinite article when we say "at our option, we may accept an adjuster's report" in the same section of the policy forms. We have changed the wording to read "at our option, we may accept the adjuster's report."

Manuscripts. Two people pointed out that there are discrepancies in the proposed rule between the exclusion of coverage for manuscripts in "Property Not Covered" and the coverage in "Coverage B—Personal Property" for manuscripts in a list of covered property subject to a \$2,500 limit.

We have remedied the discrepancy by removing manuscripts from the list of covered property subject to the \$2,500 limit under "Coverage B—Personal Property." There is available in the private market special limits coverage for items, such as manuscripts, against all perils including flood. Since the private market provides such coverage, we will not duplicate it in our policy.

Functional Value for Antiques. One person questioned why the revised policy would pay only the "functional value" for flood losses to antiques rather than actual cash value (ACV)—the conventional approach in the property insurance industry. The current SFIP excludes antique value to the property. The use of the phrase "functional value" is meant to be a clarification of but not a change to our current policy.

Detached garages. We received one comment on detached garages. The writer pointed out that the phrase "used as such" in the "III. Property Covered, A.3" for detached garages is "indistinct" since many homeowners use garages for a variety of purposes such as workshops or business storage.

We agree with this point and have modified the language related to detached garages in the final rule to make clearer the conditions under which we cover a detached garage. We

have removed the phrase "used as such" from "III. Property Covered, A.3." We have also included in "III. Property Covered, A.3." language to make it clear when certain uses render a detached garage ineligible for coverage. This is what we say in the final rule about the restrictions on coverage for detached garages: "We do not cover any detached garage used or held for use for residential (*i.e.*, dwelling), business, or farming purposes." Our modification in the final rule addresses the comment.

Personal property in basements. One person recommended that we add refrigerators to the list of items we will cover in basements since we provide coverage for freezers.

We do not see any justification in adding flood coverage for more items in basements, which are at higher flood risk than other parts of a building. We developed the current list of items we will cover in basements based on several factors. First, we wanted to cover items essential for the operation and maintenance of the building itself, such as machinery and mechanical equipment. Second, there are certain items such as freezers that seem to be better suited for basements than in other parts of a dwelling since there are few alternative locations for freezers. Third, we have resisted, appropriately, offering coverage for items such as beds, sofas, recreational items, normal kitchen equipment such as stoves and refrigerators in basements since flood insurance coverage for such items might be at odds with the NFIP's floodplain management efforts: The NFIP would on the one hand be trying to guide development and occupancy away from the riskier flood-prone areas while inviting such uses with its coverage. We have decided not to add refrigerators to the list of what we cover in basements.

Swimming pools, hot tubs, equipment, and machinery. Two people expressed concern about our exclusions of coverage in the proposed rule for swimming pools, hot tubs, and spas. The proposed rule under "Property Not Covered" excludes coverage for "swimming pools, hot tubs and spas, and their equipment such as, but not limited to, heaters, filters, pumps, and pipes, wherever located * * *." One correspondent said, "These items are * * * often bathroom fixtures, especially hot tubs."

We agree with the latter point, and we provide in the final rule coverage for hot tubs and spas and their equipment, if they are bathroom fixtures. We still believe that it is not in the public's interest to provide flood insurance coverage for hot tubs or spas which are not part of bathrooms or for swimming

pools because of their inherent exposure to flood risk. Also, the difficulties in underwriting just the machinery and equipment of swimming pools outweigh any conceivable benefit.

Condominium loss assessments. One person recommended that we allow up to \$1,000 coverage for loss assessment for a condominium unit owner. This would, the writer believes, track more closely with loss assessment coverage in private commercial policies for other perils and would cover the deductible under the association's coverage which may be passed on to the unit owner.

We currently have no restriction on how much building coverage, within policy limits, the unit owner may apply to an assessment from the condominium association. To limit the benefit for loss assessments to \$1,000 is a considerable reduction in coverage. We have decided not to put such a restriction in the revised policy. We will not, on the other hand, pay for another policy's deductible, such as the deductible of the Residential Condominium Building Association Policy. We have therefore decided to retain the language in this final rule regarding loss assessment coverage for individual condominium unit owners.

Replacement cost coverage for multi-family structures. Four people recommended that we provide replacement cost coverage for multi-family structures since we provide this coverage for owner-occupied single family dwellings if the policyholder insures the building to value.

We decided not to accept this recommendation since adopting it would raise rates and would run counter to our efforts to reduce costs for the NFIP. We believe this issue bears looking into further, and we will study the economic impacts of providing replacement cost coverage for multi-family dwellings and examine the costs and benefits of such an approach.

Pollution-pollutants. Six respondents expressed concern about the proposed rule's exclusion of pollution. (Under the current policy, an insured may receive, up to policy limits, payment to repair damage to the building from flood-borne pollutants. The pollution exclusion in the current policy, which applies to Increased Cost of Compliance coverage, will remain.)

The following two comments are representative of this concern:

(1) "A flood by its very nature contains pollutants. This definition would exclude virtually all flooding events since flood by its very nature would always contain contaminants, especially waste."

(2) "A property owner will be unable to secure coverage elsewhere for pollution caused by flooding. Since the loss settlement will still be restricted to policy limits, pollution caused by flooding should be made available."

Several who submitted comments on this issue recommended that we use language similar to that in the Insurance Services Organization (ISO)'s homeowners policy treating the subject of pollution. They recommended the following language:

"We do not insure any of the following: discharge, dispersal, seepage, migration, release or escape of pollutants unless the discharge, dispersal, seepage, migration, release or escape is itself caused by a peril insured against."

Several other commenters cited the pollution benefit of \$10,000 in the ISO commercial property insurance form and recommended we use that as an available coverage benefit for pollution caused by flood.

We considered the comments objecting to our proposed exclusion of losses from pollution. The arguments were convincing, and we have decided to remove the exclusion for pollution from the final revisions for the Dwelling Form and the Residential Condominium Building Association Policy and permit these policyholders, as they are able to do under the current policy, to apply up to their policy limits under Coverage A to pay for damage from pollution caused by flood. We believe it is appropriate to continue the benefit we have traditionally offered for the owners of single family dwellings and for the owners of units within a residential condominium since property owners have no other recourse in the private market to protect themselves from losses from pollution caused by flood. We exclude, however, from the Dwelling Form and the Residential Condominium Building Association Policy, any payment for the testing for or monitoring pollutants unless a law or ordinance requires the testing or the monitoring.

We believe some limitation on pollution for commercial properties is appropriate, and we have adopted one commenter's recommendation that we model limited coverage for pollution from the ISO private commercial policy. We are therefore limiting the amount we will pay under the General Property Form to \$10,000 for each occurrence, but this amount, when combined with other benefits under the policy, cannot exceed the policy limits or the replacement cost or actual cash value of the covered property, whichever settlement amount is appropriate. As a

result of our revision, we will pay for the removal and clean-up of such pollutants from covered property after a flood loss, but, as we have for the Dwelling Form and the Residential Condominium Building Association Policy, we exclude the cost of testing for or monitoring pollutants unless law or ordinance requires the testing or the monitoring.

Property removed to safety. In the proposed revision of the SFIP, we increased from \$750 to \$1,000 to help defray the costs of moving property out an endangered flood area. One person expressed concern that this benefit was not enough to cover the costs of moving personal property such as business inventories and that the benefit would not cover the deductible.

We believe that the increase in benefits over what we have offered in the past is a relatively sizable one. We do not believe we can justify a higher increase in the face of our need to make the program actuarially sound, but we will monitor the issue to see if future increases may be justifiable from our loss experience.

Self-propelled vehicles. One person commented that the reference to self-propelled vehicles in the "Property Not Covered" section was unclear since the qualification "while the vehicles are inside a building at the desired location" seems to apply only to vehicles for the handicapped and should apply both to vehicles for the handicapped and to vehicles "used mainly to service the described location."

This is a good point. The qualification applies to both types of vehicles, and we will format the policy to make this clear.

Interpretation of "common wall" and additions and extensions. Two people commented on references to additions and extensions under "Property Covered, A. Coverage A—Building Property." One respondent limited comments to the errors and omissions that might arise from giving the insured the option of insuring an addition or extension (explained below) either as a separate building or consider it part of the insured building. The second commenter raised three issues related to "additions and extensions": Clarity over what is meant by a common wall, competitive pricing, and the concern about errors and omissions. This commenter said:

"It has been our experience that a solid, load-bearing interior wall and a common wall are the same definition. In theory, we agree that the common wall issue needs to be changed but this draft still leaves unresolved issues by not specifically listing these definitions (*i.e.*,

solid, load-bearing wall, common interior wall). Additionally, by allowing the option of issuing a separate policy we then fall into a competitive pricing issue. The insured may be offered two policies with one carrier therefore paying the expense/policy service fee twice or shop around and find another carrier that can issue one policy for his additions and extensions. Lastly, if we are required to offer two policies then will we be required to re-underwrite our current policies?"

The difference between a common interior wall that is not a solid, load-bearing wall and an interior wall that is load-bearing, we believe, is clear enough, and there is no need to revise the language in the policy on additions and extensions. On the issue of competition, one of the advantages of the Write Your Own program—with currently about 90 participating insurance companies—is that the consumer has a choice based on service since the same rates and rules apply to all companies selling flood insurance.

The policyholder has the advantage under the cited provision to insure additions and extensions connected by a rigid exterior wall, a solid load-bearing interior wall, a stairway, elevated walkway, or a roof, as a separate building or consider the addition as part of the insured building. This, we believe, is an advantage for the policyholder. It is incumbent on the agent and the insurance company to explain those options to the property owner to avoid any concern over errors and omissions while giving the property owner information to make an informed choice about coverage. Regarding the commenter's inquiry about the need to "re-underwrite" every policy, as with any change in coverage, companies need to reexamine their existing book of business, as appropriate.

Minor word changes (Loss Avoidance Measures vs. Avoidance and Mitigation). One person suggested that we change the heading "Loss Avoidance Measures" to "Avoidance and Mitigation." We considered the suggested title change and believe the wording as proposed is preferable, and we are keeping the wording from the proposed rule in the final version of the policy.

Expense for Sandbags. Two people agreed with our proposed increase of how much we will reimburse the insured for the expense of sandbags as a loss avoidance measure. One commenter wondered why, however, we could not pay more for the expense of sandbags.

We increased from \$750 to \$1,000 the amount we will pay for sandbags to

avoid losses. Again, we believe that the increase in benefits over what we have offered in the past is a relatively sizable one. We do not believe we can justify a higher increase in the face of our need to make the program actuarially sound, but we will monitor the issue to see if future increases may be justifiable from our loss experience.

Payment for floodproofing. We received one suggestion that we pay for floodproofing of buildings without basements. The person argued that since we pay under Increased Cost of Compliance coverage (Coverage D) for floodproofing of basements of residential structures, we should also pay for permanent floodproofing of residential structures without basements. The writer also argued that since we pay for temporary protective measures when there is the threat of flooding, we should pay for permanent floodproofing. The writer also contended that the installation of a permanent device, such as a flood shield, would pay for itself over time in prevented flood losses and fewer flood claims. And because of those potential savings in flood claims, we should pay for such a device.

First of all, we only pay for the floodproofing of basements under Increased Cost of Compliance coverage (Coverage D) under very limited circumstances. The property must have suffered substantial damage by flood or repetitive flood losses, and the community must be requiring the repair or other mitigation measure to bring the building into compliance with a local or State floodplain management ordinance or law. Also, for us to pay under Coverage D to bring a basement into compliance with a local floodplain management law or ordinance, the community must meet rigorous standards for floodproofing residential basements approved by FEMA. Only 53 communities out of 19,000 participating communities have been approved for this option. We would also point out an essential difference between the standards for floodproofing residential basements in approved communities and the flood shield that the commenter recommends: a basement once floodproofed requires no further intervention on the part of the occupant for the floodproofing to be effective. The flood shield on the other hand requires human intervention just before a flood for the device to be effective.

Finally, certain devices and equipment clearly make buildings safer and reduce the risk to certain perils. The installation of sprinklers in residential dwellings is a good example of a loss mitigation measure that adds protection,

increases safety, and reduces the building's exposure to fire loss; however, property insurance companies will not and should not pay for the permanent installation of such devices that reduce the risk. Such devices if worthwhile will sell themselves or be required by code. They are not eligible for nor should they become eligible for payment as a covered loss in the insurance sense.

For these reasons, we have therefore rejected the recommendation for the SFIP to pay for the installation of loss mitigation measures as a preventive step.

Miscellaneous Questions. We received several sets of comments asking us to clarify whether coverage for certain items or under certain conditions had changed in the revised policy. We will restate the each question and follow with our answer.

Question. Can two properties be a house and the street in front of the house or does it have to be two houses? NFIP has taken the position in the past that two properties can be the insured house and the street in front of the house; however, we want to verify that this has not changed with the new policy.

Answer. Our position has not changed. "Two properties" can still mean under the new policy the insured house and the street in front of the building.

Question. Under Coverage C—Other Coverages, Contents Removal, it states that any property removed must be placed aboveground level or outside the special flood hazard area. This appears to mean that we can still cover personal property that is moved to a special flood hazard area if it is above ground level and in a fully enclosed building. This doesn't sound logical since the point is to move it outside of the special flood hazard area.

Answer. Coverage C—Contents Removal under the new policy requires that the contents must be removed above ground or outside a special flood hazard area. This is not inconsistent. There are situations where moving property to a safer location within a floodplain, e.g., within a broad floodplain or in a coastal area, is the best available mitigation option available to a policyholder. Moving property inland away from an approaching hurricane to a location that may still be within a special flood hazard area, may be enough to move property out of harm's way.

Question. The policy is silent on who makes substantial improvements. Does the responsibility of determining substantial improvement still rest with

the community officials? This is important because we are talking about the denial of coverage for post-FIRM enclosures.

Answer. The responsibility for making a determination whether a building has suffered substantial damage and must meet the substantial improvement requirement still rests with the community official.

Question. The policy mentions special coverage for handicapped persons, but does not define "handicapped" in the definition section. Is it intended that "handicapped" means only people protected by Federal law, or can it mean someone with a broken leg, etc. This could become an issue if not properly defined.

Answer. A temporary handicap, such as a broken leg, would qualify for special coverage for handicapped persons under the new policy.

Question. There is an exclusion for decks outside the perimeter walls of the dwelling. NFIP has taken the position in the past that we could pay for sixteen square feet of decking outside the perimeter walls of the dwelling, which is not spelled out in the policy. Are we still allowing the sixteen square feet or do we totally exclude decking outside the perimeter walls of the dwelling.

Answer. Our interpretation under the new policy has not changed. We will still pay, as we currently do, for sixteen square feet of space that permits entrance and exit to a building.

Question. We insure against direct physical loss by or from flood for "clean-up." But what does "clean-up" include?

Answer. "Clean-up" includes the removal of muck from the interior of the insured building, cleaning the flood-soiled surfaces of the insured building, and the removal of debris from the boundaries of the insured property.

Question. How can this policy state that it will not insure for direct physical loss caused directly or indirectly by rain? Rain is one of the major reasons for flooding. This seems contradictory.

Answer. Rain without surface flooding is not covered under the SFIP. This is not a new interpretation or a change from previous version of the SFIP. Conversely, damage from rain alone can be covered under the homeowners policy.

Question. Does the NFIP intend to settle losses for manufactured homes with materials on a replacement cost basis but never more than 1.5 times the actual cash value apply to repairs as well as total losses?

Answer. Under VII General Conditions, V. Loss Settlement, 3.a. and

3.b., we explain how losses will be adjusted under the policy for manufactured homes: Under 3.a., we will pay for total losses on a replacement cost basis or 1.5 times the actual cash value, whichever is less; under 3.b., we will pay for repairs on a replacement cost basis.

Question. How will an adjuster know, *i.e.*, for sewer back-up claims, if the flood waters actually touch the structure if it does not leave a visible water line or debris? (Flood waters may briefly touch the structure but leave no visible water line.)

Answer. This is no longer an issue since we have removed the criterion that water touch a building in order for us to pay for damages from sewer back-up. (See our earlier discussion of sewer back-up.)

Question. What is “loss in progress”? Is it the threat of flooding? When water touches the building? What about when water touches the detached garage?

Answer. “Loss in progress” does not merely mean the threat of flooding. “Loss in progress” means when water touches the insured building. If the policyholder has elected to apply up to 10% of the building’s coverage on the dwelling and flood waters touch the detached garage, the loss would be a loss in progress. If the policyholder has elected to insure the detached garage separately from the dwelling, the flood waters touching the detached garage would involve a loss in progress for the detached garage, insured separately, but not the separately insured dwelling.

Question. When does a carport become a garage?

Answer. If a structure has two walls and a roof it is a building that is eligible for coverage under the NFIP. Normally, carports do not meet the definition of a building. We do not agree that we need to add a definition for “carport” which the questioner implied since our definition of building is in our view clear enough.

Decision to Retain Scheduled Building Policies. During the comment period, we received no comments on the deletion in the proposed rule of the provision for scheduled building policies. We have decided, however, to retain in the final rule the provision in the definition of “policy” that permits us to offer scheduled buildings policies, *i.e.*, one policy that provides coverage for several buildings. We are retaining this product option since we have become aware of recent interest in and a potential need for scheduled building policies for municipal buildings.

Closed Basin Lake Endorsement

Interim Final Rule. On August 2, 1999, we published at 64 FR 41825 an interim final rule, with a request for comments. That rule added an endorsement to the Standard Flood Insurance Policy (SFIP) that provides a permanent procedure for honoring claims for buildings damaged by continuous lake flooding from closed basin lakes or under imminent threat of flood damage from those lakes.

During the comment period, we received seven sets of comments. After reviewing those comments, we have adopted several recommendations for making textual changes to the policy. For the other recommendations, which we decided not to adopt, we explain our decisions in each of the following sections.

Size Standard for Closed Basin Lakes.

We received one comment that we should use a standard less than one square mile as the basis for our definition of a closed basin lake. We have selected the one square mile standard to agree with the scope of our flood insurance studies found in “Flood Insurance Study: Guidelines and Specifications” (FEMA 37, January 1995). The guidelines state that our flood insurance studies should be terminated where the 100-year floodplain narrows to a width of 200 feet or less, or “where the drainage area of the flooding source is less than one square mile.” We felt that some measurable cut-off was reasonable for our definition of closed basin lakes in the SFIP so we used one square mile as the limit to conform with our published standard for flood insurance studies. For that reason, we have retained that one square mile standard in the revised closed basin lake section of the SFIP.

Physical Damage or Imminent Threat. One person argued that the closed basin lake endorsement should not require that flooding from a closed basin lake “touch” the structure in order for us to pay a claim under the closed basin lake endorsement. The endorsement does not impose such a requirement. The endorsement says, “we will pay your claim as if the building is a total loss even though it has not been continuously inundated for 90 days, subject to the following conditions: 1. Lake waters must damage or 2. imminently threaten your building.” We review closed basin lake claims filed under the SFIP on a case-by-case basis to determine whether a structure—not physically damaged by flooding—is “imminently threatened” by flood waters from a closed basin lake.

Imminent Threat. Three people objected to the concept of “imminent threat” and wanted us to base eligibility for claim payments on predictions by the National Weather Service (NWS) that conditions from a designated closed basin lake will inundate certain areas. Our policy for the payment of claims from closed basin lakes has evolved. Initially, we based eligibility for claims on NWS predictions of inundation for broad areas. Program experience has prompted us to change this policy. Now, we apply the concept of “imminent threat” which we can apply on a case-by-case basis to claims. The reason for this shift is that, by using prediction as the standard for claim payment, the NFIP could be liable for claims on buildings neither damaged by flooding nor imminently threatened by flooding. Rather, the building’s location in a general area exposed to closed basin lake flooding would make it eligible for claim payment. Using “imminent threat” as the basis for paying claims in closed basin lake areas however is much more defensible for several reasons. First “imminent threat” means that it is reasonably certain that surface water will damage an insured structure due to existing conditions in the Area of Special Consideration (ASC). Second, using “imminent threat” allows us to evaluate claims on a case-by-case basis.

Buildings with Basements. Several people raised concerns that the concept of “imminent threat” did not expressly apply to basements as well. We have responded to those concerns by interpreting the concept of “imminent threat,” as it applies to buildings with basements, as follows: In the event a building located in the ASC has water in the basement, we will consider the building to be “imminently” threatened by damage from closed basin lake flooding when:

- The building is in such close proximity to the closed basin lake that it is probable that the lake flooding is the cause of the basement flooding;
- The lake level is higher than the basement floor level; and
- Either: (1) the owner is currently taking reasonable preventive measures to manage the flow of lake water into the building and has done so for at least the last 30 days or (2) lake water has been in the basement for the last 30 days.

The adjuster may base the evidence of both reasonable preventive measures and the presence of lake water in the basement for the specified period on any documented source.

Date Coverage Must be in Effect. We received three comments urging that the date by which continuous flood

insurance coverage must be in effect, in order for the policyholder to be eligible for coverage, should be later than October 31, 1999. The rule is silent about a specific date. The endorsement says, "You (the policyholder) must have NFIP flood insurance coverage continuously in effect from a date established by FEMA until you file a claim under this endorsement." FEMA had set October 31, 1999, as the continuous coverage date for the Devils Lake area of North Dakota and communicated that to public officials. To give local property owners additional time to buy flood insurance and meet the requirements of the endorsement, however, FEMA changed that date to November 30, 1999.

One person argued that the continuous flood insurance coverage date for the Devils Lake area should be postponed until after the Flood Insurance Rate Map (FIRM) showing the Area of Special Consideration (ASC) has become effective. He said:

"All hazards illustrated by the NFIP on a FIRM must be identified on a scientific and technical basis, even the ASC which approximates the 500-year flood hazard surrounding Devils Lake. As such, the ASC is subject to the review and the appeal process (44 CFR part 67) simply because it is on a revised preliminary FIRM which lists the proposed flood elevation determinations for the lake."

The endorsement states that we will "identify on a map an area or areas of special consideration (ASC) in which there is a potential for flood damage from continuous lake flooding." The endorsement does not require that the map be a Flood Insurance Rate Map (FIRM). However, because we were in the process of either revising existing maps or producing new maps for the communities around Devils Lake in connection with an ongoing Flood Insurance Study, we decided to show the ASC on the preliminary FIRMs. We established the ASC for advisory purposes; the advisory ASC is considered final and is not subject to the statutory and regulatory appeal period as base flood elevations are.

Additionally, the statutory and regulatory intent of the appeals process is to give individuals and communities every opportunity to appeal, with scientific and technical data, the elevations we derive from our studies since the base flood elevations trigger full risk premiums and building standards for new construction. On the other hand, the ASC, which we delineated in close coordination with

State and local governments, is an area that identifies the areas eligible for the benefits under the closed basin lake endorsement. The ASC in itself does not impose a statutory requirement for flood coverage. We did not therefore adopt this recommendation.

Tracking Continuous Coverage Requirement. We received one comment expressing concern that FEMA would have difficulty in tracking the continuous coverage requirement when one owner sells the property. The endorsement addresses the issue of continuous coverage when a property owner sells a property affected by a closed basin lake in this way:

"You must have NFIP flood insurance coverage continuously in effect from a date established by FEMA until you file a claim under this endorsement. If a subsequent owner buys NFIP insurance that goes in effect within 60 days of the date of transfer of title, any gap in coverage during that 60-day period will not be a violation of this continuous coverage requirement."

FEMA's tracking the ownership of an insured property is not an issue since the burden of proof of continuous flood insurance coverage will be on the property buyer. In this regard, we have been working with and will continue to work with State and local officials to make sure that the affected members of the public know their responsibilities under the endorsement and are able to take full advantage of the endorsement's benefit. We believe our current efforts address this concern.

Textual Comments. We also received recommendations to revise the wording of the endorsement in two places. Specifically, one person recommended we change "floodplain management permit" (see criterion number 4 in the endorsement) to "floodplain development permit." We adopted this recommendation.

The same person also pointed out that the wording "grant the conservation easement to be recorded on the deed of the property" was imprecise since an easement "runs with the land" and cannot be recorded "on the deed." We agree with this recommendation too. We believe the following change in the policy language achieves greater precision: "Grant a conservation easement * * * to be recorded in the office of the local recorder of deeds."

Clarification of Coverage Requirement. The interim final rule was silent about how much coverage had to be continuously in force for benefits under the closed basin lake coverage. Under the interim final rule,

policyholders had to have "NFIP flood insurance continuously in effect from a date established by FEMA until" the policyholder filed a claim. This meant that a policyholder could technically meet this criterion for continuous coverage by buying a minimal amount of flood coverage initially, keeping the minimal amount of coverage in effect, and then increasing the face amount of the policy when the structure is eligible for relocation. This final rule now requires that policyholders have the same amount of insurance in effect continuously from the date set by FEMA until the policyholder files a claim. This change still allows the policyholder to buy recommended increases in coverage at policy renewal to keep pace with inflation.

Incorporation in the Revised SFIP. As an aid for readers, we have incorporated language on the policyholder's requirements and benefits regarding closed basin lake flooding under "Continuous Lake Flooding" in the text itself of the "OTHER PROVISIONS" section of the revised policy. We feel this is a more logical place for information on closed basin lake coverage and will be easier for affected policyholders to access rather than in a separate endorsement.

Definition of "Structure"

This final rule changes several key definitions including the definition for "building." Our revised definition of "building" cross-references the term "structure" found in the "Definitions" section of the program's regulations at 44 CFR 59.1. Therefore, we have revised the definition of "structure" to be consistent with our new definition of "building." This change does not affect the definition of "structure" for floodplain management purposes, only for insurance purposes.

Group Flood Insurance Policy

Changing the Dwelling Form requires us to change in this final rule several cross-references to the Dwelling Form in § 61.17, which establishes the Group Flood Insurance Policy. We have made those reference changes in this final rule.

Coverage Changes

We have made several changes in coverage for the three policy forms. The following tables compare the previous coverage under the SFIP with the new changes established by this rule:

TABLE 1.—LAND SUBSIDENCE, SEWER BACK-UP, AND SEEPAGE

New changes in SFIP coverage	Former coverage under the SFIP
The new changes will not affect the coverage for losses from “subsidence of land” along the shore of a lake or other body of water as a result of flood-related erosion. We will not pay for any losses from other land subsidence	Pay for losses from subsidence of land along the shore of a lake or other body of water as a result of flood-related erosion. Pay for losses from other land subsidence under certain circumstances.
We will pay for losses from sewer back-up if there is a general condition of flooding in the general area. We are removing the current requirement for replacement cost coverage on the building. We are removing the criterion that the loss must occur within 72 hours after the flood has receded. We will not apply a separate deductible to claims for sewer back-up and seepage.	Pay for losses from sewer-back-up and seepage: If there is a general condition of flooding in the general area; If the building has replacement cost coverage; and If the loss occurs within 72 hours after the flood has receded. Apply a separate deductible to claims for these losses.

As noted in the preceding table, we will pay for losses from sewer backup if flooding is “in the area.” Also, as the preceding table shows, there are two references to the subsidence of land in the current policy. The first is in our definition of “flood.” Section 1370 of the National Flood Insurance Act of 1968 mandates that the term “flood” shall also include “the collapse or

subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.” The second reference to land subsidence is in the Dwelling Form: currently we pay for losses from land subsidence when certain criteria are met such as amount of insurance coverage in force on the

dwelling, the duration of flooding (“no later than 72 hours after the flood has receded”), and the proximity of the flood (“in the area”). The changes do not include any revision to the statutory reference to “subsidence of land” in the policy’s definition of “flood.” The revisions however eliminate coverage for land subsidence in any other situation.

TABLE 2.—LOSS MITIGATION MEASURES AND LOSS ASSESSMENTS

New changes in SFIP coverage	Former coverage under the SFIP
We are increasing the amount we pay for the labor and materials of certain mitigation activities (<i>e.g.</i> , sandbagging) to \$1,000. We are increasing to \$1,000 the amount we will pay for removal of personal property from a flood-threatened building.	We currently pay up to \$750 for materials and labor for mitigation efforts such as sandbagging. We currently pay up to \$500 for the removal of personal property in anticipation of the flood.

TABLE 3.—PERSONAL PROPERTY, MOTORIZED VEHICLES AND SPECIAL NEEDS

New changes in SFIP coverage	Former Coverage under the SFIP
We will permit a renter to apply 10% of contents coverage to cooking stoves, ranges, or refrigerators belonging to the renter, as well as to improvements by the renter to the building.	No coverage under the Dwelling Form.
We will permit a condominium unit owner to apply 10% of the contents coverage to losses to interior walls, floors, and ceilings under the Dwelling Form.	No coverage.
We will increase to \$2,500 what we will pay for flood losses to collectibles, artwork, furs, etc., and we will add these items to the list business contents.	We now pay only up to \$250 for eligible flood losses to collectibles, artwork, furs, etc.
We will pay for losses to self-propelled vehicles that service the premises and assist handicapped persons provided the vehicles are in a building on the premises.	We only pay for losses to self-propelled vehicles that service the building.

TABLE 4.—LOSS SETTLEMENT FOR MANUFACTURED HOMES AND INTERPRETATION OF COMMON WALL

New changes in SFIP coverage	Former coverage under the SFIP
We are changing how we settle losses for double-wide manufactured homes. We will settle total losses for these structures with materials on a replacement cost basis but never more than 1.5 times the actual cash value.	Replacement cost interpreted for total losses as the value shown in NADA guide for mobile homes.

TABLE 4.—LOSS SETTLEMENT FOR MANUFACTURED HOMES AND INTERPRETATION OF COMMON WALL—Continued

New changes in SFIP coverage	Former coverage under the SFIP
We treat as part of the building additions or extensions attached by a rigid exterior wall, a solid load-bearing interior wall, a stairway, an elevated walkway, or a roof. At the insured's option, these additions and extensions may be separately insured. If the addition or extension is attached by a common interior wall, it may not be insured as a separate building.	We currently only treat, as part of the building, extensions or additions that are connected by a common wall. Additions and extensions connected by a covered breezeway, for example, are treated as separate buildings—not as part of the building.

TABLE 5.—REDUCTION AND REFORMATION OF COVERAGE LIMITS

New changes in SFIP coverage	Former coverage under the SFIP
We are adding a policy reformation provision for situations when an application or endorsement is received without all the necessary information. We are requiring the applicant to submit the missing information within 60 days. If the missing information is not received within 60 days, and a loss occurs, the maximum amount of insurance available is limited to the lesser of: the amount originally requested or the amount of coverage the original premium paid would buy, using the correct rating information.	No such provision.

We are also adding coverage in basements and in enclosures of elevated buildings for water softeners and the chemicals in them, water filters and faucets. In addition, we are adding coverage for damage from the pressure or weight of water against the structure with the requirements that there be surface flooding in the area and that the flooding be the cause of the damage. On the other hand, we are excluding from coverage scrip and stored value cards. The revisions to the policy also exclude any losses caused by the policyholder's failure to inspect and maintain the property after the flood recedes.

We are retaining coverage for detached garages, but we are eliminating coverage for detached carports since they do not have two walls—one of the criteria under the definition of building. We are also eliminating the requirement for a minimum premium. The final rule adds to the definition of "flood" criteria previously found elsewhere in the policy. Those criteria require that a qualifying flood event under the policy must inundate two properties or two acres. The consolidation of the criteria into the definition of "flood" is much more useful for the policyholder to understand the scope of coverage under the policy.

In addition to these coverage changes, we are changing how we define loss in progress to make our intent clearer on when coverage begins in connection with loan closings.

Inspection Procedure of Insured Structures

On June 27, 2000, FEMA published a final rule establishing an inspection procedure on a pilot project basis for

Monroe County, Florida and the Village of Islamorada, which is located in Monroe County. The rule also added endorsements to the SFIP making the renewal of certain flood insurance policies for certain properties in these communities contingent on the property owner's submission of a completed community inspection report by local officials. These optional endorsements affect some 30,000 policies in these two pilot project communities.

We revised these endorsements in this final rule to match the new policy format. Also, in our efforts to simplify the Standard Flood Insurance Policy, we have shortened the endorsements to each of the policy forms in this final rule. We have retained the language regarding the inspection report and the policy renewal, but we have removed a number of redundancies from the policy language.

Exclusive Federal Jurisdiction and Applicable Law

Standard Flood Insurance Policies are sold by a number of private Write Your Own (WYO) insurance companies and directly to the public by the Federal Insurance Administration. Because the National Flood Insurance Program is national in scope and accomplishes a number of programmatic missions in addition to making affordable flood insurance generally available to the public, the SFIP provides that its terms cannot be altered, varied or waived except by the written authority of the Federal Insurance Administrator. The Administrator intends that the same benefits should be available to insureds wherever the insured property is

located, or whether the policy is purchased from a WYO insurance company or from the Federal government. Thus, there is a need for uniformity in the interpretation of and standards applicable to the policies and their administration. Therefore, we have clarified the policy language pertaining to jurisdiction, venue and applicable law to emphasize that matters pertaining to the Standard Flood Insurance Policy, including issues relating to and arising out of claims handling, must be heard in Federal court and are governed exclusively by Federal law.

National Environmental Policy Act

This final rule falls within the exclusion category 44 CFR part 10.8(d)(2)(ii), which addresses the preparation, revision, and adoption of regulations, directives, and other guidance documents related to actions that qualify for categorical exclusions. Qualifying for this exclusion and because no other extraordinary circumstances have been identified, this final rule will not require the preparation of either an environmental assessment or environmental impact statement as defined by the National Environmental Policy Act.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this final rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order

defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

For the reasons that follow we have concluded that the rule is neither an economically significant nor a significant regulatory action under the Executive Order.

The rule accomplishes three principal changes: (1) it renders the SFIP in "plain English"; (2) it restructures the format to resemble the basic homeowners policy; and (3) it makes several changes in the policy's coverage. In all other substantive aspects the SFIP is unchanged from its past version.

Of 18 changes that affect coverage, we summarize 11 in Tables 1 through 5 of this preamble. We summarize the remaining 7 changes in the paragraphs that immediately follow the tables. The 18 proposed changes are evenly divided between changes that add or increase coverage and changes that reduce or remove coverage or require certain coverage from a date certain to the time a claim is filed for "closed basin lake" claims.

For each revised policy provision, we made two estimates: the first was the percentage of claims that would be impacted by the revised provision; the second estimate was the dollar impact that provision would have on each affected claim. We multiplied these two amounts to develop the dollar impact of each change spread over all program claims. We then summed those dollar amounts to arrive at an estimated increase of \$62.88 in the average paid claim under these revised policy provisions. We estimate that during the first fiscal year after enactment the NFIP would have about 4.3 million policyholders and about 55,900 total flood losses. If so, that would result in an annual cost to the Program of approximately \$3.5 million resulting from the proposed changes to the policy.

The Office of Management and Budget has reviewed this rule under the principles of Executive Order 12866.

Paperwork Reduction Act

This rule requires the collection of information. Under the Paperwork Reduction Act (Act) we must consider the impact of paperwork and other information collection burdens imposed on the public. The Act mandates specific reductions in the amount of paperwork requirements imposed by agencies. It requires specific approval by the Office of Management and Budget (OMB) of any new requirements for collection of information imposed on ten or more persons by an agency; without such approval, the agency lacks the authority to enforce any such requirement. The Act also requires us to inform respondents that a response is not required unless the collection of information displays a valid OMB control number.

OMB has previously approved the following information collection requirements covered by this final rule under the provisions of the Paperwork Reduction Act, as amended:

OMB control No.	Title
3067-0021	National Flood Insurance Claims Forms.
3067-0022	National Flood Insurance Policy Forms.
3067-0077	Post Construction Elevation Certificate/Floodproofing Certificate.
3067-0195	Community Rating System (CRS) Program, Application Worksheets and Commentary.
3067-0235	Residential Basement Floodproofing Certificate.
3067-0275	Inspection of Insured Structures by Communities.

In addition, FEMA has submitted for OMB clearance and approval one other information collection package: Closed Basin Lake Endorsement. When approved by OMB we will publish a separate notice of this collection of information and its expiration date. Any person who is to respond to this collection of information is not required to respond unless the collection of information displays a currently valid OMB control number.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the

distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this final rule under E.O. 13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. The rule is a plain language revision of the Standard Flood Insurance Policy. Inasmuch as the insurance benefits and requirements derive from a Federal statute and program exclusively administered by the Federal Government for the benefit of State, local and tribal governments, individuals, and not-for-profit organizations, the rule neither limits nor preempts any policymaking discretion of the State that the State might otherwise have.

The Office of Management and Budget has reviewed this rule under the provisions of Executive Order 13132.

Congressional Review of Agency Rulemaking

We have sent this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104-121. The rule is not a "major rule" within the meaning of that Act. It is a "plain English" revision of the existing Standard Flood Insurance Policy and any substantive changes in the rule will not result in an annual effect on the economy of \$100,000,000 or more. We do not expect that it will result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Nor do we expect that it will have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

List of Subjects in 44 CFR Parts 59 and 61

Flood insurance.

Accordingly, we amend 44 CFR Parts 59 and 61 as follows:

PART 59—GENERAL PROVISIONS

1. The authority citation for Part 59 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O.

12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. We revise the definition of "Structure" found in § 59.1 Definitions to read as follows:

§ 59.1 Definitions.

* * * * *

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

(3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

* * * * *

PART 61—INSURANCE COVERAGE AND RATES

3. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 61.10 [Removed]

4. We remove § 61.10.

5. We revise § 61.17 to read as follows:

§ 61.17 Group Flood Insurance Policy.

(a) A Group Flood Insurance Policy (GFIP) is a policy covering all individuals named by a State as recipients under section 411 of the Stafford Act (42 U.S.C. 5178) of an Individual and Family Grant (IFG) program award for flood damage as a result of a major disaster declaration by the President.

(b) The premium for the GFIP is a flat fee of \$200 per policyholder. We may adjust the premium to reflect NFIP loss experience and any adjustment of benefits under the IFG program.

(c) The amount of coverage is equivalent to the maximum grant amount established under section 411 of the Stafford Act (42 U.S.C. 5178).

(d) The term of the GFIP is for 37 months and begins 60 days after the date of the disaster declaration.

(e) Coverage for individual grantees begins on the thirtieth day after the NFIP receives the required data for individual grantees and their premium payments.

(f) We will send a Certificate of Flood Insurance to each individual insured under the GFIP.

(g) The GFIP is the Standard Flood Insurance Policy Dwelling Form (a copy of which is included in Appendix A(1) of this part), except that:

(1) VI. DEDUCTIBLES does not apply to the GFIP. A special deductible of \$200 (applicable separately to any building loss and any contents loss) applies to insured flood-damage losses sustained by the insured property in the course of any subsequent flooding event during the term of the GFIP. The deductible does not apply to:

(i) III.C.2. Loss Avoidance Measures; or

(ii) III. C.3. Condominium Loss Assessments coverage.

(2) VII. GENERAL CONDITIONS, E. Cancellation of Policy by You, does not apply to the GFIP.

(3) VII. GENERAL CONDITIONS, H. Policy Renewal, does not apply to the GFIP.

(h) We will send a notice to the GFIP certificate holders approximately 60 days before the end of the thirty-seven month term of the GFIP. The notice will encourage them to contact a local insurance agent or producer or a private insurance company selling NFIP policies under the Write Your Own program of the NFIP to apply for a conventional NFIP Standard Flood Insurance Policy, and advise them as to the amount of coverage they must maintain in order not to jeopardize their eligibility for future disaster assistance. The IFG program will provide the NFIP the amount of flood insurance coverage to be maintained by certificate holders.

6. We revise Appendix A(1) to Part 61, Dwelling Form, to read as follows:

APPENDIX A(1) TO PART 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy

DWELLING FORM

Please read the policy carefully. The flood insurance provided is subject to limitations, restrictions, and exclusions. This policy covers only:

1. A non-condominium residential building designed for principal use as a dwelling place of one to four families, or
2. A single family dwelling unit in a condominium building.

I. Agreement

The Federal Emergency Management Agency (FEMA) provides flood insurance under the terms of the National Flood Insurance Act of 1968 and its Amendments, and Title 44 of the Code of Federal Regulations.

We will pay you for direct physical loss by or from flood to your insured property if you:

1. Have paid the correct premium;
2. Comply with all terms and conditions of this policy; and
3. Have furnished accurate information and statements.

We have the right to review the information you give us at any time and to revise your policy based on our review.

II. Definitions

A. In this policy, "you" and "your" refer to the insured(s) shown on the Declarations Page of this policy and your spouse, if a resident of the same household. Insured(s) includes: Any mortgagee and loss payee named in the Application and Declarations Page, as well as any other mortgagee or loss payee determined to exist at the time of loss in the order of precedence. "We," "us," and "our" refer to the insurer.

Some definitions are complex because they are provided as they appear in the law or regulations, or result from court cases. The precise definitions are intended to protect you.

Flood, as used in this flood insurance policy, means:

1. A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (one of which is your property) from:

- a. Overflow of inland or tidal waters,
- b. Unusual and rapid accumulation or runoff of surface waters from any source,
- c. Mudflow.

2. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined in A.1.a. above.

B. The following are the other key definitions we use in this policy:

1. **Act.** The National Flood Insurance Act of 1968 and any amendments to it.

2. **Actual Cash Value.** The cost to replace an insured item of property at the time of loss, less the value of its physical depreciation.

3. **Application.** The statement made and signed by you or your agent in applying for this policy. The application gives information we use to determine the eligibility of the risk, the kind of policy to be issued, and the correct premium payment. The application is part of this flood insurance policy. For us to issue you a policy, the correct premium payment must accompany the application.

4. *Base Flood.* A flood having a one percent chance of being equaled or exceeded in any given year.

5. *Basement.* Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

6. *Building.*

a. A structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

b. A manufactured home (a "manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

Building does not mean a gas or liquid storage tank or a recreational vehicle, park trailer or other similar vehicle, except as described in B.6.c. above.

7. *Cancellation.* The ending of the insurance coverage provided by this policy before the expiration date.

8. *Condominium.* That form of ownership of real property in which each unit owner has an undivided interest in common elements.

9. *Condominium Association.* The entity made up of the unit owners responsible for the maintenance and operation of:

a. Common elements owned in undivided shares by unit owners; and

b. Other real property in which the unit owners have use rights; where membership in the entity is a required condition of unit ownership.

10. *Declarations Page.* A computer-generated summary of information you provided in the application for insurance. The Declarations Page also describes the term of the policy, limits of coverage, and displays the premium and our name. The Declarations Page is a part of this flood insurance policy.

11. *Described Location.* The location where the insured building(s) or personal property are found. The described location is shown on the Declarations Page.

12. *Direct Physical Loss By or From Flood.* Loss or damage to insured property, directly caused by a flood. There must be evidence of physical changes to the property.

13. *Dwelling.* A building designed for use as a residence for no more than four families or a single-family unit in a building under a condominium form of ownership.

14. *Elevated Building.* A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

15. *Emergency Program.* The initial phase of a community's participation in the National Flood Insurance Program. During this phase, only limited amounts of insurance are available under the Act.

16. *Expense Constant.* A flat charge you must pay on each new or renewal policy to defray the expenses of the Federal Government related to flood insurance.

17. *Federal Policy Fee.* A flat charge you must pay on each new or renewal policy to

defray certain administrative expenses incurred in carrying out the National Flood Insurance Program. This fee covers expenses not covered by the Expense Constant.

18. *Improvements.* Fixtures, alterations, installations, or additions comprising a part of the insured dwelling or the apartment in which you reside.

19. *Mudflow.* A river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water. Other earth movements, such as landslide, slope failure, or a saturated soil mass moving by liquidity down a slope, are not mudflows.

20. *National Flood Insurance Program (NFIP).* The program of flood insurance coverage and floodplain management administered under the Act and applicable Federal regulations in Title 44 of the Code of Federal Regulations, Subchapter B.

21. *Policy.* The entire written contract between you and us. It includes:

a. This printed form;

b. The application and Declarations Page;

c. Any endorsement(s) that may be issued; and

d. Any renewal certificate indicating that coverage has been instituted for a new policy and new policy term.

Only one dwelling, which you specifically described in the application, may be insured under this policy.

22. *Pollutants.* Substances that include, but are not limited to, any solid, liquid, gaseous, or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. "Waste" includes, but is not limited to, materials to be recycled, reconditioned, or reclaimed.

23. *Post-FIRM Building.* A building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

24. *Probation Premium.* A flat charge you must pay on each new or renewal policy issued covering property in a community the NFIP has placed on probation under the provisions of 44 CFR 59.24.

25. *Regular Program.* The final phase of a community's participation in the National Flood Insurance Program. In this phase, a Flood Insurance Rate Map is in effect and full limits of coverage are available under the Act.

26. *Special Flood Hazard Area.* An area having special flood or mudflow, and/or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or V.

27. *Unit.* A single-family unit you own in a condominium building.

28. *Valued Policy.* A policy in which the insured and the insurer agree on the value of the property insured, that value being payable in the event of a total loss. The Standard Flood Insurance Policy is not a valued policy.

III. Property Covered

A. Coverage A—Building Property

We insure against direct physical loss by or from flood to:

1. The dwelling at the described location, or for a period of 45 days at another location as set forth in III.C.2.b., Property Removed to Safety.

2. Additions and extensions attached to and in contact with the dwelling by means of a rigid exterior wall, a solid load-bearing interior wall, a stairway, an elevated walkway, or a roof. At your option, additions and extensions connected by any of these methods may be separately insured. Additions and extensions attached to and in contact with the building by means of a common interior wall that is not a solid load-bearing wall are always considered part of the dwelling and cannot be separately insured.

3. A detached garage at the described location. Coverage is limited to no more than 10% of the limit of liability on the dwelling. Use of this insurance is at your option but reduces the building limit of liability. We do not cover any detached garage used or held for use for residential (i.e., dwelling), business, or farming purposes.

4. Materials and supplies to be used for construction, alteration, or repair of the dwelling or a detached garage while the materials and supplies are stored in a fully enclosed building at the described location or on an adjacent property.

5. A building under construction, alteration, or repair at the described location.

a. If the structure is not yet walled or roofed as described in the definition for building (see II.B.6.a.) then coverage applies:

(1) Only while such work is in progress; or
(2) If such work is halted, only for a period of up to 90 continuous days thereafter.

b. However, coverage does not apply until the building is walled and roofed if the lowest floor, including the basement floor, of a non-elevated building or the lowest elevated floor of an elevated building is:

(1) Below the base flood elevation in Zones AH, AE, A1-A30, AR, AR/AE, AR/AH, AR/A1-A30, AR/A, AR/AO; or

(2) Below the base flood elevation adjusted to include the effect of wave action in Zones VE or V1-V30.

The lowest floor levels are based on the bottom of the lowest horizontal structural member of the floor in Zones VE or V1-V30 and the top of the floor in Zones AH, AE, A1-A30, AR, AR/AE, AR/AH, AR/A1-A30, AR/A, AR/AO.

6. A manufactured home or a travel trailer as described in the Definitions section (see II.B.6.b. and II.B.6.c.).

If the manufactured home or travel trailer is in a special flood hazard area, it must be anchored in the following manner at the time of the loss:

a. By over-the-top or frame ties to ground anchors; or

b. In accordance with the manufacturer's specifications; or

c. In compliance with the community's floodplain management requirements unless it has been continuously insured by the NFIP at the same described location since September 30, 1982.

7. The following items of property which are covered under Coverage A only:

a. Awnings and canopies;

b. Blinds;

- c. Built-in dishwashers;
 - d. Built-in microwave ovens;
 - e. Carpet permanently installed over unfinished flooring;
 - f. Central air conditioners;
 - g. Elevator equipment;
 - h. Fire sprinkler systems;
 - i. Walk-in freezers;
 - j. Furnaces and radiators;
 - k. Garbage disposal units;
 - l. Hot water heaters, including solar water heaters;
 - m. Light fixtures;
 - n. Outdoor antennas and aerials fastened to buildings;
 - o. Permanently installed cupboards, bookcases, cabinets, paneling, and wallpaper;
 - p. Plumbing fixtures;
 - q. Pumps and machinery for operating pumps;
 - r. Ranges, cooking stoves, and ovens;
 - s. Refrigerators; and
 - t. Wall mirrors, permanently installed.
8. Items of property in a building enclosure below the lowest elevated floor of an elevated post-FIRM building located in Zones A1–A30, AE, AH, AR, AR/A, AR/AE, AR/AH, AR/A1–A30, V1–V30, or VE, or in a basement, regardless of the zone. Coverage is limited to the following:
- a. Any of the following items, if installed in their functioning locations and, if necessary for operation, connected to a power source:
 - (1) Central air conditioners;
 - (2) Cisterns and the water in them;
 - (3) Drywall for walls and ceilings in a basement and the cost of labor to nail it, unfinished and unfloated and not taped, to the framing;
 - (4) Electrical junction and circuit breaker boxes;
 - (5) Electrical outlets and switches;
 - (6) Elevators, dumbwaiters and related equipment, except for related equipment installed below the base flood elevation after September 30, 1987;
 - (7) Fuel tanks and the fuel in them;
 - (8) Furnaces and hot water heaters;
 - (9) Heat pumps;
 - (10) Nonflammable insulation in a basement;
 - (11) Pumps and tanks used in solar energy systems;
 - (12) Stairways and staircases attached to the building, not separated from it by elevated walkways;
 - (13) Sump pumps;
 - (14) Water softeners and the chemicals in them, water filters, and faucets installed as an integral part of the plumbing system;
 - (15) Well water tanks and pumps;
 - (16) Required utility connections for any item in this list; and
 - (17) Footings, foundations, posts, pilings, piers, or other foundation walls and anchorage systems required to support a building.
 - b. Clean-up.

B. Coverage B—Personal Property

- 1. If you have purchased personal property coverage, we insure against direct physical loss by or from flood to personal property inside a building at the described location, if:
 - a. The property is owned by you or your household family members; and

- b. At your option, the property is owned by guests or servants.

Personal property is also covered for a period of 45 days at another location as set forth in III.C.2.b., Property Removed to Safety.

Personal property in a building that is not fully enclosed must be secured to prevent flotation out of the building. If the personal property does float out during a flood, it will be conclusively presumed that it was not reasonably secured. In that case there is no coverage for such property.

2. Coverage for personal property includes the following property, subject to B.1. above, which is covered under Coverage B only:

- a. Air conditioning units, portable or window type;
- b. Carpets, not permanently installed, over unfinished flooring;
- c. Carpets over finished flooring;
- d. Clothes washers and dryers;
- e. “Cook-out” grills;
- f. Food freezers, other than walk-in, and food in any freezer; and
- g. Portable microwave ovens and portable dishwashers.

3. Coverage for items of property in a building enclosure below the lowest elevated floor of an elevated post-FIRM building located in Zones A1–A30, AE, AH, AR, AR/A, AR/AE, AR/AH, AR/A1–A30, V1–V30, or VE, or in a basement, regardless of the zone, is limited to the following items, if installed in their functioning locations and, if necessary for operation, connected to a power source:

- a. Air conditioning units, portable or window type;
- b. Clothes washers and dryers; and
- c. Food freezers, other than walk-in, and food in any freezer.

4. If you are a tenant and have insured personal property under Coverage B in this policy, we will cover such property, including your cooking stove or range and refrigerator. The policy will also cover improvements made or acquired solely at your expense in the dwelling or apartment in which you reside, but for not more than 10% of the limit of liability shown for personal property on the Declarations Page. Use of this insurance is at your option but reduces the personal property limit of liability.

5. If you are the owner of a unit and have insured personal property under Coverage B in this policy, we will also cover your interior walls, floor, and ceiling (not otherwise covered under a flood insurance policy purchased by your condominium association) for not more than 10% of the limit of liability shown for personal property on the Declarations Page. Use of this insurance is at your option but reduces the personal property limit of liability.

6. Special Limits. We will pay no more than \$2,500 for any one loss to one or more of the following kinds of personal property:

- a. Artwork, photographs, collectibles, or memorabilia, including but not limited to, porcelain or other figures, and sports cards;
- b. Rare books or autographed items;
- c. Jewelry, watches, precious and semi-precious stones, or articles of gold, silver, or platinum;
- d. Furs or any article containing fur which represents its principal value; or

- e. Personal property used in any business.
- 7. We will pay only for the functional value of antiques.

C. Coverage C—Other Coverages

1. Debris Removal.

a. We will pay the expense to remove non-owned debris that is on or in insured property and debris of insured property anywhere.

b. If you or a member of your household perform the removal work, the value of your work will be based on the Federal minimum wage.

c. This coverage does not increase the Coverage A or Coverage B Limit of Liability.

2. Loss Avoidance Measures

a. Sandbags, Supplies, and Labor

(1) We will pay up to \$1,000 for costs you incur to protect the insured building from a flood or imminent danger of flood, for the following:

- (a) Your reasonable expenses to buy:
 - (i) Sandbags, including sand to fill them;
 - (ii) Fill for temporary levees;
 - (iii) Pumps; and
 - (iv) Plastic sheeting and lumber used in connection with these items.

(b) The value of work, at the Federal minimum wage, that you or a member of your household perform.

(2) This coverage for Sandbags, Supplies and Labor only applies if damage to insured property by or from flood is imminent and the threat of flood damage is apparent enough to lead a person of common prudence to anticipate flood damage. One of the following must also occur:

(a) A general and temporary condition of flooding in the area near the described location must occur, even if the flood does not reach the building; or

(b) A legally authorized official must issue an evacuation order or other civil order for the community in which the building is located calling for measures to preserve life and property from the peril of flood.

This coverage does not increase the Coverage A or Coverage B Limit of Liability.

b. Property Removed to Safety

(1) We will pay up to \$1,000 for the reasonable expenses you incur to move insured property to a place other than the described location that contains the property in order to protect it from flood or the imminent danger of flood.

Reasonable expenses include the value of work, at the Federal minimum wage, you or a member of your household perform.

(2) If you move insured property to a location other than the described location that contains the property, in order to protect it from flood or the imminent danger of flood, we will cover such property while at that location for a period of 45 consecutive days from the date you begin to move it there. The personal property that is moved must be placed in a fully enclosed building or otherwise reasonably protected from the elements.

Any property removed, including a moveable home described in II.6.b. and c., must be placed above ground level or outside of the special flood hazard area.

This coverage does not increase the Coverage A or Coverage B Limit of Liability.

3. Condominium Loss Assessments.

a. If this policy insures a unit, we will pay, up to the Coverage A limit of liability, your share of loss assessments charged against you by the condominium association in accordance with the condominium association's articles of association, declarations and your deed.

The assessment must be made as a result of direct physical loss by or from flood during the policy term, to the building's common elements.

b. We will not pay any loss assessment charged against you:

(1) And the condominium association by any governmental body;

(2) That results from a deductible under the insurance purchased by the condominium association insuring common elements;

(3) That results from a loss to personal property, including contents of a condominium building;

(4) That results from a loss sustained by the condominium association that was not reimbursed under a flood insurance policy written in the name of the association under the Act because the building was not, at the time of loss, insured for an amount equal to the lesser of:

(a) 80% or more of its full replacement cost; or

(b) The maximum amount of insurance permitted under the Act;

(5) To the extent that payment under this policy for a condominium building loss, in combination with payments under any other NFIP policies for the same building loss, exceeds the maximum amount of insurance permitted under the Act for that kind of building; or

(6) To the extent that payment under this policy for a condominium building loss, in combination with any recovery available to you as a tenant in common under any NFIP condominium association policies for the same building loss, exceeds the amount of insurance permitted under the Act for a single-family dwelling.

Loss assessment coverage does not increase the Coverage A Limit of Liability.

D. Coverage D—Increased Cost of Compliance

1. General.

This policy pays you to comply with a State or local floodplain management law or ordinance affecting repair or reconstruction of a structure suffering flood damage. Compliance activities eligible for payment are: elevation, floodproofing, relocation, or demolition (or any combination of these activities) of your structure. Eligible floodproofing activities are limited to:

a. Non-residential structures.

b. Residential structures with basements that satisfy FEMA's standards published in the Code of Federal Regulations [44 CFR 60.6 (b) or (c)].

2. Limit of Liability.

We will pay you up to \$20,000 under this Coverage D—Increased Cost of Compliance, which only applies to policies with building coverage (Coverage A). Our payment of claims under Coverage D is in addition to the amount of coverage which you selected on

the application and which appears on the Declarations Page. But the maximum you can declare under this policy for both Coverage A—Building Property and Coverage D—Increased Cost of Compliance cannot exceed the maximum permitted under the Act. We do not charge a separate deductible for a claim under Coverage D.

3. Eligibility

a. A structure covered under Coverage A—Building Property sustaining a loss caused by a flood as defined by this policy must:

(1) Be a "repetitive loss structure." A repetitive loss structure is one that meets the following conditions:

(a) The structure is covered by a contract of flood insurance issued under the NFIP.

(b) The structure has suffered flood damage on two occasions during a 10-year period which ends on the date of the second loss.

(c) The cost to repair the flood damage, on average, equaled or exceeded 25% of the market value of the structure at the time of each flood loss.

(d) In addition to the current claim, the NFIP must have paid the previous qualifying claim, and the State or community must have a cumulative, substantial damage provision or repetitive loss provision in its floodplain management law or ordinance being enforced against the structure; or

(2) Be a structure that has had flood damage in which the cost to repair equals or exceeds 50% of the market value of the structure at the time of the flood. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.

b. This Coverage D pays you to comply with State or local floodplain management laws or ordinances that meet the minimum standards of the National Flood Insurance Program found in the Code of Federal Regulations at 44 CFR 60.3. We pay for compliance activities that exceed those standards under these conditions:

(1) 3.a.(1) above.

(2) Elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood elevations are being increased, and a flood-damaged structure must comply with the higher advisory base flood elevation.) Increased Cost of Compliance coverage does not apply to situations in B, C, X, or D zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.

(3) Elevation or floodproofing above the base flood elevation to meet State or local "freeboard" requirements, *i.e.*, that a structure must be elevated above the base flood elevation.

c. Under the minimum NFIP criteria at 44 CFR 60.3(b)(4), States and communities must require the elevation or floodproofing of

structures in unnumbered A zones to the base flood elevation where elevation data is obtained from a Federal, State, or other source. Such compliance activities are also eligible for Coverage D.

d. This coverage will also pay for the incremental cost, after demolition or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion D.5.g. below.

e. This coverage will also pay to bring a flood-damaged structure into compliance with state or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

4. Conditions.

a. When a structure covered under Coverage A—Building Property sustains a loss caused by a flood, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, or demolish (or any combination of these activities) caused by the enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building debris or a portion thereof caused by the enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

b. When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

5. Exclusions.

Under this Coverage D (Increased Cost of Compliance) we will not pay for:

a. The cost to comply with any floodplain management law or ordinance in communities participating in the Emergency Program.

b. The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants.

c. The loss in value to any insured building or other structure due to the requirements of any ordinance or law.

d. The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

e. Any Increased Cost of Compliance under this Coverage D:

(1) Until the building is elevated, floodproofed, demolished, or relocated on the same or to another premises; and

(2) Unless the building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed two years.

f. Any code upgrade requirements, *e.g.*, plumbing or electrical wiring, not

specifically related to the State or local floodplain management law or ordinance.

g. Any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

h. Loss due to any ordinance or law that you were required to comply with before the current loss.

i. Any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

j. Increased Cost of Compliance for a garage or carport.

k. Any structure insured under an NFIP Group Flood Insurance Policy.

l. Assessments made by a condominium association on individual condominium unit owners to pay increased costs of repairing commonly owned buildings after a flood in compliance with State or local floodplain management ordinances or laws.

6. Other Provisions.

a. Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the 80% insurance-to-value requirement for replacement cost coverage as set forth in VII. General Conditions, V. Loss Settlement.

b. All other conditions and provisions of the policy apply.

IV. Property Not Covered

We do not cover any of the following:

1. Personal property not inside a building;

2. A building, and personal property in it, located entirely in, on, or over water or seaward of mean high tide if it was constructed or substantially improved after September 30, 1982;

3. Open structures, including a building used as a boathouse or any structure or building into which boats are floated, and personal property located in, on, or over water;

4. Recreational vehicles other than travel trailers described in the Definitions section (see II.B.6.c.) whether affixed to a permanent foundation or on wheels;

5. Self-propelled vehicles or machines, including their parts and equipment. However, we do cover self-propelled vehicles or machines not licensed for use on public roads that are:

a. Used mainly to service the described location or

b. Designed and used to assist handicapped persons, while the vehicles or machines are inside a building at the described location;

6. Land, land values, lawns, trees, shrubs, plants, growing crops, or animals;

7. Accounts, bills, coins, currency, deeds, evidences of debt, medals, money, scrip, stored value cards, postage stamps, securities, bullion, manuscripts, or other valuable papers;

8. Underground structures and equipment, including wells, septic tanks, and septic systems;

9. Those portions of walks, walkways, decks, driveways, patios and other surfaces,

all whether protected by a roof or not, located outside the perimeter, exterior walls of the insured building or the building in which the insured unit is located;

10. Containers, including related equipment, such as, but not limited to, tanks containing gases or liquids;

11. Buildings or units and all their contents if more than 49% of the actual cash value of the building is below ground, unless the lowest level is at or above the base flood elevation and is below ground by reason of earth having been used as insulation material in conjunction with energy efficient building techniques;

12. Fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks;

13. Aircraft or watercraft, or their furnishings and equipment;

14. Hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment, such as, but not limited to, heaters, filters, pumps, and pipes, wherever located;

15. Property not eligible for flood insurance pursuant to the provisions of the Coastal Barrier Resources Act and the Coastal Barrier Improvement Act and amendments to these Acts;

16. Personal property you own in common with other unit owners comprising the membership of a condominium association.

V. Exclusions

A. We only pay for direct physical loss by or from flood, which means that we do not pay you for:

1. Loss of revenue or profits;

2. Loss of access to the insured property or described location;

3. Loss of use of the insured property or described location;

4. Loss from interruption of business or production;

5. Any additional living expenses incurred while the insured building is being repaired or is unable to be occupied for any reason;

6. The cost of complying with any ordinance or law requiring or regulating the construction, demolition, remodeling, renovation, or repair of property, including removal of any resulting debris. This exclusion does not apply to any eligible activities we describe in Coverage D—Increased Cost of Compliance; or

7. Any other economic loss you suffer.

B. We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date:

1. The policy term begins; or

2. Coverage is added at your request.

C. We do not insure for loss to property caused directly by earth movement even if the earth movement is caused by flood. Some examples of earth movement that we do not cover are:

1. Earthquake;

2. Landslide;

3. Land subsidence;

4. Sinkholes;

5. Destabilization or movement of land that results from accumulation of water in subsurface land area; or

6. Gradual erosion.

We do, however, pay for losses from mudflow and land subsidence as a result of

erosion that are specifically covered under our definition of flood (see II.A.1.c. and II.A.2.).

D. We do not insure for direct physical loss caused directly or indirectly by any of the following:

1. The pressure or weight of ice;

2. Freezing or thawing;

3. Rain, snow, sleet, hail, or water spray;

4. Water, moisture, mildew, or mold damage that results primarily from any condition:

a. Substantially confined to the dwelling;

or

b. That is within your control, including but not limited to:

(1) Design, structural, or mechanical defects;

(2) Failure, stoppage, or breakage of water or sewer lines, drains, pumps, fixtures, or equipment; or

(3) Failure to inspect and maintain the property after a flood recedes;

5. Water or water-borne material that:

a. Backs up through sewers or drains;

b. Discharges or overflows from a sump, sump pump or related equipment; or

c. Seeps or leaks on or through the covered property;

unless there is a flood in the area and the flood is the proximate cause of the sewer or drain backup, sump pump discharge or overflow, or the seepage of water;

6. The pressure or weight of water unless there is a flood in the area and the flood is the proximate cause of the damage from the pressure or weight of water;

7. Power, heating, or cooling failure unless the failure results from direct physical loss by or from flood to power, heating, or cooling equipment on the described location;

8. Theft, fire, explosion, wind, or windstorm;

9. Anything you or any member of your household do or conspires to do to deliberately cause loss by flood; or

10. Alteration of the insured property that significantly increases the risk of flooding.

E. We do not insure for loss to any building or personal property located on land leased from the Federal Government, arising from or incident to the flooding of the land by the Federal Government, where the lease expressly holds the Federal Government harmless under flood insurance issued under any Federal Government program.

F. We do not pay for the testing for or monitoring of pollutants unless required by law or ordinance.

VI. Deductibles

A. When a loss is covered under this policy, we will pay only that part of the loss that exceeds your deductible amount, subject to the limit of liability that applies. The deductible amount is shown on the Declarations Page.

However, when a building under construction, alteration, or repair does not have at least two rigid exterior walls and a fully secured roof at the time of loss, your deductible amount will be two times the deductible that would otherwise apply to a completed building.

B. In each loss from flood, separate deductibles apply to the building and personal property insured by this policy.

C. The deductible does NOT apply to:

1. III.C.2. Loss Avoidance Measures;
2. III.C.3. Condominium Loss Assessments;

or

3. III.D. Increased Cost of Compliance.

VII. General Conditions

A. Pair and Set Clause

In case of loss to an article that is part of a pair or set, we will have the option of paying you:

1. An amount equal to the cost of replacing the lost, damaged, or destroyed article, minus its depreciation, or

2. The amount that represents the fair proportion of the total value of the pair or set that the lost, damaged, or destroyed article bears to the pair or set.

B. Concealment or Fraud and Policy Voidance

1. With respect to all insureds under this policy, this policy:

- a. Is void;
- b. Has no legal force or effect;
- c. Cannot be renewed; and
- d. Cannot be replaced by a new NFIP

policy, if, before or after a loss, you or any other insured or your agent have at any time:

- (1) Intentionally concealed or misrepresented any material fact or circumstance;
- (2) Engaged in fraudulent conduct; or
- (3) Made false statements; relating to this policy or any other NFIP insurance.

2. This policy will be void as of the date wrongful acts described in B.1.above were committed.

3. Fines, civil penalties, and imprisonment under applicable Federal laws may also apply to the acts of fraud or concealment described above.

4. This policy is also void for reasons other than fraud, misrepresentation, or wrongful act. This policy is void from its inception and has no legal force under the following conditions:

- a. If the property is located in a community that was not participating in the NFIP on the policy's inception date and did not join or reenter the program during the policy term and before the loss occurred; or

- b. If the property listed on the application is otherwise not eligible for coverage under the NFIP.

C. Other Insurance

1. If a loss covered by this policy is also covered by other insurance that includes flood coverage not issued under the Act, we will not pay more than the amount of insurance you are entitled to for lost, damaged, or destroyed property insured under this policy subject to the following:

- a. We will pay only the proportion of the loss that the amount of insurance that applies under this policy bears to the total amount of insurance covering the loss, unless C.1.b. or c. immediately below applies.

- b. If the other policy has a provision stating that it is excess insurance, this policy will be primary.

- c. This policy will be primary (but subject to its own deductible) up to the deductible in the other flood policy (except another policy as described in C.1.b. above). When

the other deductible amount is reached, this policy will participate in the same proportion that the amount of insurance under this policy bears to the total amount of both policies, for the remainder of the loss.

2. If there is other insurance in the name of your condominium association covering the same property covered by this policy, then this policy will be in excess over the other insurance.

D. Amendments, Waivers, Assignment

This policy cannot be changed nor can any of its provisions be waived without the express written consent of the Federal Insurance Administrator. No action we take under the terms of this policy constitutes a waiver of any of our rights. You may assign this policy in writing when you transfer title of your property to someone else except under these conditions:

1. When this policy covers only personal property; or
2. When this policy covers a structure during the course of construction.

E. Cancellation of the Policy by You

1. You may cancel this policy in accordance with the applicable rules and regulations of the NFIP.

2. If you cancel this policy, you may be entitled to a full or partial refund of premium also under the applicable rules and regulations of the NFIP.

F. Non-Renewal of the Policy by Us

Your policy will not be renewed:

1. If the community where your covered property is located stops participating in the NFIP, or
2. If your building has been declared ineligible under section 1316 of the Act.

G. Reduction and Reformation of Coverage

1. If the premium we received from you was not enough to buy the kind and amount of coverage you requested, we will provide only the amount of coverage that can be purchased for the premium payment we received.

2. The policy can be reformed to increase the amount of coverage resulting from the reduction described in G.1. above to the amount you requested as follows:

- a. Discovery of Insufficient Premium or Incomplete Rating Information Before a Loss:

- (1) If we discover before you have a flood loss that your premium payment was not enough to buy the requested amount of coverage, we will send you and any mortgagee or trustee known to us a bill for the required additional premium for the current policy term (or that portion of the current policy term following any endorsement changing the amount of coverage). If you or the mortgagee or trustee pay the additional premium within 30 days from the date of our bill, we will reform the policy to increase the amount of coverage to the originally requested amount effective to the beginning of the current policy term (or subsequent date of any endorsement changing the amount of coverage).

- (2) If we determine before you have a flood loss that the rating information we have is incomplete and prevents us from calculating the additional premium, we will ask you to

send the required information. You must submit the information within 60 days of our request. Once we determine the amount of additional premium for the current policy term, we will follow the procedure in G.2.a.(1) above.

- (3) If we do not receive the additional premium (or additional information) by the date it is due, the amount of coverage can only be increased by endorsement subject to any appropriate waiting period.

- b. Discovery of Insufficient Premium or Incomplete Rating Information After a Loss:

- (1) If we discover after you have a flood loss that your premium payment was not enough to buy the requested amount of coverage, we will send you and any mortgagee or trustee known to us a bill for the required additional premium for the current and the prior policy terms. If you or the mortgagee or trustee pay the additional premium within 30 days of the date of our bill, we will reform the policy to increase the amount of coverage to the originally requested amount effective to the beginning of the prior policy term.

- (2) If we discover after you have a flood loss that the rating information we have is incomplete and prevents us from calculating the additional premium, we will ask you to send the required information. You must submit the information before your claim can be paid. Once we determine the amount of additional premium for the current and prior policy terms, we will follow the procedure in G.2.b.(1) above.

- (3) If we do not receive the additional premium by the date it is due, your flood insurance claim will be settled based on the reduced amount of coverage. The amount of coverage can only be increased by endorsement subject to any appropriate waiting period.

3. However, if we find that you or your agent intentionally did not tell us, or falsified, any important fact or circumstance or did anything fraudulent relating to this insurance, the provisions of Condition B. Concealment or Fraud and Policy Voidance apply.

H. Policy Renewal

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

- a. If you or your agent notified us, not later than one year after the date on which the payment of the renewal premium was due, of non-receipt of a renewal notice before the due date for the renewal premium, and we determine that the circumstances in the preceding paragraph apply, we will mail a second bill providing a revised due date, which will be 30 days after the date on which the bill is mailed.

- b. If we do not receive the premium requested in the second bill by the revised

due date, then we will not renew the policy. In that case, the policy will remain an expired policy as of the expiration date shown on the Declarations Page.

4. In connection with the renewal of this policy, we may ask you during the policy term to recertify, on a Recertification Questionnaire we will provide to you, the rating information used to rate your most recent application for or renewal of insurance.

I. Conditions Suspending or Restricting Insurance

We are not liable for loss that occurs while there is a hazard that is increased by any means within your control or knowledge.

J. Requirements in Case of Loss

In case of a flood loss to insured property, you must:

1. Give prompt written notice to us;
2. As soon as reasonably possible, separate the damaged and undamaged property, putting it in the best possible order so that we may examine it;
3. Prepare an inventory of damaged property showing the quantity, description, actual cash value, and amount of loss. Attach all bills, receipts, and related documents;
4. Within 60 days after the loss, send us a proof of loss, which is your statement of the amount you are claiming under the policy signed and sworn to by you, and which furnishes us with the following information:
 - a. The date and time of loss;
 - b. A brief explanation of how the loss happened;
 - c. Your interest (for example, "owner") and the interest, if any, of others in the damaged property;
 - d. Details of any other insurance that may cover the loss;
 - e. Changes in title or occupancy of the covered property during the term of the policy;
 - f. Specifications of damaged buildings and detailed repair estimates;
 - g. Names of mortgagees or anyone else having a lien, charge, or claim against the insured property;
 - h. Details about who occupied any insured building at the time of loss and for what purpose; and
 - i. The inventory of damaged personal property described in J.3. above.

5. In completing the proof of loss, you must use your own judgment concerning the amount of loss and justify that amount.

6. You must cooperate with the adjuster or representative in the investigation of the claim.

7. The insurance adjuster whom we hire to investigate your claim may furnish you with a proof of loss form, and she or he may help you complete it. However, this is a matter of courtesy only, and you must still send us a proof of loss within 60 days after the loss even if the adjuster does not furnish the form or help you complete it.

8. We have not authorized the adjuster to approve or disapprove claims or to tell you whether we will approve your claim.

9. At our option, we may accept the adjuster's report of the loss instead of your proof of loss. The adjuster's report will

include information about your loss and the damages you sustained. You must sign the adjuster's report. At our option, we may require you to swear to the report.

K. Our Options After a Loss

Options we may, in our sole discretion, exercise after loss include the following:

1. At such reasonable times and places that we may designate, you must:

- a. Show us or our representative the damaged property;
- b. Submit to examination under oath, while not in the presence of another insured, and sign the same; and
- c. Permit us to examine and make extracts and copies of:

(1) Any policies of property insurance insuring you against loss and the deed establishing your ownership of the insured real property;

(2) Condominium association documents including the Declarations of the condominium, its Articles of Association or Incorporation, Bylaws, rules and regulations, and other relevant documents if you are a unit owner in a condominium building; and

(3) All books of accounts, bills, invoices and other vouchers, or certified copies pertaining to the damaged property if the originals are lost.

2. We may request, in writing, that you furnish us with a complete inventory of the lost, damaged or destroyed property, including:

- a. Quantities and costs;
- b. Actual cash values or replacement cost (whichever is appropriate);
- c. Amounts of loss claimed;
- d. Any written plans and specifications for repair of the damaged property that you can reasonably make available to us; and
- e. Evidence that prior flood damage has been repaired.

3. If we give you written notice within 30 days after we receive your signed, sworn proof of loss, we may:

- a. Repair, rebuild, or replace any part of the lost, damaged, or destroyed property with material or property of like kind and quality or its functional equivalent; and
- b. Take all or any part of the damaged property at the value that we agree upon or its appraised value.

L. No Benefit to Bailee

No person or organization, other than you, having custody of covered property will benefit from this insurance.

M. Loss Payment

1. We will adjust all losses with you. We will pay you unless some other person or entity is named in the policy or is legally entitled to receive payment. Loss will be payable 60 days after we receive your proof of loss (or within 90 days after the insurance adjuster files the adjuster's report signed and sworn to by you in lieu of a proof of loss) and:

- a. We reach an agreement with you;
- b. There is an entry of a final judgment; or
- c. There is a filing of an appraisal award with us, as provided in VII. P.

2. If we reject your proof of loss in whole or in part you may:

- a. Accept our denial of your claim;

- b. Exercise your rights under this policy; or
- c. File an amended proof of loss as long as it is filed within 60 days of the date of the loss.

N. Abandonment

You may not abandon to us damaged or undamaged property insured under this policy.

O. Salvage

We may permit you to keep damaged property insured under this policy after a loss, and we will reduce the amount of the loss proceeds payable to you under the policy by the value of the salvage.

P. Appraisal

If you and we fail to agree on the actual cash value or, if applicable, replacement cost of your damaged property to settle upon the amount of loss, then either may demand an appraisal of the loss. In this event, you and we will each choose a competent and impartial appraiser within 20 days after receiving a written request from the other. The two appraisers will choose an umpire. If they cannot agree upon an umpire within 15 days, you or we may request that the choice be made by a judge of a court of record in the state where the covered property is located. The appraisers will separately state the actual cash value, the replacement cost, and the amount of loss to each item. If the appraisers submit a written report of an agreement to us, the amount agreed upon will be the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will set the amount of actual cash value and loss, or if it applies, the replacement cost and loss.

Each party will:

1. Pay its own appraiser; and
2. Bear the other expenses of the appraisal and umpire equally.

Q. Mortgage Clause

The word "mortgagee" includes trustee.

Any loss payable under Coverage A—Building Property will be paid to any mortgagee of whom we have actual notice, as well as any other mortgagee or loss payee determined to exist at the time of loss, and you, as interests appear. If more than one mortgagee is named, the order of payment will be the same as the order of precedence of the mortgages.

If we deny your claim, that denial will not apply to a valid claim of the mortgagee, if the mortgagee:

1. Notifies us of any change in the ownership or occupancy, or substantial change in risk of which the mortgagee is aware;
2. Pays any premium due under this policy on demand if you have neglected to pay the premium; and
3. Submits a signed, sworn proof of loss within 60 days after receiving notice from us of your failure to do so.

All of the terms of this policy apply to the mortgagee.

The mortgagee has the right to receive loss payment even if the mortgagee has started foreclosure or similar action on the building.

If we decide to cancel or not renew this policy, it will continue in effect for the benefit of the mortgagee only for 30 days after we notify the mortgagee of the cancellation or non-renewal.

If we pay the mortgagee for any loss and deny payment to you, we are subrogated to all the rights of the mortgagee granted under the mortgage on the property. Subrogation will not impair the right of the mortgagee to recover the full amount of the mortgagee's claim.

R. Suit Against Us

You may not sue us to recover money under this policy unless you have complied with all the requirements of the policy. If you do sue, you must start the suit within one year after the date of the written denial of all or part of the claim, and you must file the suit in the United States District Court of the district in which the covered property was located at the time of loss. This requirement applies to any claim that you may have under this policy and to any dispute that you may have arising out of the handling of any claim under the policy.

S. Subrogation

Whenever we make a payment for a loss under this policy, we are subrogated to your right to recover for that loss from any other person. That means that your right to recover for a loss that was partly or totally caused by someone else is automatically transferred to us, to the extent that we have paid you for the loss. We may require you to acknowledge this transfer in writing. After the loss, you may not give up our right to recover this money or do anything that would prevent us from recovering it. If you make any claim against any person who caused your loss and recover any money, you must pay us back first before you may keep any of that money.

T. Continuous Lake Flooding

1. If an insured building has been flooded by rising lake waters continuously for 90 days or more and it appears reasonably certain that a continuation of this flooding will result in a covered loss to the insured building equal to or greater than the building policy limits plus the deductible or the maximum payable under the policy for any one building loss, we will pay you the lesser of these two amounts without waiting for the further damage to occur if you sign a release agreeing:

- a. To make no further claim under this policy;
- b. Not to seek renewal of this policy;
- c. Not to apply for any flood insurance under the Act for property at the described location; and
- d. Not to seek a premium refund for current or prior terms.

If the policy term ends before the insured building has been flooded continuously for 90 days, the provisions of this paragraph T.1. will apply when the insured building suffers a covered loss before the policy term ends.

2. If your insured building is subject to continuous lake flooding from a closed basin lake, you may elect to file a claim under either paragraph T.1. above or T.2. (A "closed basin lake" is a natural lake from which water leaves primarily through evaporation

and whose surface area now exceeds or has exceeded one square mile at any time in the recorded past. Most of the nation's closed basin lakes are in the western half of the United States where annual evaporation exceeds annual precipitation and where lake levels and surface areas are subject to considerable fluctuation due to wide variations in the climate. These lakes may overtop their basins on rare occasions.) Under this paragraph T.2., we will pay your claim as if the building is a total loss even though it has not been continuously inundated for 90 days, subject to the following conditions:

a. Lake flood waters must damage or imminently threaten to damage your building.

b. Before approval of your claim, you must:

(1) Agree to a claim payment that reflects your buying back the salvage on a negotiated basis; and

(2) Grant the conservation easement described in FEMA's "Policy Guidance for Closed Basin Lakes" to be recorded in the office of the local recorder of deeds. FEMA, in consultation with the community in which the property is located, will identify on a map an area or areas of special consideration (ASC) in which there is a potential for flood damage from continuous lake flooding. FEMA will give the community the agreed-upon map showing the ASC. This easement will only apply to that portion of the property in the ASC. It will allow certain agricultural and recreational uses of the land. The only structures it will allow on any portion of the property within the ASC are certain simple agricultural and recreational structures. If any of these allowable structures are insurable buildings under the NFIP and are insured under the NFIP, they will not be eligible for the benefits of this paragraph T.2. If a U.S. Army Corps of Engineers certified flood control project or otherwise certified flood control project later protects the property, FEMA will, upon request, amend the ASC to remove areas protected by those projects. The restrictions of the easement will then no longer apply to any portion of the property removed from the ASC; and

(3) Comply with paragraphs T.1.a. through T.1.d. above.

c. Within 90 days of approval of your claim, you must move your building to a new location outside the ASC. FEMA will give you an additional 30 days to move if you show there is sufficient reason to extend the time.

d. Before the final payment of your claim, you must acquire an elevation certificate and a floodplain development permit from the local floodplain administrator for the new location of your building.

e. Before the approval of your claim, the community having jurisdiction over your building must:

(1) Adopt a permanent land use ordinance, or a temporary moratorium for a period not to exceed 6 months to be followed immediately by a permanent land use ordinance, that is consistent with the provisions specified in the easement required in paragraph T.2.b. above.

(2) Agree to declare and report any violations of this ordinance to FEMA so that

under Section 1316 of the National Flood Insurance Act of 1968, as amended, flood insurance to the building can be denied; and

(3) Agree to maintain as deed-restricted, for purposes compatible with open space or agricultural or recreational use only, any affected property the community acquires an interest in. These deed restrictions must be consistent with the provisions of paragraph T.2.b. above, except that, even if a certified project protects the property, the land use restrictions continue to apply if the property was acquired under the Hazard Mitigation Grant Program or the Flood Mitigation Assistance Program. If a non-profit land trust organization receives the property as a donation, that organization must maintain the property as deed-restricted, consistent with the provisions of paragraph T.2.b. above.

f. Before the approval of your claim, the affected State must take all action set forth in FEMA's "Policy Guidance for Closed Basin Lakes."

g. You must have NFIP flood insurance coverage continuously in effect from a date established by FEMA until you file a claim under paragraph T.2. If a subsequent owner buys NFIP insurance that goes into effect within 60 days of the date of transfer of title, any gap in coverage during that 60-day period will not be a violation of this continuous coverage requirement. For the purpose of honoring a claim under this paragraph T.2, we will not consider to be in effect any increased coverage that became effective after the date established by FEMA. The exception to this is any increased coverage in the amount suggested by your insurer as an inflation adjustment.

h. This paragraph T.2. will be in effect for a community when the FEMA Regional Director for the affected region provides to the community, in writing, the following:

(1) Confirmation that the community and the State are in compliance with the conditions in paragraphs T.2.e. and T.2.f. above, and

(2) The date by which you must have flood insurance in effect.

U. Duplicate Policies Not Allowed

1. We will not insure your property under more than one NFIP policy.

If we find that the duplication was not knowingly created, we will give you written notice. The notice will advise you that you may choose one of several options under the following procedures:

a. If you choose to keep in effect the policy with the earlier effective date, you may also choose to add the coverage limits of the later policy to the limits of the earlier policy. The change will become effective as of the effective date of the later policy.

b. If you choose to keep in effect the policy with the later effective date, you may also choose to add the coverage limits of the earlier policy to the limits of the later policy. The change will be effective as of the effective date of the later policy.

In either case, you must pay the pro rata premium for the increased coverage limits within 30 days of the written notice. In no event will the resulting coverage limits exceed the permissible limits of coverage

under the Act or your insurable interest, whichever is less. We will make a refund to you, according to applicable NFIP rules, of the premium for the policy not being kept in effect.

2. Your option under Condition U. Duplicate Policies Not Allowed to elect which NFIP policy to keep in effect does not apply when duplicates have been knowingly created. Losses occurring under such circumstances will be adjusted according to the terms and conditions of the earlier policy. The policy with the later effective date must be canceled.

V. Loss Settlement

1. Introduction

This policy provides three methods of settling losses: Replacement Cost, Special Loss Settlement, and Actual Cash Value. Each method is used for a different type of property, as explained in a-c. below.

a. Replacement Cost Loss Settlement, described in V.2. below, applies to a single-family dwelling provided:

(1) It is your principal residence, which means that, at the time of loss, you or your spouse lived there for 80% of:

(a) The 365 days immediately preceding the loss; or

(b) The period of your ownership, if you owned the dwelling for less than 365 days; and

(2) At the time of loss, the amount of insurance in this policy that applies to the dwelling is 80% or more of its full replacement cost immediately before the loss, or is the maximum amount of insurance available under the NFIP.

b. Special Loss Settlement, described in V.3. below, applies to a single-family dwelling that is a manufactured or mobile home or a travel trailer.

c. Actual Cash Value loss settlement applies to a single-family dwelling not subject to replacement cost or special loss settlement, and to the property listed in V.4. below.

2. Replacement Cost Loss Settlement

The following loss settlement conditions apply to a single-family dwelling described in V.1.a. above:

a. We will pay to repair or replace the damaged dwelling after application of the deductible and without deduction for depreciation, but not more than the least of the following amounts:

(1) The building limit of liability shown on your Declarations Page;

(2) The replacement cost of that part of the dwelling damaged, with materials of like kind and quality and for like use; or

(3) The necessary amount actually spent to repair or replace the damaged part of the dwelling for like use.

b. If the dwelling is rebuilt at a new location, the cost described above is limited to the cost that would have been incurred if the dwelling had been rebuilt at its former location.

c. When the full cost of repair or replacement is more than \$1,000, or more than 5% of the whole amount of insurance that applies to the dwelling, we will not be liable for any loss under V.2.a. above or

V.4.a.(2) below unless and until actual repair or replacement is completed.

d. You may disregard the replacement cost conditions above and make claim under this policy for loss to dwellings on an actual cash value basis. You may then make claim for any additional liability according to V.2.a., b., and c. above, provided you notify us of your intent to do so within 180 days after the date of loss.

e. If the community in which your dwelling is located has been converted from the Emergency Program to the Regular Program during the current policy term, then we will consider the maximum amount of available NFIP insurance to be the amount that was available at the beginning of the current policy term.

3. Special Loss Settlement

a. The following loss settlement conditions apply to a single-family dwelling that:

(1) is a manufactured or mobile home or a travel trailer, as defined in II.B.6.b. and c.,

(2) is at least 16 feet wide when fully assembled and has an area of at least 600 square feet within its perimeter walls when fully assembled, and

(3) is your principal residence as specified in V.1.a.(1) above.

b. If such a dwelling is totally destroyed or damaged to such an extent that, in our judgment, it is not economically feasible to repair, at least to its pre-damage condition, we will, at our discretion pay the least of the following amounts:

(1) The lesser of the replacement cost of the dwelling or 1.5 times the actual cash value, or

(2) The building limit of liability shown on your Declarations Page.

c. If such a dwelling is partially damaged and, in our judgment, it is economically feasible to repair it to its pre-damage condition, we will settle the loss according to the Replacement Cost conditions in V.2. above.

4. Actual Cash Value Loss Settlement

The types of property noted below are subject to actual cash value (or in the case of V.4.a.(2), below, proportional) loss settlement.

a. A dwelling, at the time of loss, when the amount of insurance on the dwelling is both less than 80% of its full replacement cost immediately before the loss and less than the maximum amount of insurance available under the NFIP. In that case, we will pay the greater of the following amounts, but not more than the amount of insurance that applies to that dwelling:

(1) The actual cash value, as defined in II.B.2., of the damaged part of the dwelling; or

(2) A proportion of the cost to repair or replace the damaged part of the dwelling, without deduction for physical depreciation and after application of the deductible.

This proportion is determined as follows: If 80% of the full replacement cost of the dwelling is less than the maximum amount of insurance available under the NFIP, then the proportion is determined by dividing the actual amount of insurance on the dwelling by the amount of insurance that represents 80% of its full replacement cost. But if 80%

of the full replacement cost of the dwelling is greater than the maximum amount of insurance available under the NFIP, then the proportion is determined by dividing the actual amount of insurance on the dwelling by the maximum amount of insurance available under the NFIP.

b. A two-, three-, or four-family dwelling.

c. A unit that is not used exclusively for single-family dwelling purposes.

d. Detached garages.

e. Personal property.

f. Appliances, carpets, and carpet pads.

g. Outdoor awnings, outdoor antennas or aerials of any type, and other outdoor equipment.

h. Any property covered under this policy that is abandoned after a loss and remains as debris anywhere on the described location.

i. A dwelling that is not your principal residence.

5. Amount of Insurance Required

To determine the amount of insurance required for a dwelling immediately before the loss, we do not include the value of:

a. Footings, foundations, piers, or any other structures or devices that are below the undersurface of the lowest basement floor and support all or part of the dwelling;

b. Those supports listed in V.5.a. above, that are below the surface of the ground inside the foundation walls if there is no basement; and

c. Excavations and underground flues, pipes, wiring, and drains.

Note: The Coverage D—Increased Cost of Compliance limit of liability is not included in the determination of the amount of insurance required.

VIII. Liberalization Clause

If we make a change that broadens your coverage under this edition of our policy, but does not require any additional premium, then that change will automatically apply to your insurance as of the date we implement the change, provided that this implementation date falls within 60 days before or during the policy term stated on the Declarations Page.

IX. What Law Governs

This policy and all disputes arising from the handling of any claim under the policy are governed exclusively by the flood insurance regulations issued by FEMA, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, *et seq.*), and Federal common law.

In Witness Whereof, we have signed this policy below and hereby enter into this Insurance Agreement.

Jo Ann Howard,
Administrator, Federal Insurance Administration.

7. We revise Appendix A(2) to Part 61, General Property Form, to read as follows:

APPENDIX A(2) TO PART 61

Federal Emergency Management Agency,
Federal Insurance Administration

Standard Flood Insurance Policy

GENERAL PROPERTY FORM

Please read the policy carefully. The flood insurance coverage provided is subject to limitations, restrictions, and exclusions.

This policy provides no coverage:

1. In a regular program community, for a residential condominium building, as defined in this policy; and
2. Except for personal property coverage, for a unit in a condominium building.

I. Agreement

The Federal Emergency Management Agency (FEMA) provides flood insurance under the terms of the National Flood Insurance Act of 1968 and its Amendments, and Title 44 of the Code of Federal Regulations.

We will pay you for direct physical loss by or from flood to your insured property if you:

1. Have paid the correct premium;
2. Comply with all terms and conditions of this policy; and
3. Have furnished accurate information and statements.

We have the right to review the information you give us at any time and to revise your policy based on our review.

II. Definitions

A. In this policy, "you" and "your" refer to the insured(s) shown on the Declarations Page of this policy. Insured(s) includes: Any mortgagee and loss payee named in the Application and Declarations page, as well as any other mortgagee or loss payee determined to exist at the time of loss in the order of precedence. "We," "us," and "our" refer to the insurer.

Some definitions are complex because they are provided as they appear in the law or regulations, or result from court cases. The precise definitions are intended to protect you.

Flood, as used in this flood insurance policy, means:

1. A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (one of which is your property) from:
 - a. Overflow of inland or tidal waters;
 - b. Unusual and rapid accumulation or runoff of surface waters from any source;
 - c. Mudflow.

2. The collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels which result in a flood as defined in A.1.a. above.

B. The following are the other key definitions we use in this policy:

1. *Act*. The National Flood Insurance Act of 1968 and any amendments to it.

2. *Actual Cash Value*. The cost to replace an insured item of property at the time of loss, less the value of its physical depreciation.

3. *Application*. The statement made and signed by you or your agent in applying for

this policy. The application gives information we use to determine the eligibility of the risk, the kind of policy to be issued, and the correct premium payment. The application is part of this flood insurance policy. For us to issue you a policy, the correct premium payment must accompany the application.

4. *Base Flood*. A flood having a one percent chance of being equaled or exceeded in any given year.

5. *Basement*. Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

6. *Building*.

a. A structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

b. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

Building does not mean a gas or liquid storage tank or a recreational vehicle, park trailer, or other similar vehicle, except as described in B.6.c., above.

7. *Cancellation*. The ending of the insurance coverage provided by this policy before the expiration date.

8. *Condominium*. That form of ownership of real property in which each unit owner has an undivided interest in common elements.

9. *Condominium Association*. The entity, formed by the unit owners, responsible for the maintenance and operation of:

a. Common elements owned in undivided shares by unit owners; and

b. Other real property in which the unit owners have use rights where membership in the entity is a required condition of unit ownership.

10. *Declarations Page*. A computer-generated summary of information you provided in the application for insurance. The Declarations Page also describes the term of the policy, limits of coverage, and displays the premium and our name. The Declarations Page is a part of this flood insurance policy.

11. *Described Location*. The location where the insured building or personal property is found. The described location is shown on the Declarations Page.

12. *Direct Physical Loss By or From Flood*. Loss or damage to insured property, directly caused by a flood. There must be evidence of physical changes to the property.

13. *Elevated Building*. A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

14. *Emergency Program*. The initial phase of a community's participation in the National Flood Insurance Program. During this phase, only limited amounts of insurance are available under the Act.

15. *Expense Constant*. A flat charge you must pay on each new or renewal policy to

defray the expenses of the Federal Government related to flood insurance.

16. *Federal Policy Fee*. A flat charge you must pay on each new or renewal policy to defray certain administrative expenses incurred in carrying out the National Flood Insurance Program. This fee covers expenses not covered by the expense constant.

17. *Improvements*. Fixtures, alterations, installations, or additions comprising a part of the insured building.

18. *Mudflow*. A river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water. Other earth movements, such as landslide, slope failure, or a saturated soil mass moving by liquidity down a slope, are not mudflows.

19. *National Flood Insurance Program (NFIP)*. The program of flood insurance coverage and floodplain management administered under the Act and applicable Federal regulations in Title 44 of the Code of Federal Regulations, Subchapter B.

20. *Policy*. The entire written contract between you and us. It includes:

- a. This printed form;
- b. The application and Declarations Page;
- c. Any endorsement(s) that may be issued; and,
- d. Any renewal certificate indicating that coverage has been instituted for a new policy and new policy term.

Only one building, which you specifically described in the application, may be insured under this policy.

21. *Pollutants*. Substances that include, but that are not limited to, any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. "Waste" includes, but is not limited to, materials to be recycled, reconditioned, or reclaimed.

22. *Post-FIRM Building*. A building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

23. *Probation Premium*. A flat charge you must pay on each new or renewal policy issued covering property in a community that has been placed on probation under the provisions of 44 CFR 59.24.

24. *Regular Program*. The final phase of a community's participation in the National Flood Insurance Program. In this phase, a Flood Insurance Rate Map is in effect and full limits of coverage are available under the Act.

25. *Residential Condominium Building*. A building, owned and administered as a condominium, containing one or more family units and in which at least 75% of the floor area is residential.

26. *Special Flood Hazard Area*. An area having special flood or mudflow, and/or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, V.

27. *Stock* means merchandise held in storage or for sale, raw materials, and in-process or finished goods, including supplies used in their packing or shipping.

Stock does not include any property not covered under Section IV. Property Not Covered, except the following:

- a. Parts and equipment for self-propelled vehicles;
- b. Furnishings and equipment for watercraft;
- c. Spas and hot-tubs, including their equipment; and
- d. Swimming pool equipment.

28. *Unit.* A unit in a condominium building.

29. *Valued Policy.* A policy in which the insured and the insurer agree on the value of the property insured, that value being payable in the event of a total loss. The Standard Flood Insurance Policy is not a valued policy.

III. Property Covered

A. Coverage A—Building Property

We insure against direct physical loss by or from flood to:

1. The building described on the Declarations Page at the described location. If the building is a condominium building and the named insured is the condominium association, Coverage A includes all units within the building and the improvements within the units, provided the units are owned in common by all unit owners.

2. We also insure building property for a period of 45 days at another location, as set forth in III.C.2.b., Property Removed to Safety.

3. Additions and extensions attached to and in contact with the building by means of a rigid exterior wall, a solid load-bearing interior wall, a stairway, an elevated walkway, or a roof. At your option, additions and extensions connected by any of these methods may be separately insured. Additions and extensions attached to and in contact with the building by means of a common interior wall that is not a solid load-bearing wall are always considered part of the building and cannot be separately insured.

4. The following fixtures, machinery, and equipment, which are covered under Coverage A only:

- a. Awnings and canopies;
- b. Blinds;
- c. Carpet permanently installed over unfinished flooring;
- d. Central air conditioners;
- e. Elevator equipment;
- f. Fire extinguishing apparatus;
- g. Fire sprinkler systems;
- h. Walk-in freezers;
- i. Furnaces;
- j. Light fixtures;
- k. Outdoor antennas and arials attached to buildings;
- l. Permanently installed cupboards, bookcases, paneling, and wallpaper;
- m. Pumps and machinery for operating pumps;
- n. Ventilating equipment; and
- o. Wall mirrors, permanently installed;
- p. In the units within the building, installed:
 - (1) Built-in dishwashers;
 - (2) Built-in microwave ovens;
 - (3) Garbage disposal units;
 - (4) Hot water heaters, including solar water heaters;

- (5) Kitchen cabinets;
- (6) Plumbing fixtures;
- (7) Radiators;
- (8) Ranges;
- (9) Refrigerators; and
- (10) Stoves.

5. Materials and supplies to be used for construction, alteration, or repair of the insured building while the materials and supplies are stored in a fully enclosed building at the described location or on an adjacent property.

6. A building under construction, alteration, or repair at the described location.

a. If the structure is not yet walled or roofed as described in the definition for building (see II. 6.a.), then coverage applies:

- (1) Only while such work is in progress; or
- (2) If such work is halted, only for a period of up to 90 continuous days thereafter.

b. However, coverage does not apply until the building is walled and roofed if the lowest floor, including the basement floor, of a non-elevated building or the lowest elevated floor of an elevated building is:

(1) Below the base flood elevation in Zones AH, AE, A1–A30, AR, AR/AE, AR/AH, AR/A1–A30, AR/A, AR/AO; or

(2) Below the base flood elevation adjusted to include the effect of wave action in Zones VE or V1–V30.

The lowest floor levels are based on the bottom of the lowest horizontal structural member of the floor in Zones VE or V1–V30 and the top of the floor in Zones AH, AE, A1–A30, AR, AR/AE, AR/AH, AR/A1–A30, AR/A, AR/AO.

7. A manufactured home or a travel trailer as described in the Definitions

Section (see II.B.6.b. and II.B.6.c.).

If the manufactured home or travel trailer is in a special flood hazard area, it must be anchored in the following manner at the time of the loss:

- a. By over-the-top or frame ties to ground anchors; or
- b. In accordance with the manufacturer's specifications; or
- c. In compliance with the community's floodplain management requirements unless it has been continuously insured by the NFIP at the same described location since September 30, 1982.

8. Items of property in a building enclosure below the lowest elevated floor of an elevated post-FIRM building located in zones A1–A30, AE, AH, AR, AR/A, AR/AE, AR/AH, AR/A1–A30, V1–V30, or VE, or in a basement, regardless of the zone. Coverage is limited to the following:

a. Any of the following items, if installed in their functioning locations and, if necessary for operation, connected to a power source:

- (1) Central air conditioners;
- (2) Cisterns and the water in them;
- (3) Drywall for walls and ceilings in a basement and the cost of labor to nail it, unfinished and unfloated and not taped, to the framing;

(4) Electrical junction and circuit breaker boxes;

(5) Electrical outlets and switches;

(6) Elevators, dumbwaiters, and related equipment, except for related equipment installed below the base flood elevation after September 30, 1987;

- (7) Fuel tanks and the fuel in them;
- (8) Furnaces and hot water heaters;
- (9) Heat pumps;
- (10) Nonflammable insulation in a basement;
- (11) Pumps and tanks used in solar energy systems;

(12) Stairways and staircases attached to the building, not separated from it by elevated walkways;

(13) Sump pumps;

(14) Water softeners and the chemicals in them, water filters, and faucets installed as an integral part of the plumbing system;

(15) Well water tanks and pumps;

(16) Required utility connections for any item in this list; and

(17) Footings, foundations, posts, pilings, piers, or other foundation walls and anchorage systems required to support a building.

b. Clean-up.

B. Coverage B—Personal Property

1. If you have purchased personal property coverage, we insure, subject to B. 2., 3., and 4. below, against direct physical loss by or from flood to personal property inside the fully enclosed insured building:

a. Owned solely by you, or in the case of a condominium, owned solely by the condominium association and used exclusively in the conduct of the business affairs of the condominium association; or

b. Owned in common by the unit owners of the condominium association.

We also insure such personal property for 45 days while stored at a temporary location, as set forth in III.C.2.b., Property Removed to Safety.

2. When this policy covers personal property, coverage will be either for household personal property or other than household personal property, while within the insured building, but not both.

a. If this policy covers household personal property, it will insure household personal property usual to a living quarters, that:

(1) Belongs to you, or a member of your household, or at your option:

(a) Your domestic worker;

(b) Your guest; or

(2) You may be legally liable for.

b. If this policy covers other than household personal property, it will insure your:

(1) Furniture and fixtures;

(2) Machinery and equipment;

(3) Stock; and

(4) Other personal property owned by you and used in your business, subject to IV. Property Not Covered.

3. Coverage for personal property includes the following property, subject to B.1.a. and B.1.b. above, which is covered under Coverage B. only:

a. Air conditioning units installed in the building;

b. Carpet, not permanently installed, over unfinished flooring;

c. Carpets over finished flooring;

d. Clothes washers and dryers;

e. "Cook-out" grills;

f. Food freezers, other than walk-in, and the food in any freezer;

g. Outdoor equipment and furniture stored inside the insured building;

h. Ovens and the like; and
i. Portable microwave ovens and portable dishwashers.

4. Items of property in a building enclosure below the lowest elevated floor of an elevated post-FIRM building located in zones A1–A30, AE, AH, AR, AR/A, AR/AE, AR/AH, AR/A1–A30, V1–V30, or VE, or in a basement, regardless of the zone, is limited to the following items, if installed in their functioning locations and, if necessary for operation, connected to a power source:

- a. Air conditioning units—portable or window type;
 - b. Clothes washers and dryers; and
 - c. Food freezers, other than walk-in, and food in any freezer.
5. Special Limits. We will pay no more than \$2,500 for any loss to one or more of the following kinds of personal property:
- a. Artwork, photographs, collectibles, or memorabilia, including but not limited to, porcelain or other figures, and sports cards;
 - b. Rare books or autographed items;
 - c. Jewelry, watches, precious and semi-precious stones, articles of gold, silver, or platinum;
 - d. Furs or any article containing fur which represents its principal value; or
6. We will pay only for the functional value of antiques.

7. If you are a tenant, you may apply up to 10% of the Coverage B limit to improvements:

- a. Made a part of the building you occupy; and
- b. You acquired, or made at your expense, even though you cannot legally remove.

This coverage does not increase the amount of insurance that applies to insured personal property.

8. If you are a condominium unit owner, you may apply up to 10% of the Coverage B limit to cover loss to interior:

- a. walls,
- b. floors, and
- c. ceilings,

that are not covered under a policy issued to the condominium association insuring the condominium building.

This coverage does not increase the amount of insurance that applies to insured personal property.

9. If you are a tenant, personal property must be inside the fully enclosed building.

C. Coverage C—Other Coverages

1. Debris Removal.

a. We will pay the expense to remove non-owned debris that is on or in insured property and debris of insured property anywhere.

b. If you or a member of your household perform the removal work, the value of your work will be based on the Federal minimum wage.

c. This coverage does not increase the Coverage A or Coverage B limit of liability.

2. Loss Avoidance Measures.

a. Sandbags, Supplies, and Labor

(1) We will pay up to \$1,000 for the costs you incur to protect the insured building from a flood or imminent danger of flood, for the following:

- (a) Your reasonable expenses to buy;
- (i) Sandbags, including sand to fill them;

(ii) Fill for temporary levees;

(iii) Pumps; and

(iv) Plastic sheeting and lumber used in connection with these items; and

(b) The value of work, at the Federal minimum wage, that you perform.

(2) This coverage for Sandbags, Supplies, and Labor only applies if damage to insured property by or from flood is imminent and the threat of flood damage is apparent enough to lead a person of common prudence to anticipate flood damage. One of the following must also occur:

(a) A general and temporary condition of flooding in the area near the described location must occur, even if the flood does not reach the insured building; or

(b) A legally authorized official must issue an evacuation order or other civil order for the community in which the insured building is located calling for measures to preserve life and property from the peril of flood.

This coverage does not increase the Coverage A or Coverage B limit of liability.

b. Property Removed to Safety

(1) We will pay up to \$1,000 for the reasonable expenses you incur to move insured property to a place other than the described location that contains the property in order to protect it from flood or the imminent danger of flood.

Reasonable expenses include the value of work, at the Federal minimum wage, that you perform.

(2) If you move insured property to a place other than the described location that contains the property, in order to protect it from flood or the imminent danger of flood, we will cover such property while at that location for a period of 45 consecutive days from the date you begin to move it there. The personal property that is moved must be placed in a fully enclosed building, or otherwise reasonably protected from the elements.

Any property removed, including a moveable home described in II.6.b. and c., must be placed above ground level or outside of the special flood hazard area.

This coverage does not increase the Coverage A or Coverage B limit of liability.

3. Pollution Damage.

We will pay for damage caused by pollutants to covered property if the discharge, seepage, migration, release, or escape of the pollutants is caused by or results from flood. The most we will pay under this coverage is \$10,000. This coverage does not increase the Coverage A or Coverage B limits of liability. Any payment under this provision when combined with all other payments for the same loss cannot exceed the replacement cost or actual cash value, as appropriate, of the covered property. This coverage does not include the testing for or monitoring of pollutants unless required by law or ordinance.

D. Coverage D—Increased Cost of Compliance

1. General.

This policy pays you to comply with a State or local floodplain management law or ordinance affecting repair or reconstruction of a structure suffering flood damage.

Compliance activities eligible for payment are: elevation, floodproofing, relocation, or demolition (or any combination of these activities) of your structure. Eligible floodproofing activities are limited to:

a. Non-residential structures. b. Residential structures with basements that satisfy FEMA's standards published in the Code of Federal Regulations [44 CFR 60.6 (b) or (c)].

2. Limit of Liability.

We will pay you up to \$20,000 under this Coverage D (Increased Cost of Compliance), which only applies to policies with building coverage (Coverage A). Our payment of claims under Coverage D is in addition to the amount of coverage which you selected on the application and which appears on the Declarations Page. But the maximum you can collect under this policy for both Coverage A (Building Property) and Coverage D (Increased Cost of Compliance) cannot exceed the maximum permitted under the Act. We do NOT charge a separate deductible for a claim under Coverage D.

3. Eligibility.

a. A structure covered under Coverage A—Building Property sustaining a loss caused by a flood as defined by this policy must:

(1) Be a "repetitive loss structure." A "repetitive loss structure" is one that meets the following conditions:

(a) The structure is covered by a contract of flood insurance issued under the NFIP.

(b) The structure has suffered flood damage on 2 occasions during a 10-year period which ends on the date of the second loss.

(c) The cost to repair the flood damage, on average, equalled or exceeded 25% of the market value of the structure at the time of each flood loss.

(d) In addition to the current claim, the NFIP must have paid the previous qualifying claim, and the State or community must have a cumulative, substantial damage provision or repetitive loss provision in its floodplain management law or ordinance being enforced against the structure; or

(2) Be a structure that has had flood damage in which the cost to repair equals or exceeds 50% of the market value of the structure at the time of the flood. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.

b. This Coverage D pays you to comply with State or local floodplain management laws or ordinances that meet the minimum standards of the National Flood Insurance Program found in the Code of Federal Regulations at 44 CFR 60.3. We pay for compliance activities that exceed those standards under these conditions:

(1) 3.a.(1) above.

(2) Elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood elevations are being increased, and a flood-damaged structure must comply with the

higher advisory base flood elevation.) Increased Cost of Compliance coverage does not apply to situations in B, C, X, or D zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.

(3) Elevation or floodproofing above the base flood elevation to meet State or local "freeboard" requirements, i.e., that a structure must be elevated above the base flood elevation.

c. Under the minimum NFIP criteria at 44 CFR 60.3(b)(4), States and communities must require the elevation or floodproofing of structures in unnumbered A zones to the base flood elevation where elevation data is obtained from a Federal, State, or other source. Such compliance activities are also eligible for Coverage D.

d. This coverage will also pay for the incremental cost, after demolition or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion D.5.g. below.

e. This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

4. Conditions.

a. When a structure covered under Coverage A—Building Property sustains a loss caused by a flood, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, or demolish (or any combination of these activities) caused by the enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building debris or a portion thereof caused by the enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

b. When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

5. Exclusions.

Under this Coverage D—Increased Cost of Compliance, we will not pay for:

a. The cost to comply with any floodplain management law or ordinance in communities participating in the Emergency Program.

b. The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants.

c. The loss in value to any insured building or other structure due to the requirements of any ordinance or law.

d. The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

e. Any Increased Cost of Compliance under this Coverage D:

(1) Until the building is elevated, floodproofed, demolished, or relocated on the same or to another premises; and

(2) Unless the building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed two years.

f. Any code upgrade requirements, e.g., plumbing or electrical wiring, not specifically related to the State or local floodplain management law or ordinance.

g. Any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

h. Loss due to any ordinance or law that you were required to comply with before the current loss.

i. Any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

j. Increased Cost of Compliance for a garage or carport.

k. Any structure insured under an NFIP Group Flood Insurance Policy.

l. Assessments made by a condominium association on individual condominium unit owners to pay increased costs of repairing commonly owned buildings after a flood in compliance with State or local floodplain management ordinances or laws.

6. Other Provisions.

All other conditions and provisions of the policy apply.

IV. Property Not Covered

A. We do not cover any of the following property:

1. Personal property not inside the fully enclosed building;

2. A building, and personal property in it, located entirely in, on, or over water or seaward of mean high tide, if it was constructed or substantially improved after September 30, 1982;

3. Open structures, including a building used as a boathouse or any structure or building into which boats are floated, and personal property located in, on, or over water;

4. Recreational vehicles other than travel trailers described in the II.B.6.c., whether affixed to a permanent foundation or on wheels;

5. Self-propelled vehicles or machines, including their parts and equipment. However, we do cover self-propelled vehicles or machines, provided they are not licensed for use on public roads and are:

a. Used mainly to service the described location; or

b. Designed and used to assist handicapped persons, while the vehicles or machines are inside a building at the described location;

6. Land, land values, lawns, trees, shrubs, plants, growing crops, or animals;

7. Accounts, bills, coins, currency, deeds, evidences of debt, medals, money, scrip, stored value cards, postage stamps, securities, bullion, manuscripts, or other valuable papers;

8. Underground structures and equipment, including wells, septic tanks, and septic systems;

9. Those portions of walks, walkways, decks, driveways, patios, and other surfaces, all whether protected by a roof or not, located outside the perimeter, exterior walls of the insured building;

10. Containers including related equipment, such as, but not limited to, tanks containing gases or liquids;

11. Buildings or units and all their contents if more than 49% of the actual cash value of the building or unit is below ground, unless the lowest level is at or above the base flood elevation and is below ground by reason of earth having been used as insulation material in conjunction with energy efficient building techniques;

12. Fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks;

13. Aircraft or watercraft, or their furnishings and equipment;

14. Hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment such as, but not limited to, heaters, filters, pumps, and pipes, wherever located;

15. Property not eligible for flood insurance pursuant to the provisions of the Coastal Barrier Resources Act and the Coastal Barrier Improvement Act of 1990 and amendments to these Acts;

16. Personal property owned by or in the care, custody or control of a unit owner, except for property of the type and under the circumstances set forth under III. Coverage B—Personal Property of this policy;

17. A residential condominium building located in a Regular Program community.

V. Exclusions

A. We only provide coverage for direct physical loss by or from flood, which means that we do not pay you for:

1. Loss of revenue or profits;

2. Loss of access to the insured property or described location;

3. Loss of use of the insured property or described location;

4. Loss from interruption of business or production;

5. Any additional expenses incurred while the insured building is being repaired or is unable to be occupied for any reason;

6. The cost of complying with any ordinance or law requiring or regulating the construction, demolition, remodeling, renovation or repair of property, including removal of any resulting debris. This exclusion does not apply to any eligible activities that we describe in Coverage D—Increased Cost of Compliance; or

7. Any other economic loss you suffer.

B. We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date:

1. The policy term begins; or

2. Coverage is added at your request.

C. We do not insure for loss to property caused directly by earth movement even if the earth movement is caused by flood. Some examples of earth movement that we do not cover are:

1. Earthquake;
2. Landslide;
3. Land subsidence;
4. Sinkholes;
5. Destabilization or movement of land that results from accumulation of water in subsurface land areas; or
6. Gradual erosion.

We do, however, pay for losses from mudflow and land subsidence as a result of erosion that are specifically covered under our definition of flood (see A.1.c. and II.A.2.).

D. We do not insure for direct physical loss caused directly or indirectly by:

1. The pressure or weight of ice;
2. Freezing or thawing;
3. Rain, snow, sleet, hail, or water spray;
4. Water, moisture, mildew, or mold damage that results primarily from any condition:

a. Substantially confined to the insured building; or

b. That is within your control including, but not limited to:

- (1) Design, structural, or mechanical defects;
- (2) Failures, stoppages, or breakage of water or sewer lines, drains, pumps, fixtures, or equipment; or
- (3) Failure to inspect and maintain the property after a flood recedes;

5. Water or water-borne material that:

- a. Backs up through sewers or drains;
- b. Discharges or overflows from a sump, sump pump, or related equipment; or

c. Seeps or leaks on or through the covered property;

unless there is a flood in the area and the flood is the proximate cause of the sewer or drain backup, sump pump discharge or overflow, or the seepage of water;

6. The pressure or weight of water unless there is a flood in the area and the flood is the proximate cause of the damage from the pressure or weight of water;

7. Power, heating, or cooling failure unless the failure results from direct physical loss by or from flood to power, heating, or cooling equipment situated on the described location;

8. Theft, fire, explosion, wind, or windstorm;

9. Anything that you or your agents do or conspire to do to cause loss by flood deliberately; or

10. Alteration of the insured property that significantly increases the risk of flooding.

E. We do not insure for loss to any building or personal property located on land leased from the Federal Government, arising from or incident to the flooding of the land by the Federal Government, where the lease expressly holds the Federal Government harmless under flood insurance issued under any Federal Government program.

VI. Deductibles

A. When a loss is covered under this policy, we will pay only that part of the loss that exceeds the applicable deductible

amount, subject to the limit of liability that applies. The deductible amount is shown on the Declarations Page.

However, when a building under construction, alteration, or repair does not have at least two rigid exterior walls and a fully secured roof at the time of loss, your deductible amount will be two times the deductible that would otherwise apply to a completed building.

B. In each loss from flood, separate deductibles apply to the building and personal property insured by this policy.

C. No deductible applies to:

1. III.C.2. Loss Avoidance Measures; or
2. III.D. Increased Cost of Compliance.

VII. General Conditions

A. Pair and Set Clause

In case of loss to an article that is part of a pair or set, we will have the option of paying you:

1. An amount equal to the cost of replacing the lost, damaged, or destroyed article, less depreciation, or

2. An amount which represents the fair proportion of the total value of the pair or set that the lost, damaged, or destroyed article bears to the pair or set.

B. Concealment or Fraud and Policy Voidance

1. With respect to all insureds under this policy, this policy:

- a. Is void,
- b. Has no legal force or effect,
- c. Cannot be renewed, and
- d. Cannot be replaced by a new NFIP

policy, if, before or after a loss, you or any other insured or your agent have at any time:

- (1) Intentionally concealed or misrepresented any material fact or circumstance,
- (2) Engaged in fraudulent conduct, or
- (3) Made false statements relating to this policy or any other NFIP insurance.

2. This policy will be void as of the date wrongful acts described in B.1. above were committed.

3. Fines, civil penalties, and imprisonment under applicable Federal laws may also apply to the acts of fraud or concealment described above.

4. This policy is also void for reasons other than fraud, misrepresentation, or wrongful act. This policy is void from its inception and has no legal force under the following conditions:

a. If the property is located in a community that was not participating in the NFIP on the policy's inception date and did not join or re-enter the program during the policy term and before the loss occurred; or

b. If the property listed on the application is otherwise not eligible for coverage under the NFIP.

C. Other Insurance

1. If a loss covered by this policy is also covered by other insurance that includes flood coverage not issued under the Act, we will not pay more than the amount of insurance that you are entitled to for lost, damaged, or destroyed property insured under this policy subject to the following:

a. We will pay only the proportion of the loss that the amount of insurance that applies

under this policy bears to the total amount of insurance covering the loss, unless C.1.b. or c. below applies.

b. If the other policy has a provision stating that it is excess insurance, this policy will be primary.

c. This policy will be primary (but subject to its own deductible) up to the deductible in the other flood policy (except another policy as described in C.1.b. above). When the other deductible amount is reached, this policy will participate in the same proportion that the amount of insurance under this policy bears to the total amount of both policies, for the remainder of the loss.

2. Where this policy covers a condominium association and there is a flood insurance policy in the name of a unit owner that covers the same loss as this policy, then this policy will be primary.

D. Amendments, Waivers, Assignment

This policy cannot be changed nor can any of its provisions be waived without the express written consent of the Federal Insurance Administrator. No action that we take under the terms of this policy can constitute a waiver of any of our rights. You may assign this policy in writing when you transfer title of your property to someone else except under these conditions:

1. When this policy covers only personal property; or
2. When this policy covers a structure during the course of construction.

E. Cancellation of Policy by You

1. You may cancel this policy in accordance with the applicable rules and regulations of the NFIP.

2. If you cancel this policy, you may be entitled to a full or partial refund of premium also under the applicable rules and regulations of the NFIP.

F. Non-Renewal of the Policy by Us

Your policy will not be renewed:

1. If the community where your covered property is located stops participating in the NFIP; or
2. If your building has been declared ineligible under section 1316 of the Act.

G. Reduction and Reformation of Coverage

1. If the premium we received from you was not enough to buy the kind and amount of coverage that you requested, we will provide only the amount of coverage that can be purchased for the premium payment we received.

2. The policy can be reformed to increase the amount of coverage resulting from the reduction described in G.1. above to the amount you requested as follows:

a. Discovery of Insufficient Premium or Incomplete Rating Information Before a Loss.

(1) If we discover before you have a flood loss that your premium payment was not enough to buy the requested amount of coverage, we will send you and any mortgagee or trustee known to us a bill for the required additional premium for the current policy term (or that portion of the current policy term following any endorsement changing the amount of

coverage). If you or the mortgagee or trustee pay the additional premium within 30 days from the date of our bill, we will reform the policy to increase the amount of coverage to the originally requested amount effective to the beginning of the current policy term (or subsequent date of any endorsement changing the amount of coverage).

(2) If we determine before you have a flood loss that the rating information we have is incomplete and prevents us from calculating the additional premium, we will ask you to send the required information. You must submit the information within 60 days of our request. Once we determine the amount of additional premium for the current policy term, we will follow the procedure in G.2.a.(1) above.

(3) If we do not receive the additional premium (or additional information) by the date it is due, the amount of coverage can only be increased by endorsement subject to any appropriate waiting period.

b. Discovery of Insufficient Premium or Incomplete Rating Information After a Loss.

(1) If we discover after you have a flood loss that your premium payment was not enough to buy the requested amount of coverage, we will send you and any mortgagee or trustee known to us a bill for the required additional premium for the current and the prior policy terms. If you or the mortgagee or trustee pay the additional premium within 30 days of the date of our bill, we will reform the policy to increase the amount of coverage to the originally requested amount effective to the beginning of the prior policy term.

(2) If we discover after you have a flood loss that the rating information we have is incomplete and prevents us from calculating the additional premium, we will ask you to send the required information. You must submit the information before your claim can be paid. Once we determine the amount of additional premium for the current and prior policy terms, we will follow the procedure in G.2.b.(1) above.

(3) If we do not receive the additional premium by the date it is due, your flood insurance claim will be settled based on the reduced amount of coverage. The amount of coverage can only be increased by endorsement subject to any appropriate waiting period.

3. However, if we find that you or your agent intentionally did not tell us, or falsified, any important fact or circumstance or did anything fraudulent relating to this insurance, the provisions of Condition B. above apply.

H. Policy Renewal

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

a. If you or your agent notified us, not later than one year after the date on which the payment of the renewal premium was due, of nonreceipt of a renewal notice before the due date for the renewal premium, and we determine that the circumstances in the preceding paragraph apply, we will mail a second bill providing a revised due date, which will be 30 days after the date on which the bill is mailed.

b. If we do not receive the premium requested in the second bill by the revised due date, then we will not renew the policy. In that case, the policy will remain as an expired policy as of the expiration date shown on the Declarations Page.

4. In connection with the renewal of this policy, we may ask you during the policy term to re-certify, on a Recertification Questionnaire that we will provide to you, the rating information used to rate your most recent application for or renewal of insurance.

I. Conditions Suspending or Restricting Insurance

We are not liable for loss that occurs while there is a hazard that is increased by any means within your control or knowledge.

J. Requirements in Case of Loss

In case of a flood loss to insured property, you must:

1. Give prompt written notice to us;
2. As soon as reasonably possible, separate the damaged and undamaged property, putting it in the best possible order so that we may examine it;
3. Prepare an inventory of damaged property showing the quantity, description, actual cash value, and amount of loss. Attach all bills, receipts, and related documents;
4. Within 60 days after the loss, send us a proof of loss, which is your statement of the amount you are claiming under the policy signed and sworn to by you, and which furnishes us with the following information:
 - a. The date and time of loss;
 - b. A brief explanation of how the loss happened;
 - c. Your interest (for example, "owner") and the interest, if any, of others in the damaged property;
 - d. Details of any other insurance that may cover the loss;
 - e. Changes in title or occupancy of the insured property during the term of the policy;
 - f. Specifications of damaged buildings and detailed repair estimates;
 - g. Names of mortgagees or anyone else having a lien, charge, or claim against the insured property;
 - h. Details about who occupied any insured building at the time of loss and for what purpose; and
 - i. The inventory of damaged property described in J.3. above.

5. In completing the proof of loss, you must use your own judgment concerning the amount of loss and justify that amount.

6. You must cooperate with the adjuster or representative in the investigation of the claim.

7. The insurance adjuster whom we hire to investigate your claim may furnish you with

a proof of loss form, and she or he may help you complete it. However, this is a matter of courtesy only, and you must still send us a proof of loss within sixty days after the loss even if the adjuster does not furnish the form or help you complete it.

8. We have not authorized the adjuster to approve or disapprove claims or to tell you whether we will approve your claim.

9. At our option, we may accept the adjuster's report of the loss instead of your proof of loss. The adjuster's report will include information about your loss and the damages you sustained. You must sign the adjuster's report. At our option, we may require you to swear to the report.

K. Our Options After a Loss

Options we may, in our sole discretion, exercise after loss include the following:

1. At such reasonable times and places that we may designate, you must:

- a. Show us or our representative the damaged property;
- b. Submit to examination under oath, while not in the presence of another insured, and sign the same; and
- c. Permit us to examine and make extracts and copies of:

(1) Any policies of property insurance insuring you against loss and the deed establishing your ownership of the insured real property;

(2) Condominium association documents including the Declarations of the condominium, its Articles of Association or Incorporation, Bylaws, and rules and regulations; and

(3) All books of accounts, bills, invoices, and other vouchers, or certified copies pertaining to the damaged property if the originals are lost.

2. We may request, in writing, that you furnish us with a complete inventory of the lost, damaged, or destroyed property, including:

- a. Quantities and costs;
- b. Actual cash values;
- c. Amounts of loss claimed;
- d. Any written plans and specifications for repair of the damaged property that you can reasonably make available to us; and
- e. Evidence that prior flood damage has been repaired.

3. If we give you written notice within 30 days after we receive your signed, sworn proof of loss, we may:

- a. Repair, rebuild, or replace any part of the lost, damaged, or destroyed property with material or property of like kind and quality or its functional equivalent; and
- b. Take all or any part of the damaged property at the value that we agree upon or its appraised value.

L. No Benefit to Bailee

No person or organization, other than you, having custody of covered property will benefit from this insurance.

M. Loss Payment

1. We will adjust all losses with you. We will pay you unless some other person or entity is named in the policy or is legally entitled to receive payment. Loss will be payable 60 days after we receive your proof of loss (or within 90 days after the insurance

adjuster files an adjuster's report signed and sworn to by you in lieu of a proof of loss) and:

- a. We reach an agreement with you;
 - b. There is an entry of a final judgment; or
 - c. There is a filing of an appraisal award with us, as provided in VII. P.
2. If we reject your proof of loss in whole or in part you may:
- a. Accept such denial of your claim;
 - b. Exercise your rights under this policy; or
 - c. File an amended proof of loss as long as it is filed within 60 days of the date of the loss.

N. Abandonment

You may not abandon damaged or undamaged insured property to us.

O. Salvage

We may permit you to keep damaged insured property after a loss, and we will reduce the amount of the loss proceeds payable to you under the policy by the value of the salvage.

P. Appraisal

If you and we fail to agree on the actual cash value of the damaged property so as to determine the amount of loss, either may demand an appraisal of the loss. In this event, you and we will each choose a competent and impartial appraiser within 20 days after receiving a written request from the other. The two appraisers will choose an umpire. If they cannot agree upon an umpire within 15 days, you or we may request that the choice be made by a judge of a court of record in the state where the insured property is located. The appraisers will separately state the actual cash value and the amount of loss to each item. If the appraisers submit a written report of an agreement to us, the amount agreed upon will be the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will set the amount of actual cash value and loss.

Each party will:

1. Pay its own appraiser; and
2. Bear the other expenses of the appraisal and umpire equally.

Q. Mortgage Clause

The word "mortgagee" includes trustee.

Any loss payable under Coverage A—Building Property will be paid to any mortgagee of whom we have actual notice, as well as any other mortgagee or loss payee determined to exist at the time of loss, and you, as interests appear. If more than one mortgagee is named, the order of payment will be the same as the order of precedence of the mortgages. If we deny your claim, that denial will not apply to a valid claim of the mortgagee, if the mortgagee:

1. Notifies us of any change in the ownership or occupancy, or substantial change in risk of which the mortgagee is aware;
2. Pays any premium due under this policy on demand if you have neglected to pay the premium; and
3. Submits a signed, sworn proof of loss within 60 days after receiving notice from us of your failure to do so.

All terms of this policy apply to the mortgagee.

The mortgagee has the right to receive loss payment even if the mortgagee has started foreclosure or similar action on the building.

If we decide to cancel or not renew this policy, it will continue in effect for the benefit of the mortgagee only for 30 days after we notify the mortgagee of the cancellation or non-renewal.

If we pay the mortgagee for any loss and deny payment to you, we are subrogated to all the rights of the mortgagee granted under the mortgage on the property. Subrogation will not impair the right of the mortgagee to recover the full amount of the mortgagee's claim.

R. Suit Against Us

You may not sue us to recover money under this policy unless you have complied with all the requirements of the policy. If you do sue, you must start the suit within one year of the date of the written denial of all or part of the claim, and you must file the suit in the United States District Court of the district in which the insured property was located at the time of loss. This requirement applies to any claim that you may have under this policy and to any dispute that you may have arising out of the handling of any claim under the policy.

S. Subrogation

Whenever we make a payment for a loss under this policy, we are subrogated to your right to recover for that loss from any other person. That means that your right to recover for a loss that was partly or totally caused by someone else is automatically transferred to us, to the extent that we have paid you for the loss. We may require you to acknowledge this transfer in writing. After the loss, you may not give up our right to recover this money or do anything that would prevent us from recovering it. If you make any claim against any person who caused your loss and recover any money, you must pay us back first before you may keep any of that money.

T. Continuous Lake Flooding

1. If an insured building has been flooded by rising lake waters continuously for 90 days or more and it appears reasonably certain that a continuation of this flooding will result in a covered loss to the insured building equal to or greater than the building policy limits plus the deductible or the maximum payable under the policy for any one building loss, we will pay you the lesser of these two amounts without waiting for the further damage to occur if you sign a release agreeing:

- a. To make no further claim under this policy;
- b. Not to seek renewal of this policy;
- c. Not to apply for any flood insurance under the Act for property at the described location; and
- d. Not to seek a premium refund for current or prior terms.

If the policy term ends before the insured building has been flooded continuously for 90 days, the provisions of this paragraph T.1. will apply when as the insured building suffers a covered loss before the policy term ends.

2. If your insured building is subject to continuous lake flooding from a closed basin lake, you may elect to file a claim under either paragraph T.1. above or this paragraph T.2. (A "closed basin lake" is a natural lake from which water leaves primarily through evaporation and whose surface area now exceeds or has exceeded one square mile at any time in the recorded past. Most of the nation's closed basin lakes are in the western half of the United States, where annual evaporation exceeds annual precipitation and where lake levels and surface areas are subject to considerable fluctuation due to wide variations in the climate. These lakes may overtop their basins on rare occasions.) Under this paragraph T.2 we will pay your claim as if the building is a total loss even though it has not been continuously inundated for 90 days, subject to the following conditions:

a. Lake flood waters must damage or imminently threaten to damage your building.

b. Before approval of your claim, you must:

(1) Agree to a claim payment that reflects your buying back the salvage on a negotiated basis; and

(2) Grant the conservation easement described in FEMA's "Policy Guidance for Closed Basin Lakes," to be recorded in the office of the local recorder of deeds. FEMA, in consultation with the community in which the property is located, will identify on a map an area or areas of special consideration (ASC) in which there is a potential for flood damage from continuous lake flooding. FEMA will give the community the agreed-upon map showing the ASC. This easement will only apply to that portion of the property in the ASC. It will allow certain agricultural and recreational uses of the land. The only structures that it will allow on any portion of the property within the ASC are certain, simple agricultural and recreational structures. If any of these allowable structures are insurable buildings under the NFIP and are insured under the NFIP, they will not be eligible for the benefits of this paragraph T.2. If a U.S. Army Corps of Engineers certified flood control project or otherwise certified flood control project later protects the property, FEMA will, upon request, amend the ASC to remove areas protected by those projects. The restrictions of the easement will then no longer apply to any portion of the property removed from the ASC; and

(3) Comply with paragraphs T.1.a. through T.1.d. above.

c. Within 90 days of approval of your claim, you must move your building to a new location outside the ASC. FEMA will give you an additional 30 days to move if you show that there is sufficient reason to extend the time.

d. Before the final payment of your claim, you must acquire an elevation certificate and a floodplain development permit from the local floodplain administrator for the new location of your building.

e. Before the approval of your claim, the community having jurisdiction over your building must:

(1) Adopt a permanent land use ordinance, or a temporary moratorium for a period not

to exceed 6 months to be followed immediately by a permanent land use ordinance, that is consistent with the provisions specified in the easement required in paragraph T.2.b. above.

(2) Agree to declare and report any violations of this ordinance to FEMA so that under Sec. 1316 of the National Flood Insurance Act of 1968, as amended, flood insurance to the building can be denied; and

(3) Agree to maintain as deed-restricted, for purposes compatible with open space or agricultural or recreational use only, any affected property the community acquires an interest in. These deed restrictions must be consistent with the provisions of paragraph T.2.b. above except that even if a certified project protects the property, the land use restrictions continue to apply if the property was acquired under the Hazard Mitigation Grant Program or the Flood Mitigation Assistance Program. If a non-profit land trust organization receives the property as a donation, that organization must maintain the property as deed-restricted, consistent with the provisions of paragraph T.2.b. above.

f. Before the approval of your claim, the affected State must take all action set forth in FEMA's "Policy Guidance for Closed Basin Lakes."

g. You must have NFIP flood insurance coverage continuously in effect from a date established by FEMA until you file a claim under this paragraph T.2. If a subsequent owner buys NFIP insurance that goes into effect within 60 days of the date of transfer of title, any gap in coverage during that 60-day period will not be a violation of this continuous coverage requirement. For the purpose of honoring a claim under this paragraph T.2, we will not consider to be in effect any increased coverage that became effective after the date established by FEMA. The exception to this is any increased coverage in the amount suggested by your insurer as an inflation adjustment.

h. This paragraph T.2. will be in effect for a community when the FEMA Regional Director for the affected region provides to the community, in writing, the following:

(1) Confirmation that the community and the State are in compliance with the conditions in paragraphs T.2.e. and T.2.f. above, and

(2) The date by which you must have flood insurance in effect.

U. Duplicate Policies Not Allowed

1. Property may not be insured under more than one NFIP policy.

If we find that the duplication was not knowingly created, we will give you written notice. The notice will advise you that you may choose one of several options under the following procedures:

a. If you choose to keep in effect the policy with the earlier effective date, you may also choose to add the coverage limits of the later policy to the limits of the earlier policy. The change will become effective as of the effective date of the later policy.

b. If you choose to keep in effect the policy with the later effective date, you may also choose to add the coverage limits of the earlier policy to the limits of the later policy.

The change will be effective as of the effective date of the later policy.

In either case, you must pay the pro rata premium for the increased coverage limits within 30 days of the written notice. In no event will the resulting coverage limits exceed the permissible limits of coverage under the Act or your insurable interest, whichever is less. We will make a refund to you, according to applicable NFIP rules, of the premium for the policy not being kept in effect.

2. Your option under this Condition U. Duplicate Policies Not Allowed to elect which NFIP policy to keep in effect does not apply when duplicates have been knowingly created. Losses occurring under such circumstances will be adjusted according to the terms and conditions of the earlier policy. The policy with the later effective date must be canceled.

V. Loss Settlement

We will pay the least of the following amounts after application of the deductible:

1. The applicable amount of insurance under this policy;
2. The actual cash value; or
3. The amount it would cost to repair or replace the property with material of like kind and quality within a reasonable time after the loss.

VIII. Liberalization Clause

If we make a change that broadens your coverage under this edition of our policy, but does not require any additional premium, then that change will automatically apply to your insurance as of the date we implement the change, provided that this implementation date falls within 60 days before or during the policy term stated on the Declarations Page.

IX. What Law Governs

This policy and all disputes arising from the handling of any claim under the policy are governed exclusively by the flood insurance regulations issued by FEMA, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, *et seq.*), and Federal common law.

In Witness Whereof, we have signed this policy below and hereby enter into this Insurance Agreement.

Jo Ann Howard,

Administrator, Federal Insurance Administration.

8. We revise Appendix A(3) to Part 61, Residential Condominium Building Association Policy, to read as follows:

APPENDIX A(3) TO PART 61

**Federal Emergency Management Agency
Federal Insurance Administration**

Standard Flood Insurance Policy

**RESIDENTIAL CONDOMINIUM BUILDING
ASSOCIATION POLICY**

I. Agreement

Please read the policy carefully. The flood insurance provided is subject to limitations, restrictions, and exclusions.

This policy covers only a residential condominium building in a regular program community. If the community reverts to emergency program status during the policy term and remains as an emergency program community at time of renewal, this policy cannot be renewed.

The Federal Emergency Management Agency (FEMA) provides flood insurance under the terms of the National Flood Insurance Act of 1968 and its Amendments, and Title 44 of the Code of Federal Regulations.

We will pay you for direct physical loss by or from flood to your insured property if you:

1. Have paid the correct premium;
2. Comply with all terms and conditions of this policy; and
3. Have furnished accurate information and statements.

We have the right to review the information you give us at any time and to revise your policy based on our review.

II. Definitions

A. In this policy, "you" and "your" refer to the insured(s) shown on the Declarations Page of this policy. Insured(s) includes: any mortgagee and loss payee named in the Application and Declarations Page, as well as any other mortgagee or loss payee determined to exist at the time of loss in the order of precedence. "We," "us," and "our" refer to the insurer.

Some definitions are complex because they are provided as they appear in the law or regulations, or result from court cases. The precise definitions are intended to protect you.

"Flood", as used in this flood insurance policy, means:

1. A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (one of which is your property) from:

- a. Overflow of inland or tidal waters;
- b. Unusual and rapid accumulation or runoff of surface waters from any source;
- c. Mudflow.

2. Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels which result in a flood as defined in A.1.a above.

B. The following are the other key definitions we use in this policy:

1. *Act*. The National Flood Insurance Act of 1968 and any amendments to it.

2. *Actual Cash Value*. The cost to replace an insured item of property at the time of loss, less the value of its physical depreciation.

3. *Application.* The statement made and signed by you or your agent in applying for this policy. The application gives information we use to determine the eligibility of the risk, the kind of policy to be issued, and the correct premium payment. The application is part of this flood insurance policy. For us to issue you a policy, the correct premium payment must accompany the application.

4. *Base Flood.* A flood having a one percent chance of being equaled or exceeded in any given year.

5. *Basement.* Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

6. *Building.*

a. A structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

b. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or

c. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

Building does not mean a gas or liquid storage tank or a recreational vehicle, park trailer or other similar vehicle, except as described in B.6.c., above.

7. *Cancellation.* The ending of the insurance coverage provided by this policy before the expiration date.

8. *Condominium.* That form of ownership of real property in which each unit owner has an undivided interest in common elements.

9. *Condominium Association.* The entity, formed by the unit owners, responsible for the maintenance and operation of:

a. Common elements owned in undivided shares by unit owners; and

b. Other real property in which the unit owners have use rights; where membership in the entity is a required condition of unit ownership.

10. *Declarations Page.* A computer-generated summary of information you provided in the application for insurance. The Declarations Page also describes the term of the policy, limits of coverage, and displays the premium and our name. The Declarations Page is a part of this flood insurance policy.

11. *Described Location.* The location where the insured building or personal property is found. The described location is shown on the Declarations Page.

12. *Direct Physical Loss By or From Flood.* Loss or damage to insured property, directly caused by a flood. There must be evidence of physical changes to the property.

13. *Elevated Building.* A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

14. *Emergency Program.* The initial phase of a community's participation in the National Flood Insurance Program. During this phase, only limited amounts of insurance are available under the Act.

15. *Expense Constant.* A flat charge you must pay on each new or renewal policy to defray the expenses of the Federal Government related to flood insurance.

16. *Federal Policy Fee.* A flat charge you must pay on each new or renewal policy to defray certain administrative expenses incurred in carrying out the National Flood Insurance Program. This fee covers expenses not covered by the expense constant.

17. *Improvements.* Fixtures, alterations, installations, or additions comprising a part of the residential condominium building, including improvements in the units.

18. *Mudflow.* A river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water. Other earth movements, such as landslide, slope failure, or a saturated soil mass moving by liquidity down a slope, are not mudflows.

19. *National Flood Insurance Program (NFIP).* The program of flood insurance coverage and floodplain management administered under the Act and applicable Federal regulations in Title 44 of the Code of Federal Regulations, Subchapter B.

20. *Policy.* The entire written contract between you and us. It includes:

- a. This printed form;
- b. The application and Declarations Page;
- c. Any endorsement(s) that may be issued; and
- d. Any renewal certificate indicating that coverage has been instituted for a new policy and new policy term.

Only one building, which you specifically described in the application, may be insured under this policy.

21. *Pollutants.* Substances that include, but are not limited to, any solid, liquid, gaseous, or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste. Waste includes, but is not limited to, materials to be recycled, reconditioned, or reclaimed.

22. *Post-FIRM Building.* A building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

23. *Probation Premium.* A flat charge you must pay on each new or renewal policy issued covering property in a community that the NFIP has placed on probation under the provisions of 44 CFR 59.24.

24. *Regular Program.* The final phase of a community's participation in the National Flood Insurance Program. In this phase, a Flood Insurance Rate Map is in effect and full limits of coverage are available under the Act.

25. *Residential Condominium Building.* A building, owned and administered as a condominium, containing one or more family units and in which at least 75% of the floor area is residential.

26. *Special Flood Hazard Area.* An area having special flood or mudflow, and/or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or V.

27. *Unit.* A single-family unit in a residential condominium building.

28. *Valued Policy.* A policy in which the insured and the insurer agree on the value of the property insured, that value being payable in the event of a total loss. The Standard Flood Insurance Policy is not a valued policy.

III. Property Covered

A. Coverage A—Building Property

We insure against direct physical loss by or from flood to:

1. The residential condominium building described on the Declarations Page at the described location, including all units within the building and the improvements within the units.

2. We also insure such building property for a period of 45 days at another location, as set forth in III.C.2.b., Property Removed to Safety.

3. Additions and extensions attached to and in contact with the building by means of a rigid exterior wall, a solid load-bearing interior wall, a stairway, an elevated walkway, or a roof. At your option, additions and extensions connected by any of these methods may be separately insured.

Additions and extensions attached to and in contact with the building by means of a common interior wall that is not a solid load-bearing wall are always considered part of the building and cannot be separately insured.

4. The following fixtures, machinery and equipment, including its units, which are covered under Coverage A only:

- a. Awnings and canopies;
- b. Blinds;
- c. Carpet permanently installed over unfinished flooring;
- d. Central air conditioners;
- e. Elevator equipment;
- f. Fire extinguishing apparatus;
- g. Fire sprinkler systems;
- h. Walk-in freezers;
- i. Furnaces;
- j. Light fixtures;
- k. Outdoor antennas and aerials fastened to buildings;
- l. Permanently installed cupboards, bookcases, paneling, and wallpaper;
- m. Pumps and machinery for operating pumps;
- n. Ventilating equipment;
- o. Wall mirrors, permanently installed; and
- p. In the units within the building, installed:

- (1) Built-in dishwashers;
- (2) Built-in microwave ovens;
- (3) Garbage disposal units;
- (4) Hot water heaters, including solar water heaters;
- (5) Kitchen cabinets;
- (6) Plumbing fixtures;
- (7) Radiators;
- (8) Ranges;
- (9) Refrigerators; and
- (10) Stoves.

5. Materials and supplies to be used for construction, alteration or repair of the insured building while the materials and supplies are stored in a fully enclosed building at the described location or on an adjacent property.

6. A building under construction, alteration or repair at the described location.

a. If the structure is not yet walled or roofed as described in the definition for building (see II.B.6.a.), then coverage applies:

- (1) Only while such work is in progress; or
- (2) If such work is halted, only for a period of up to 90 continuous days thereafter.

b. However, coverage does not apply until the building is walled and roofed if the lowest floor, including the basement floor, of a non-elevated building or the lowest elevated floor of an elevated building is:

- (1) Below the base flood elevation in Zones AH, AE, A1-30, AR, AR/AE, AR/AH, AR/A1-30, AR/A, AR/AO; or

- (2) Below the base flood elevation adjusted to include the effect of wave action in Zones VE or V1-30.

The lowest floor levels are based on the bottom of the lowest horizontal structural member of the floor in Zones VE or V1-V30 and the top of the floor in Zones AH, AE, A1-A30, AR, AR/AE, AR/AH, AR/A1-A30, AR/A, AR/AO.

7. A manufactured home or a travel trailer as described in the Definitions Section (See II.B.b. and c.).

If the manufactured home is in a special flood hazard area, it must be anchored in the following manner at the time of the loss:

- a. By over-the-top or frame ties to ground anchors; or
- b. In accordance with the manufacturer's specifications; or
- c. In compliance with the community's floodplain management requirements unless it has been continuously insured by the NFIP at the same described location since September 30, 1982.

8. Items of property in a building enclosure below the lowest elevated floor of an elevated post-FIRM building located in zones A1-A30, AE, AH, AR, AR/A, AR/AE, AR/AH, AR/A1-A30, V1-V30, or VE, or in a basement, regardless of the zone. Coverage is limited to the following:

- a. Any of the following items, if installed in their functioning locations and, if necessary for operation, connected to a power source:

- (1) Central air conditioners;
- (2) Cisterns and the water in them;
- (3) Drywall for walls and ceilings in a basement and the cost of labor to nail it, unfinished and unfloated and not taped, to the framing;
- (4) Electrical junction and circuit breaker boxes;
- (5) Electrical outlets and switches;
- (6) Elevators, dumbwaiters, and related equipment, except for related equipment installed below the base flood elevation after September 30, 1987;
- (7) Fuel tanks and the fuel in them;
- (8) Furnaces and hot water heaters;
- (9) Heat pumps;
- (10) Nonflammable insulation in a basement;
- (11) Pumps and tanks used in solar energy systems;
- (12) Stairways and staircases attached to the building, not separated from it by elevated walkways;
- (13) Sump pumps;
- (14) Water softeners and the chemicals in them, water filters and faucets installed as an integral part of the plumbing system;

- (15) Well water tanks and pumps;
- (16) Required utility connections for any item in this list; and

(17) Footings, foundations, posts, pilings, piers, or other foundation walls and anchorage systems required to support a building.

- b. Clean-up.

B. Coverage B—Personal Property

1. If you have purchased personal property coverage, we insure, subject to B.2. and B.3. below, against direct physical loss by or from flood to personal property that is inside the fully enclosed insured building and is:

- a. Owned by the unit owners of the condominium association in common, meaning property in which each unit owner has an undivided ownership interest; or
- b. Owned solely by the condominium association and used exclusively in the conduct of the business affairs of the condominium association.

We also insure such personal property for 45 days while stored at a temporary location, as set forth in III.C.2.b., Property Removed to Safety.

2. Coverage for personal property includes the following property, subject to B.1. above, which is covered under Coverage B only:

- a. Air conditioning units—portable or window type;
- b. Carpet, not permanently installed, over unfinished flooring;
- c. Carpets over finished flooring;
- d. Clothes washers and dryers;
- e. "Cook-out" grills;
- f. Food freezers, other than walk-in, and the food in any freezer;
- g. Outdoor equipment and furniture stored inside the insured building;
- h. Ovens and the like; and
- i. Portable microwave ovens and portable dishwashers.

3. Coverage for items of property in a building enclosure below the lowest elevated floor of an elevated post-FIRM building located in zones A1-A30, AE, AH, AR, AR/A, AR/AE, AR/AH, AR/A1-A30, V1-V30, or VE, or in a basement, regardless of the zone, is limited to the following items, if installed in their functioning locations and, if necessary for operation, connected to a power source:

- a. Air conditioning units—portable or window type;
- b. Clothes washers and dryers; and
- c. Food freezers, other than walk-in, and food in any freezer.

4. Special Limits. We will pay no more than \$2,500 for any one loss to one or more of the following kinds of personal property:

- a. Artwork, photographs, collectibles, or memorabilia, including but not limited to, porcelain or other figures, and sports cards;
- b. Rare books or autographed items;
- c. Jewelry, watches, precious and semi-precious stones, or articles of gold, silver, or platinum;
- d. Furs or any article containing fur which represents its principal value.

5. We will pay only for the functional value of antiques.

C. Coverage C—Other Coverages

1. Debris Removal

a. We will pay the expense to remove non-owned debris that is on or in insured property and debris of insured property anywhere.

b. If you or a member of your household perform the removal work, the value of your work will be based on the Federal minimum wage.

c. This coverage does not increase the Coverage A or Coverage B limit of liability.

2. Loss Avoidance Measures

a. Sandbags, Supplies, and Labor

(1) We will pay up to \$1,000 for the costs you incur to protect the insured building from a flood or imminent danger of flood, for the following:

- (a) Your reasonable expenses to buy:
 - (i) Sandbags, including sand to fill them;
 - (ii) Fill for temporary levees;
 - (iii) Pumps; and
 - (iv) Plastic sheeting and lumber used in connection with these items; and
- (b) The value of work, at the Federal minimum wage, that you perform.

(2) This coverage for Sandbags, Supplies, and Labor applies only if damage to insured property by or from flood is imminent and the threat of flood damage is apparent enough to lead a person of common prudence to anticipate flood damage. One of the following must also occur:

(a) A general and temporary condition of flooding in the area near the described location must occur, even if the flood does not reach the insured building; or

(b) A legally authorized official must issue an evacuation order or other civil order for the community in which the insured building is located calling for measures to preserve life and property from the peril of flood. This coverage does not increase the Coverage A or Coverage B limit of liability.

b. Property Removed to Safety

(1) We will pay up to \$1,000 for the reasonable expenses you incur to move insured property to a place other than the described location that contains the property in order to protect it from flood or the imminent danger of flood.

Reasonable expenses include the value of work, at the Federal minimum wage, that you perform.

(2) If you move insured property to a location other than the described location that contains the property, in order to protect it from flood or the imminent danger of flood, we will cover such property while at that location for a period of 45 consecutive days from the date you begin to move it there. The personal property that is moved must be placed in a fully enclosed building, or otherwise reasonably protected from the elements.

Any property removed, including a moveable home described in II.6.b. and c., must be placed above ground level or outside of the special flood hazard area.

This coverage does not increase the Coverage A or Coverage B limit of liability.

D. Coverage D—Increased Cost of Compliance

1. General.

This policy pays you to comply with a State or local floodplain management law or ordinance affecting repair or reconstruction

of a structure suffering flood damage. Compliance activities eligible for payment are: elevation, floodproofing, relocation, or demolition (or any combination of these activities) of your structure. Eligible floodproofing activities are limited to:

- a. Non-residential structures.
- b. Residential structures with basements that satisfy FEMA's standards published in the Code of Federal Regulations [44 CFR 60.6 (b) or (c)].

2. *Limit of Liability.*

We will pay you up to \$20,000 under this Coverage D—Increased Cost of Compliance, which only applies to policies with building coverage (Coverage A). Our payment of claims under Coverage D is in addition to the amount of coverage which you selected on the application and which appears on the Declarations Page. But the maximum you can collect under this policy for both Coverage A—Building Property and Coverage D—Increased Cost of Compliance cannot exceed the maximum permitted under the Act. We do not charge a separate deductible for a claim under Coverage D.

3. *Eligibility.*

a. A structure covered under Coverage A—Building Property sustaining a loss caused by a flood as defined by this policy must:

(1) Be a "repetitive loss structure." A "repetitive loss structure" is one that meets the following conditions:

- (a) The structure is covered by a contract of flood insurance issued under the NFIP.
- (b) The structure has suffered flood damage on 2 occasions during a 10-year period which ends on the date of the second loss.
- (c) The cost to repair the flood damage, on average, equaled or exceeded 25% of the market value of the structure at the time of each flood loss.

(d) In addition to the current claim, the NFIP must have paid the previous qualifying claim, and the State or community must have a cumulative, substantial damage provision or repetitive loss provision in its floodplain management law or ordinance being enforced against the structure; or

(2) Be a structure that has had flood damage in which the cost to repair equals or exceeds 50% of the market value of the structure at the time of the flood. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.

b. This Coverage D pays you to comply with State or local floodplain management laws or ordinances that meet the minimum standards of the National Flood Insurance Program found in the Code of Federal Regulations at 44 CFR 60.3. We pay for compliance activities that exceed those standards under these conditions:

(1) 3.a.(1) above.

(2) Elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood

elevations are being increased, and a flood-damaged structure must comply with the higher advisory base flood elevation.) Increased Cost of Compliance coverage does not apply to situations in B, C, X, or D zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.

(3) Elevation or floodproofing above the base flood elevation to meet State or local "freeboard" requirements, i.e., that a structure must be elevated above the base flood elevation.

c. Under the minimum NFIP criteria at 44 CFR 60.3(b)(4), States and communities must require the elevation or floodproofing of structures in unnumbered A zones to the base flood elevation where elevation data is obtained from a Federal, State, or other source. Such compliance activities are also eligible for Coverage D.

d. This coverage will also pay for the incremental cost, after demolition or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion D.5.g. below relating to improvements.

e. This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

4. *Conditions.*

a. When a structure covered under Coverage A—Building Property sustains a loss caused by a flood, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, or demolish (or any combination of these activities) caused by the enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building debris or a portion thereof caused by the enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

b. When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

5. *Exclusions.*

Under this Coverage D—Increased Cost of Compliance, we will not pay for:

a. The cost to comply with any floodplain management law or ordinance in communities participating in the Emergency Program.

b. The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of pollutants.

c. The loss in value to any insured building or other structure due to the requirements of any ordinance or law.

d. The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.

e. Any Increased Cost of Compliance under this Coverage D:

(1) Until the building is elevated, floodproofed, demolished, or relocated on the same or to another premises; and

(2) Unless the building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed two years.

f. Any code upgrade requirements, e.g., plumbing or electrical wiring, not specifically related to the State or local floodplain management law or ordinance.

g. Any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.

h. Loss due to any ordinance or law that you were required to comply with before the current loss.

i. Any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where the insured has received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.

j. Increased Cost of Compliance for a garage or carport.

k. Any structure insured under an NFIP Group Flood Insurance Policy.

l. Assessments made by a condominium association on individual condominium unit owners to pay increased costs of repairing commonly owned buildings after a flood in compliance with State or local floodplain management ordinances or laws.

6. *Other Provisions.*

a. Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the coinsurance requirement for replacement cost coverage under VIII. General Conditions, V. Loss Settlement.

b. All other conditions and provisions of this policy apply.

IV. *Property Not Covered*

We do not cover any of the following:

1. Personal property not inside the fully enclosed building;

2. A building, and personal property in it, located entirely in, on, or over water or seaward of mean high tide, if constructed or substantially improved after September 30, 1982;

3. Open structures, including a building used as a boathouse or any structure or building into which boats are floated, and personal property located in, on, or over water;

4. Recreational vehicles other than travel trailers described in the Definitions Section (see II.B.6.c.) whether affixed to a permanent foundation or on wheels;

5. Self-propelled vehicles or machines, including their parts and equipment.

However, we do cover self-propelled vehicles or machines, provided they are not licensed for use on public roads and are:

- a. Used mainly to service the described location, or
- b. Designed and used to assist handicapped persons, while the vehicles or machines are inside a building at the described location;
6. Land, land values, lawns, trees, shrubs, plants, growing crops, or animals;
7. Accounts, bills, coins, currency, deeds, evidences of debt, medals, money, scrip, stored value cards, postage stamps, securities, bullion, manuscripts, or other valuable papers;
8. Underground structures and equipment, including wells, septic tanks, and septic systems;
9. Those portions of walks, walkways, decks, driveways, patios, and other surfaces, all whether protected by a roof or not, located outside the perimeter, exterior walls of the insured building;
10. Containers, including related equipment, such as, but not limited to, tanks containing gases or liquids;
11. Buildings and all their contents if more than 49% of the actual cash value of the building is below ground, unless the lowest level is at or above the base flood elevation and is below ground by reason of earth having been used as insulation material in conjunction with energy efficient building techniques;
12. Fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks;
13. Aircraft or watercraft, or their furnishings and equipment;
14. Hot tubs and spas that are not bathroom fixtures, and swimming pools, and their equipment such as, but not limited to, heaters, filters, pumps, and pipes, wherever located;
15. Property not eligible for flood insurance pursuant to the provisions of the Coastal Barrier Resources Act and the Coastal Barrier Improvements Act of 1990 and amendments to these Acts;
16. Personal property used in connection with any incidental commercial occupancy or use of the building.

V. Exclusions

- A. We only pay for direct physical loss by or from flood, which means that we do not pay you for:
 1. Loss of revenue or profits;
 2. Loss of access to the insured property or described location;
 3. Loss of use of the insured property or described location;
 4. Loss from interruption of business or production;
 5. Any additional living expenses incurred while the insured building is being repaired or is unable to be occupied for any reason;
 6. The cost of complying with any ordinance or law requiring or regulating the construction, demolition, remodeling, renovation, or repair of property, including removal of any resulting debris. This exclusion does not apply to any eligible activities that we describe in Coverage D—Increased Cost of Compliance; or
 7. Any other economic loss.

B. We do not insure a loss directly or indirectly caused by a flood that is already in progress at the time and date:

1. The policy term begins; or
2. Coverage is added at your request.
- C. We do not insure for loss to property caused directly by earth movement even if the earth movement is caused by flood. Some examples of earth movement that we do not cover are:
 1. Earthquake;
 2. Landslide;
 3. Land subsidence;
 4. Sinkholes;
 5. Destabilization or movement of land that results from accumulation of water in subsurface land areas; or
 6. Gradual erosion.

We do, however, pay for losses from mudflow and land subsidence as a result of erosion that are specifically covered under our definition of flood (see II.A.1.c. and II.A.2.).

D. We do not insure for direct physical loss caused directly or indirectly by:

1. The pressure or weight of ice;
2. Freezing or thawing;
3. Rain, snow, sleet, hail, or water spray;
4. Water, moisture, mildew, or mold damage that results primarily from any condition:
 - a. Substantially confined to the insured building; or
 - b. That is within your control including,
 - (1) Design, structural, or mechanical defects;
 - (2) Failures, stoppages, or breakage of water or sewer lines, drains, pumps, fixtures, or equipment; or
 - (3) Failure to inspect and maintain the property after a flood recedes;
5. Water or water-borne material that:
 - a. Backs up through sewers or drains;
 - b. Discharges or overflows from a sump, sump pump, or related equipment; or
 - c. Seeps or leaks on or through insured property; unless there is a flood in the area and the flood is the proximate cause of the sewer, drain, or sump pump discharge or overflow, or the seepage of water;
6. The pressure or weight of water unless there is a flood in the area and the flood is the proximate cause of the damage from the pressure or weight of water.

7. Power, heating, or cooling failure unless the failure results from direct physical loss by or from flood to power, heating or cooling equipment situated on the described location;

8. Theft, fire, explosion, wind, or windstorm;

9. Anything you or your agents do or conspire to do to cause loss by flood deliberately; or

10. Alteration of the insured property that significantly increases the risk of flooding.

E. We do not insure for loss to any building or personal property located on land leased from the Federal Government, arising from or incident to the flooding of the land by the Federal Government, where the lease expressly holds the Federal Government harmless under flood insurance issued under any Federal Government program.

F. We do not pay for the testing for or monitoring of pollutants unless required by law or ordinance.

VI. Deductibles

A. When a loss is covered under this policy, we will pay only that part of the loss that exceeds the applicable deductible amount, subject to the limit of insurance that applies. The deductible amount is shown on the Declarations Page.

However, when a building under construction, alteration, or repair does not have at least two rigid exterior walls and a fully secured roof at the time of loss, your deductible amount will be two times the deductible that would otherwise apply to a completed building.

B. In each loss from flood, separate deductibles apply to the building and personal property insured by this policy.

C. No deductible applies to:

1. III.C.2. Loss Avoidance Measures; or
2. III.D. Increased Cost of Compliance.

VII. Coinsurance

A. This Coinsurance Section applies only to coverage on the building.

B. We will impose a penalty on loss payment unless the amount of insurance applicable to the damaged building is:

1. At least 80% of its replacement cost; or
2. The maximum amount of insurance available for that building under the NFIP, whichever is less.

C. If the actual amount of insurance on the building is less than the required amount in accordance with the terms of VII. B. above, then loss payment is determined as follows (subject to all other relevant conditions in this policy, including those pertaining to valuation, adjustment, settlement, and payment of loss):

1. Divide the actual amount of insurance carried on the building by the required amount of insurance.

2. Multiply the amount of loss, before application of the deductible, by the figure determined in C.1. above.

3. Subtract the deductible from the figure determined in C.2. above.

We will pay the amount determined in C.3. above, or the amount of insurance carried, whichever is less. The amount of insurance carried, if in excess of the applicable maximum amount of insurance available under the NFIP, is reduced accordingly.

Examples

Example #1 (Inadequate Insurance)

Replacement value of the building—\$250,000
 Required amount of insurance—\$200,000
 (80% of replacement value of \$250,000)
 Actual amount of insurance carried—\$180,000
 Amount of the loss—\$150,000
 Deductible—\$500
 Step 1: $180,000 \div 200,000 = .90$
 (90% of what should be carried.)
 Step 2: $150,000 \times .90 = 135,000$
 Step 3: $135,000 - 500 = 134,500$

We will pay no more than \$134,500. The remaining \$15,500 is not covered due to the coinsurance penalty (\$15,000) and application of the deductible (\$500).

Example #2 (Adequate Insurance)

Replacement value of the building—\$500,000
 Required amount of insurance—\$400,000
 (80% of replacement value of \$500,000)
 Actual amount of insurance carried—
 \$400,000
 Amount of the loss—\$200,000
 Deductible—\$500

In this example there is no coinsurance penalty, because the actual amount of insurance carried meets the required amount. We will pay no more than \$199,500 (\$200,000 amount of loss minus the \$500 deductible).

D. In calculating the full replacement cost of a building:

1. The replacement cost value of any covered building property will be included;
2. The replacement cost value of any building property not covered under this policy will not be included; and
3. Only the replacement cost value of improvements installed by the condominium association will be included.

VIII. General Conditions**A. Pair and Set Clause.**

In case of loss to an article that is part of a pair or set, we will have the option of paying you:

1. An amount equal to the cost of replacing the lost, damaged, or destroyed article, less depreciation; or
2. An amount which represents the fair proportion of the total value of the pair or set that the lost, damaged, or destroyed article bears to the pair or set.

B. Concealment or Fraud and Policy Voidance.

1. With respect to all insureds under this policy, this policy:

- a. Is void,
- b. Has no legal force or effect,
- c. Cannot be renewed, and
- d. Cannot be replaced by a new NFIP policy, if, before or after a loss, you or any other insured or your agent have at any time:

- (1) Intentionally concealed or misrepresented any material fact or circumstance,
- (2) Engaged in fraudulent conduct, or
- (3) Made false statements, relating to this policy or any other NFIP insurance.

2. This policy will be void as of the date the wrongful acts described in B.1. above were committed.

3. Fines, civil penalties, and imprisonment under applicable Federal laws may also apply to the acts of fraud or concealment described above.

4. This policy is also void for reasons other than fraud, misrepresentation, or wrongful act. This policy is void from its inception and has no legal force under the following conditions:

- a. If the property is located in a community that was not participating in the NFIP on the policy's inception date and did not join or re-enter the program during the policy term and before the loss occurred; or
- b. If the property listed on the application is not otherwise eligible for coverage under the NFIP.

C. Other Insurance.

1. If a loss covered by this policy is also covered by other insurance that includes

flood coverage not issued under the Act, we will not pay more than the amount of insurance that you are entitled to for lost, damaged or destroyed property insured under this policy subject to the following:

- a. We will pay only the proportion of the loss that the amount of insurance that applies under this policy bears to the total amount of insurance covering the loss, unless C.1.b. or c. immediately below applies.
- b. If the other policy has a provision stating that it is excess insurance, this policy will be primary.
- c. This policy will be primary (but subject to its own deductible) up to the deductible in the other flood policy (except another policy as described in C.1.b. above). When the other deductible amount is reached, this policy will participate in the same proportion that the amount of insurance under this policy bears to the total amount of both policies, for the remainder of the loss.

2. If there is a flood insurance policy in the name of a unit owner that covers the same loss as this policy, then this policy will be primary.

D. *Amendments, Waivers, Assignment.*
 This policy cannot be changed nor can any of its provisions be waived without the express written consent of the Federal Insurance Administrator. No action that we take under the terms of this policy constitutes a waiver of any of our rights. You may assign this policy in writing when you transfer title of your property to someone else except under these conditions:

1. When this policy covers only personal property; or
2. When this policy covers a structure during the course of construction.

E. Cancellation of Policy by You.

1. You may cancel this policy in accordance with the applicable rules and regulations of the NFIP.

2. If you cancel this policy, you may be entitled to a full or partial refund of premium also under the applicable rules and regulations of the NFIP.

1. When this policy covers only personal property; or
2. When this policy covers a structure during the course of construction.

F. Non-Renewal of the Policy by Us.

Your policy will not be renewed:

1. If the community where your covered property is located stops participating in the NFIP, or
2. Your building has been declared ineligible under section 1316 of the Act.

G. Reduction and Reformation of Coverage.

1. If the premium we received from you was not enough to buy the kind and amount of coverage you requested, we will provide only the amount of coverage that can be purchased for the premium payment we received.
2. The policy can be reformed to increase the amount of coverage resulting from the reduction described in G.1. above the amount that you requested as follows:

a. *Discovery of Insufficient Premium or Incomplete Rating Information Before a Loss.*
 (1) If we discover before you have a flood loss that your premium payment was not enough to buy the requested amount of coverage, we will send you and any mortgagee or trustee known to us a bill for the required additional premium for the current policy term (or that portion of the current policy term following any

endorsement changing the amount of coverage). If you or the mortgagee or trustee pay the additional premium within 30 days from the date of our bill, we will reform the policy to increase the amount of coverage to the originally requested amount effective to the beginning of the current policy term (or subsequent date of any endorsement changing the amount of coverage).

(2) If we determine before you have a flood loss that the rating information we have is incomplete and prevents us from calculating the additional premium, we will ask you to send the required information. You must submit the information within 60 days of our request. Once we determine the amount of additional premium for the current policy term, we will follow the procedure in G.2.a.(1) above.

(3) If we do not receive the additional premium (or additional information) by the date it is due, the amount of coverage can only be increased by endorsement subject to any appropriate waiting period.

b. *Discovery of Insufficient Premium or Incomplete Rating Information After a Loss.*
 (1) If we discover after you have a flood loss that your premium payment was not enough to buy the requested amount of coverage, we will send you and any mortgagee or trustee known to us a bill for the required additional premium for the current and the prior policy terms. If you or the mortgagee or trustee pay the additional premium within 30 days of the date of our bill, we will reform the policy to increase the amount of coverage to the originally requested amount effective to the beginning of the prior policy term.

(2) If we discover after you have a flood loss that the rating information we have is incomplete and prevents us from calculating the additional premium, we will ask you to send the required information. You must submit the information before your claim can be paid. Once we determine the amount of additional premium for the current and prior policy terms, we will follow the procedure in G.2.b.(1) above.

(3) If we do not receive the additional premium by the date it is due, your flood insurance claim will be settled based on the reduced amount of coverage. The amount of coverage can only be increased by endorsement subject to any appropriate waiting period.

3. However, if we find that you or your agent intentionally did not tell us, or falsified, any important fact or circumstance or did anything fraudulent relating to this insurance, the provisions of Condition B. Concealment or Fraud and Policy Voidance above apply.

H. *Policy Renewal.*
 1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

H. Policy Renewal.

1. This policy will expire at 12:01 a.m. on the last day of the policy term.

2. We must receive the payment of the appropriate renewal premium within 30 days of the expiration date.

3. If we find, however, that we did not place your renewal notice into the U.S. Postal Service, or if we did mail it, we made a mistake, e.g., we used an incorrect, incomplete, or illegible address, which delayed its delivery to you before the due date for the renewal premium, then we will follow these procedures:

a. If you or your agent notified us, not later than one year after the date on which the payment of the renewal premium was due, of nonreceipt of a renewal notice before the due date for the renewal premium, and we determine that the circumstances in the preceding paragraph apply, we will mail a second bill providing a revised due date, which will be 30 days after the date on which the bill is mailed.

b. If we do not receive the premium requested in the second bill by the revised due date, then we will not renew the policy. In that case, the policy will remain as an expired policy as of the expiration date shown on the Declarations Page.

4. In connection with the renewal of this policy, we may ask you during the policy term to re-certify, on a Recertification Questionnaire that we will provide you, the rating information used to rate your most recent application for or renewal of insurance.

I. Conditions Suspending or Restricting Insurance.

We are not liable for loss that occurs while there is a hazard that is increased by any means within your control or knowledge.

J. Requirements in Case of Loss.

In case of a flood loss to insured property, you must:

1. Give prompt written notice to us;
2. As soon as reasonably possible, separate the damaged and undamaged property, putting it in the best possible order so that we may examine it;
3. Prepare an inventory of damaged personal property showing the quantity, description, actual cash value, and amount of loss. Attach all bills, receipts and related documents;
4. Within 60 days after the loss, send us a proof of loss, which is your statement of the amount you are claiming under the policy signed and sworn to by you, and which furnishes us with the following information:
 - a. The date and time of loss;
 - b. A brief explanation of how the loss happened;
 - c. Your interest (for example, "owner") and the interest, if any, of others in the damaged property;
 - d. Details of any other insurance that may cover the loss;
 - e. Changes in title or occupancy of the insured property during the term of the policy;
 - f. Specifications of damaged insured buildings and detailed repair estimates;
 - g. Names of mortgagees or anyone else having a lien, charge, or claim against the insured property;
 - h. Details about who occupied any insured building at the time of loss and for what purpose; and
 - i. The inventory of damaged personal property described in J.3. above.

5. In completing the proof of loss, you must use your own judgment concerning the amount of loss and justify that amount.

6. You must cooperate with the adjuster or representative in the investigation of the claim.

7. The insurance adjuster whom we hire to investigate your claim may furnish you with a proof of loss form, and she or he may help

you complete it. However, this is a matter of courtesy only, and you must still send us a proof of loss within sixty days after the loss even if the adjuster does not furnish the form or help you complete it.

8. We have not authorized the adjuster to approve or disapprove claims or to tell you whether we will approve your claim.

9. At our option, we may accept the adjuster's report of the loss instead of your proof of loss. The adjuster's report will include information about your loss and the damages you sustained. You must sign the adjuster's report. At our option, we may require you to swear to the report.

K. Our Options After a Loss.

Options that we may, in our sole discretion, exercise after loss include the following:

1. At such reasonable times and places that we may designate, you must:

- a. Show us or our representative the damaged property;
- b. Submit to examination under oath, while not in the presence of another insured, and sign the same; and
- c. Permit us to examine and make extracts and copies of:

(1) Any policies of property insurance insuring you against loss and the deed establishing your ownership of the insured real property;

(2) Condominium association documents including the Declarations of the condominium, its Articles of Association or Incorporation, Bylaws, and rules and regulations; and

(3) All books of accounts, bills, invoices and other vouchers, or certified copies pertaining to the damaged property if the originals are lost.

2. We may request, in writing, that you furnish us with a complete inventory of the lost, damaged, or destroyed property, including:

- a. Quantities and costs;
- b. Actual cash values or replacement cost (whichever is appropriate);
- c. Amounts of loss claimed;
- d. Any written plans and specifications for repair of the damaged property that you can make reasonably available to us; and
- e. Evidence that prior flood damage has been repaired.

3. If we give you written notice within 30 days after we receive your signed, sworn proof of loss, we may:

- a. Repair, rebuild, or replace any part of the lost, damaged, or destroyed property with material or property of like kind and quality or its functional equivalent; and
- b. Take all or any part of the damaged property at the value we agree upon or its appraised value.

L. No Benefit to Bailee.

No person or organization, other than you, having custody of covered property will benefit from this insurance.

M. Loss Payment.

1. We will adjust all losses with you. We will pay you unless some other person or entity is named in the policy or is legally entitled to receive payment. Loss will be payable 60 days after we receive your proof of loss (or within 90 days after the insurance adjuster files an adjuster's report signed and

sworn to by you in lieu of a proof of loss) and:

- a. We reach an agreement with you;
- b. There is an entry of a final judgment; or
- c. There is a filing of an appraisal award with us, as provided in VIII. P.

2. If we reject your proof of loss in whole or in part you may:

- a. Accept such denial of your claim;
- b. Exercise your rights under this policy; or
- c. File an amended proof of loss as long as it is filed within 60 days of the date of the loss.

N. Abandonment.

You may not abandon damaged or undamaged insured property to us.

O. Salvage.

We may permit you to keep damaged insured property after a loss, and we will reduce the amount of the loss proceeds payable to you under the policy by the value of the salvage.

P. Appraisal.

If you and we fail to agree on the actual cash value or, if applicable, replacement cost of the damaged property so as to determine the amount of loss, then either may demand an appraisal of the loss. In this event, you and we will each choose a competent and impartial appraiser within 20 days after receiving a written request from the other. The two appraisers will choose an umpire. If they cannot agree upon an umpire within 15 days, you or we may request that the choice be made by a judge of a court of record in the state where the insured property is located. The appraisers will separately state the actual cash value, the replacement cost, and the amount of loss to each item. If the appraisers submit a written report of an agreement to us, the amount agreed upon will be the amount of loss. If they fail to agree, they will submit their differences to the umpire. A decision agreed to by any two will set the amount of actual cash value and loss, or if it applies, the replacement cost and loss.

Each party will:

1. Pay its own appraiser; and
2. Bear the other expenses of the appraisal and umpire equally.

Q. Mortgage Clause.

The word "mortgagee" includes trustee.

Any loss payable under Coverage A—Building will be paid to any mortgagee of whom we have actual notice, as well as any other mortgagee or loss payee determined to exist at the time of loss, and you, as interests appear. If more than one mortgagee is named, the order of payment will be the same as the order of precedence of the mortgages.

If we deny your claim, that denial will not apply to a valid claim of the mortgagee, if the mortgagee:

1. Notifies us of any change in the ownership or occupancy, or substantial change in risk, of which the mortgagee is aware;
2. Pays any premium due under this policy on demand if you have neglected to pay the premium; and
3. Submits a signed, sworn proof of loss within 60 days after receiving notice from us of your failure to do so.

All of the terms of this policy apply to the mortgagee.

The mortgagee has the right to receive loss payment even if the mortgagee has started foreclosure or similar action on the building.

If we decide to cancel or not renew this policy, it will continue in effect for the benefit of the mortgagee only for 30 days after we notify the mortgagee of the cancellation or non-renewal.

If we pay the mortgagee for any loss and deny payment to you, we are subrogated to all the rights of the mortgagee granted under the mortgage on the property. Subrogation will not impair the right of the mortgagee to recover the full amount of the mortgagee's claim.

R. Suit Against Us.

You may not sue us to recover money under this policy unless you have complied with all the requirements of the policy. If you do sue, you must start the suit within one year of the date of the written denial of all or part of the claim and you must file the suit in the United States District Court of the district in which the insured property was located at the time of loss. This requirement applies to any claim that you may have under this policy and to any dispute that you may have arising out of the handling of any claim under the policy.

S. Subrogation.

Whenever we make a payment for a loss under this policy, we are subrogated to your right to recover for that loss from any other person. That means that your right to recover for a loss that was partly or totally caused by someone else is automatically transferred to us, to the extent that we have paid you for the loss. We may require you to acknowledge this transfer in writing. After the loss, you may not give up our right to recover this money or do anything that would prevent us from recovering it. If you make any claim against any person who caused your loss and recover any money, you must pay us back first before you may keep any of that money.

T. Continuous Lake Flooding.

1. If an insured building has been flooded by rising lake waters continuously for 90 days or more and it appears reasonably certain that a continuation of this flooding will result in a covered loss to the insured building equal to or greater than the building policy limits plus the deductible or the maximum payable under the policy for any one building loss, we will pay you the lesser of these two amounts without waiting for the further damage to occur if you sign a release agreeing:

- a. To make no further claim under this policy;
- b. Not to seek renewal of this policy;
- c. Not to apply for any flood insurance under the Act for property at the described location; and
- d. Not to seek a premium refund for current or prior terms.

If the policy term ends before the insured building has been flooded continuously for 90 days, the provisions of this paragraph T.1. will apply as long as the insured building suffers a covered loss before the policy term ends.

2. If your insured building is subject to continuous lake flooding from a closed basin lake, you may elect to file a claim under either paragraph T.1. above or this paragraph

T.2. (A "closed basin lake" is a natural lake from which water leaves primarily through evaporation and whose surface area now exceeds or has exceeded one square mile at any time in the recorded past. Most of the nation's closed basin lakes are in the western half of the United States where annual evaporation exceeds annual precipitation and where lake levels and surface areas are subject to considerable fluctuation due to wide variations in the climate. These lakes may overtop their basins on rare occasions.) Under this paragraph T.2, we will pay your claim as if the building is a total loss even though it has not been continuously inundated for 90 days, subject to the following conditions:

a. Lake flood waters must damage or imminently threaten to damage your building.

b. Before approval of your claim, you must:

(1) Agree to a claim payment that reflects your buying back the salvage on a negotiated basis; and

(2) Grant the conservation easement contained in FEMA's "Policy Guidance for Closed Basin Lakes," to be recorded in the office of the local recorder of deeds. FEMA, in consultation with the community in which the property is located, will identify on a map an area or areas of special consideration (ASC) in which there is a potential for flood damage from continuous lake flooding. FEMA will give the community the agreed-upon map showing the ASC. This easement will only apply to that portion of the property in the ASC. It will allow certain agricultural and recreational uses of the land. The only structures that it will allow on any portion of the property within the ASC are certain simple agricultural and recreational structures. If any of these allowable structures are insurable buildings under the NFIP and are insured under the NFIP, they will not be eligible for the benefits of this paragraph T.2. If a U.S. Army Corps of Engineers certified flood control project or otherwise certified flood control project later protects the property, FEMA will, upon request, amend the ASC to remove areas protected by those projects. The restrictions of the easement will then no longer apply to any portion of the property removed from the ASC; and

(3) Comply with paragraphs T.1.a. through T.1.d. above.

c. Within 90 days of approval of your claim, you must move your building to a new location outside the ASC. FEMA will give you an additional 30 days to move if you show there is sufficient reason to extend the time.

d. Before the final payment of your claim, you must acquire an elevation certificate and a floodplain development permit from the local floodplain administrator for the new location of your building.

e. Before the approval of your claim, the community having jurisdiction over your building must:

(1) Adopt a permanent land use ordinance, or a temporary moratorium for a period not to exceed 6 months to be followed immediately by a permanent land use ordinance, that is consistent with the provisions specified in the easement required in paragraph T.2.b. above;

(2) Agree to declare and report any violations of this ordinance to FEMA so that under Sec. 1316 of the National Flood Insurance Act of 1968, as amended, flood insurance to the building can be denied; and

(3) Agree to maintain as deed-restricted, for purposes compatible with open space or agricultural or recreational use only, any affected property the community acquires an interest in. These deed restrictions must be consistent with the provisions of paragraph T.2.b. above, except that even if a certified project protects the property, the land use restrictions continue to apply if the property was acquired under the Hazard Mitigation Grant Program or the Flood Mitigation Assistance Program. If a non-profit land trust organization receives the property as a donation, that organization must maintain the property as deed-restricted, consistent with the provisions of paragraph T.2.b. above.

f. Before the approval of your claim, the affected State must take all action set forth in FEMA's "Policy Guidance for Closed Basin Lakes."

g. You must have NFIP flood insurance coverage continuously in effect from a date established by FEMA until you file a claim under this paragraph T.2. If a subsequent owner buys NFIP insurance that goes into effect within 60 days of the date of transfer of title, any gap in coverage during that 60-day period will not be a violation of this continuous coverage requirement. For the purpose of honoring a claim under this paragraph T.2., we will not consider to be in effect any increased coverage that became effective after the date established by FEMA. The exception to this is any increased coverage in the amount suggested by your insurer as an inflation adjustment.

h. This paragraph T.2. will be in effect for a community when the FEMA Regional Director for the affected region provides to the community, in writing, the following:

(1) Confirmation that the community and the State are in compliance with the conditions in paragraphs T.2.e. and T.2.f. above, and

(2) The date by which you must have flood insurance in effect.

U. Duplicate Policies Not Allowed.

1. We will not insure your property under more than one NFIP policy.

If we find that the duplication was not knowingly created, we will give you written notice. The notice will advise you that you may choose one of several options under the following procedures:

a. If you choose to keep in effect the policy with the earlier effective date, you may also choose to add the coverage limits of the later policy to the limits of the earlier policy. The change will become effective as of the effective date of the later policy.

b. If you choose to keep in effect the policy with the later effective date, you may also choose to add the coverage limits of the earlier policy to the limits of the later policy. The change will be effective as of the effective date of the later policy.

In either case, you must pay the pro rata premium for the increased coverage limits within 30 days of the written notice. In no event will the resulting coverage limits

exceed the permissible limits of coverage under the Act or your insurable interest, whichever is less. We will make a refund to you, according to applicable NFIP rules, of the premium for the policy not being kept in effect.

2. The insured's option under this condition U. Duplicate Policies Not Allowed to elect which NFIP policy to keep in effect does not apply when duplicates have been knowingly created. Losses occurring under such circumstances will be adjusted according to the terms and conditions of the earlier policy. The policy with the later effective date must be canceled.

V. Loss Settlement.

1. Introduction

This policy provides three methods of settling losses: Replacement Cost, Special Loss Settlement, and Actual Cash Value. Each method is used for a different type of property, as explained in a.-c. below.

a. Replacement Cost Loss Settlement described in V.2. below applies to buildings other than manufactured homes or travel trailers.

b. Special Loss Settlement described in V.3. below applies to a residential condominium building that is a travel trailer or a manufactured home.

c. Actual Cash Value loss settlement applies to all other property covered under this policy, as outlined in V.4. below.

2. Replacement Cost Loss Settlement

a. We will pay to repair or replace a damaged or destroyed building, after application of the deductible and without deduction for depreciation, but not more than the least of the following amounts:

(1) The amount of insurance in this policy that applies to the building;

(2) The replacement cost of that part of the building damaged, with materials of like kind and quality, and for like occupancy and use; or

(3) The necessary amount actually spent to repair or replace the damaged part of the building for like occupancy and use.

b. We will not be liable for any loss on a Replacement Cost Coverage basis unless and until actual repair or replacement of the damaged building or parts thereof, is completed.

c. If a building is rebuilt at a location other than the described location, we will pay no more than it would have cost to repair or rebuild at the described location, subject to all other terms of Replacement Cost Loss Settlement.

3. Special Loss Settlement

a. The following loss settlement conditions apply to a residential condominium building that is: (1) a manufactured home or travel trailer, as defined in II.B.6.b. and c., and (2) at least 16 feet wide when fully assembled and has at least 600 square feet within its perimeter walls when fully assembled.

b. If such a building is totally destroyed or damaged to such an extent that, in our judgment, it is not economically feasible to repair, at least to its pre-damaged condition, we will, at our discretion, pay the least of the following amounts:

(1) The lesser of the replacement cost of the manufactured home or travel trailer or 1.5 times the actual cash value; or

(2) The Building Limit of liability shown on your Declarations Page.

c. If such a manufactured home or travel trailer is partially damaged and, in our judgment, it is economically feasible to repair it to its pre-damaged condition, we will settle the loss according to the Replacement Cost Loss Settlement conditions in V.2. above.

4. Actual Cash Value Loss Settlement

a. The types of property noted below are subject to actual cash value loss settlement:

(1) Personal property;

(2) Insured property abandoned after a loss and that remains as debris at the described location;

(3) Outside antennas and aerials, awning, and other outdoor equipment;

(4) Carpeting and pads;

(5) Appliances; and

(6) A manufactured home or mobile home or a travel trailer as defined in II.B.6.b. or c. that does not meet the conditions for special loss settlement in V.3. above.

b. We will pay the least of the following amounts:

(1) The applicable amount of insurance under this policy;

(2) The actual cash value (as defined in II.B.2.); or

(3) The amount it would cost to repair or replace the property with material of like kind and quality within a reasonable time after the loss.

IX. Liberalization Clause

If we make a change that broadens your coverage under this edition of our policy, but does not require any additional premium, then that change will automatically apply to your insurance as of the date we implement the change, provided that this implementation date falls within 60 days before or during the policy term stated on the Declarations Page.

X. What Law Governs

This policy and all disputes arising from the handling of any claim under the policy are governed exclusively by the flood insurance regulations issued by FEMA, the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, *et seq.*), and Federal common law.

In Witness Whereof, we have signed this policy below and hereby enter into this Insurance Agreement.

Jo Ann Howard,

Administrator, Federal Insurance Administration.

9. We revise Appendix A (4) to Part 61 to read as follows:

APPENDIX A (4) TO PART 61

**Federal Emergency Management Agency,
Federal Insurance Administration**

Standard Flood Insurance Policy

ENDORSEMENT TO DWELLING FORM POLICY

This endorsement replaces the provisions of VII.B.4 and VII.H.2, and also adds a new paragraph, VII.H.5. This endorsement applies only in Monroe County and the Village of Islamorada, Florida.

VII.B.4. This policy is also void for reasons other than fraud, misrepresentation, or wrongful act. This policy is void from its inception and has no legal force under the following conditions:

a. If the property is located in a community that was not participating in the NFIP on the policy's inception date and did not join or re-enter the program during the policy term and before the loss occurred.

b. If you have not submitted a community inspection report, referred to in "H. Policy Renewal" below, that was required in a notice sent to you in conjunction with the community inspection procedure established under 44 CFR 59.30.

c. If the property listed on the application is not otherwise eligible for coverage under the NFIP

VII.H.2. We must receive the payment of the appropriate renewal premium and when applicable, the community inspection report referred to in H.5 below within 30 days of the expiration date.

VII.H.5. Your community has been approved by the Federal Emergency Management Agency to participate in an inspection procedure set forth in National Flood Insurance Program Regulations (44 CFR 59.30). During the several years that this inspection procedure will be in place, you may be required to obtain and submit an inspection report from your community certifying whether or not your insured property is in compliance with the community's floodplain management ordinance before you can renew your policy. You will be notified in writing of this requirement approximately 6 months before a renewal date and again at the time your renewal bill is sent.

10. We revise Appendix A (5) to Part 61 to read as follows:

APPENDIX A(5) TO PART 61

**Federal Emergency Management Agency,
Federal Insurance Administration**

Standard Flood Insurance Policy

ENDORSEMENT TO GENERAL PROPERTY FORM

This endorsement replaces the provisions of VII.B.4 and VII.H.2, and also adds a new paragraph, VII.H.5. This endorsement applies only in Monroe County and the Village of Islamorada, Florida.

VII.B.4. This policy is also void for reasons other than fraud, misrepresentation, or wrongful act. This policy is void from its inception and has no legal force under the following conditions:

a. If the property is located in a community that was not participating in the NFIP on the policy's inception date and did not join or re-enter the program during the policy term and before the loss occurred.

b. If you have not submitted a community inspection report, referred to in "H. Policy Renewal" below, that was required in a notice sent to you in conjunction with the community inspection procedure established under 44 CFR 59.30.

c. If the property listed on the application is not otherwise eligible for coverage under the NFIP

VII.H.2. We must receive the payment of the appropriate renewal premium and when applicable, the community inspection report referred to in H.5 below within 30 days of the expiration date.

VII.H.5. Your community has been approved by the Federal Emergency Management Agency to participate in an inspection procedure set forth in National Flood Insurance Program Regulations (44 CFR 59.30). During the several years that this inspection procedure will be in place, you may be required to obtain and submit an inspection report from your community certifying whether or not your insured property is in compliance with the community's floodplain management ordinance before you can renew your policy. You will be notified in writing of this requirement approximately 6 months before a renewal date and again at the time your renewal bill is sent.

11. We revise Appendix A (6) to Part 61 to read as follows:

APPENDIX A(6) TO PART 61

Federal Emergency Management Agency, Federal Insurance Administration

Standard Flood Insurance Policy

ENDORSEMENT to RESIDENTIAL CONDOMINIUM BUILDING ASSOCIATION POLICY

This endorsement replaces the provisions of VIII.B.4. and VIII.H.2, and also adds a new paragraph, VIII.H.5. This endorsement applies only in Monroe County and the Village of Islamorada, Florida.

VIII.B.4. This policy is also void for reasons other than fraud, misrepresentation, or wrongful act. This policy is void from its inception and has no legal force under the following conditions:

a. If the property is located in a community that was not participating in the NFIP on the policy's inception date and did not join or re-enter the program during the policy term and before the loss occurred.

b. If you have not submitted a community inspection report, referred to in "H. Policy Renewal" below, that was required in a notice sent to you in conjunction with the community inspection procedure established under 44 CFR 59.30.

c. If the property listed on the application is not otherwise eligible for coverage under the NFIP

VIII.H.2. We must receive the payment of the appropriate renewal premium and when applicable, the community inspection report referred to in H.5 below within 30 days of the expiration date.

VIII.H.5. Your community has been approved by the Federal Emergency Management Agency to participate in an inspection procedure set forth in National Flood Insurance Program Regulations (44 CFR 59.30). During the several years that this inspection procedure will be in place, you may be required to obtain and submit an inspection report from your community certifying whether or not your insured property is in compliance with the community's floodplain management ordinance before you can renew your policy. You will be notified in writing of this requirement approximately 6 months before a renewal date and again at the time your renewal bill is sent. (Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance").

Dated: October 2, 2000.

Jo Ann Howard,
*Administrator, Federal Insurance
Administration.*

[FR Doc. 00-25833 Filed 10-11-00; 8:45 am]

BILLING CODE 6718-03-P



Federal Register

**Thursday,
October 12, 2000**

Part IV

Department of the Treasury

Fiscal Service

31 CFR Part 205

Rules and Procedures for Efficient Federal-State Funds Transfers; Proposed Rule

DEPARTMENT OF THE TREASURY**Fiscal Service****31 CFR Part 205****RIN 1510-AA38****Rules and Procedures for Efficient Federal-State Funds Transfers****AGENCY:** Financial Management Service, Fiscal Service, Treasury.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Financial Management Service (FMS) proposes to revise the regulations implementing the Cash Management Improvement Act of 1990, as amended (CMIA). These regulations govern the transfer of funds between the Federal Government and States for certain Federal assistance programs. The revisions will provide greater flexibility in funding techniques; ensure that Treasury-State Agreements are unambiguous and auditable; address concerns raised by States, Federal agencies, and the General Accounting Office (GAO); delete obsolete provisions; incorporate FMS policy statements as appropriate; reflect new legislation and directives; and make the regulation clearer and, where possible, more concise.

DATES: Send your comments to reach us on or before January 10, 2001; we may not consider comments received after the above date in making our decision.

ADDRESSES: For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section under "Electronic access and filing address." You may also mail comments to Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, Financial Management Service, 401 14th Street, S.W., Room 420, Washington, D.C. 20227. You may hand deliver comments to us at that same location.

FOR FURTHER INFORMATION CONTACT:

Sally Phillips, Senior Financial Program Specialist, at (202) 874-7106, or Stephen K. Kenneally, Financial Program Specialist, at (202) 874-6966, or Matthew Helfrich, Financial Program Specialist, at (202) 874-6754, or Oscar Ona, Financial Program Specialist, at (202) 874-6799, or Adam Martin, Financial Program Specialist, at (202) 874-6881, or Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, at (202) 874-6657, or Ellen Neubauer, Senior Attorney, at (202) 874-6680. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339

between 8:00 a.m. and 4:00 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

I. Public Comment Procedures*Electronic Access and Filing Address*

You may view an electronic version of this proposed rule at <http://www.fms.treas.gov/policycmia> and submit comments to FMS via the web site. You may also comment via e-mail to: cmia@fms.treas.gov. Please also include "Attention: RIN—1510-AA38" and your name, address, and phone number in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 874-6590.

Written Comments

Written comments on the Notice of Proposed Rulemaking (NPRM) should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any change you recommend. Where possible, you should reference the specific section or paragraph of the proposal you are addressing. We may not consider or include in the Administrative Record for the final rule comments which we receive after the close of the comment period.

Comments, including names, street addresses, and other information of respondents, will be available for public review at the Department of the Treasury Public Reading Room during regular business hours (8:00 a.m. to 4:00 p.m.), Monday through Friday, except Federal holidays. We will also post all comments on the CMIA policy website at <http://www.fms.treas.gov/policycmia> at the end of the comment period. Individual respondents may request confidentiality. If you wish to request that we consider withholding your name, street address, or other contact information (such as Internet address, FAX or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. We will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. We will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as

representatives or officials of organizations or businesses.

Public Hearings

In addition, Treasury will hold two public hearings on the proposed rule that will provide individuals with the opportunity to publicly present their comments. The dates, times, and locations of these public hearings will be announced in a document that will be published in the **Federal Register** and made available on the CMIA Policy website at <http://www.fms.treas.gov/policycmia>.

II. Background

We are proposing to revise our regulations at 31 CFR Part 205 (Part 205). Part 205 implements the Cash Management Improvement Act of 1990 (CMIA), Public Law 101-453, and the Cash Management Improvement Act Amendments of 1992, Public Law 102-589, codified at 31 U.S.C. 3335, 6501, and 6503.

CMIA was enacted in order to create greater efficiency and equity in the exchange of funds between the Federal Government and the States. Prior to the enactment of CMIA, Federal agencies expressed concerns that States were drawing down Federal funds well in advance of the time those funds were needed by States. States, on the other hand, expressed concerns about having to pay out their own funds in advance of receiving funds from the Federal Government.

CMIA, which requires the heads of executive agencies to provide for the timely disbursement of Federal funds in accordance with regulations prescribed by the Secretary of the Treasury, has three major provisions designed to address these issues:

- States and Federal agencies must minimize the time between the transfer of funds from the U.S. Treasury and the clearance of funds out of the accounts of a State.
- The Secretary of the Treasury shall enter into a Treasury-State Agreement with each State which specifies the funds transfer procedures for Federal assistance programs.
- In general, States and the Federal Government are respectively entitled to interest when the other fails to make funds transfers in a timely fashion. States owe the Federal Government interest for the time Federal funds are in State accounts before they are spent for Federal assistance program purposes. A Federal agency owes a State interest if the State disburses its own funds with obligational authority to support the Federal portion of a program before receiving Federal funds.

We issued Part 205 in 1992. The Final Rule was published on September 24, 1992 (57 FR 44272). The foundation of

the regulation was the use of recognized, sound cash management principles in order to increase certainty in the timeliness of payments between Federal agencies and States. Since 1992, we have issued a number of CMIA Policy Statements (Policy Statements) that address various issues relevant to Part 205.

One of the purposes of the proposed rulemaking is to update the current regulation by deleting obsolete provisions and incorporating FMS Policy Statements. Another purpose is to address various concerns that States, Federal agencies, and the General Accounting Office¹ have raised since the issuance of Part 205. Specifically, the proposed regulation:

- (1) Provides greater flexibility in funding techniques;
- (2) Ensures that Treasury-State Agreements are unambiguous and auditable;
- (3) Reflects new legislation and directives, including the Single Audit Act Amendments of 1996, 31 U.S.C. Chapter 75; and Executive Order 12866 of September 30, 1993, Regulatory Planning and Review; and,
- (4) Makes the regulation clearer and, where possible, more concise.

FMS provided an earlier draft of this proposed rule to the National Association of State Auditors, Comptrollers and Treasurers, the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, and the National League of Cities and solicited comments from their membership. We also provided the draft proposed rule to the state of Colorado. We received several comments which have been considered in the formulation of this rule.

III. Discussion of Proposed Rule

General. We are proposing to reorganize subpart A of Part 205 by presenting general information on Treasury-State Agreements first, followed by specific information related to the various sections of a Treasury-State Agreement. The proposal consolidates requirements related to specific programs into one section. In addition, the proposed reorganization puts State oversight and compliance requirements in one section, and Federal agency requirements in another. Proposed subpart B combines the existing two subsections on the consequences of Federal and State noncompliance since the result of noncompliance by either party is the same for the noncomplying party. Subpart C continues to be reserved.

Although the format is different due to recently enacted plain language requirements, the proposed rule is consistent with the existing rule except where specifically noted. Incorporating existing Policy Statements into the regulation has also altered the rule's appearance. The proposed changes have been made based on input received from key program stakeholders: States and Federal program agencies.

Disallowances. Section 205.2 of the proposed rule defines disallowances as costs incurred by a State which the Federal program agency determines to be costs which should not be charged to the Federal Government either because the funds were used for other than Federal assistance program purposes or the amount of the funds used for Federal assistance program purposes was improper. Section 205.15 of the proposed rule adds a provision expressly recognizing that disallowances are subject to the CMIA's interest provisions.

Generally, disallowances occur when a Federal agency determines that a request for funds submitted by a State is invalid because the funds are not used for legitimate Federal assistance program purposes or the amount of funds used or requested for Federal assistance purposes was improper. A Federal agency may disallow a funds transfer prior to it being made to a State or after it is made to a State. In some cases, the statutes governing a specific program address disallowances and assess interest penalties. The CMIA allows Treasury to consider such statutory provisions when determining whether the CMIA interest provisions apply to particular disallowances.

This rule does not change the way an expenditure is determined to be a disallowance. Whether or not funds expended by a State should be properly charged to the Federal government is a determination to be made by the Federal program agency responsible for the Federal assistance program under which the expenditure arose. As in the past, this determination will be made in accordance with the statutes, regulations, and policies applicable to that program.

We are specifically seeking comment from States, Federal agencies, and the public on the implementation of the disallowance provisions.

Section-by-Section Analysis

Section 205.1 What Federal Assistance Programs Are Covered by This Part?

Proposed § 205.1 replaces current § 205.1, *Purpose*, and current § 205.2, *Scope*. Proposed § 205.1 states that the

rule applies to all States and Federal program agencies (except the Tennessee Valley Authority) and covers programs listed in the Catalogue of Domestic Federal Assistance.

Section 205.2 What Definitions Apply to This Part?

Proposed § 205.2 replaces current § 205.3, titled *Definitions*. Based on input from Federal agencies and States during several years of CMIA implementation, we're proposing certain deletions, additions, and modifications to the definitions. Three definitions are deleted: equivalent rate, issue checks, and program. Twenty-three definitions are added: administrative costs, business day, Catalog of Federal Domestic Assistance, compensating balance, default procedures, direct cost, disallowances, dollar-weighted average day of clearance, drawdown as a verb, estimate, Federal assistance program, Financial Management Service, grant, indirect cost, indirect cost rate, maintenance-of-effort, rebate, refund transaction, reverse flow program, revolving loan fund, Treasury-State Agreement, vendor payment, and we and us. Additionally, the table describing the applicable dollar thresholds for major Federal assistance programs found in Appendix A of current subpart A is moved to proposed § 205.5, *What are the thresholds for major Federal assistance programs?* since the proposed rule addresses program eligibility in that section.

Subpart A: Rules Applicable to Federal Assistance Programs Included in a Treasury-State Agreement

Section 205.3 What Federal Assistance Programs Are Subject to Subpart A?

Proposed § 205.3 replaces portions of current § 205.4, *Scope of subpart*. This section provides criteria by which States and Federal agencies determine which programs are covered by this Part in general, and by subpart A in particular.

Proposed § 205.3 clarifies that, at the discretion of the State, the number of programs included in a Treasury-State Agreement can be increased by lowering the funding thresholds. Lowering the funding threshold as a means of expanding permissible program coverage avoids disputes over individual programs. Federal agencies were concerned that States would try to add individual programs under which the Federal Government would likely incur interest liabilities to the States. States, on the other hand, were concerned that the Federal Government would oppose adding specific programs

¹ See Financial Management: "Implementation of the Cash Management Improvement Act" (Letter Report, 01/08/96, GAO/AIMD-96-4).

with likely Federal interest liabilities and instead move to cover programs under which the States would likely incur interest obligations.

Since they are no longer applicable, the subsections in current Part 205 on initial program coverage and the grace period for colleges and universities are deleted in the proposed rule.

These sections applied only to the first year of CMIA implementation.

We are seeking comment from Federal program agencies and States on reducing the administrative burden associated with the requirements of subpart A. In particular, we seek input on methods granting relief, consistent with the CMIA, to States and Federal program agencies that practice good cash management.

Section 205.4 Are There Any Circumstances Where a Federal Assistance Program That Meets the Criteria of 205.3 Would Not Be Subject to Subpart A?

Proposed § 205.4 replaces portions of existing § 205.4, *Scope of Subpart*.

Proposed § 205.4 outlines a few exceptions to the regulation regarding the applicability of subpart A to some Federal assistance programs. Although the section heading is new, these exemptions are not new and exist in the current rule or are included in Policy Statements. Some examples of exempted programs are those that have been discontinued and whose remaining funding is below the major program threshold and those administered through several State agencies provided certain other requirements are met.

Proposed § 205.4 includes a provision integrating Policy Statement 8 ("Materiality Exemptions," April 19, 1993). Proposed § 205.4 describes exemptions for components of certain Federal programs that are spread over several agencies within a State. If a State agency's portion of the funding does not exceed 5% of the State's major Federal assistance threshold or 10% of total program expenditures, the regulation allows us and a State to exclude that portion of the funding from subpart A of Part 205. For example, a State Human Services agency and a State Agriculture Agency may share responsibility for a Federally funded nutrition program. If the share of funding received by the State Agriculture Agency falls within the limits given above, funds received are not subject to subpart A of Part 205. However, if interest liability is found in the State Human Services agency's portion of the program that is subject to this Part, the interest liabilities should be pro-rated to reflect interest on 100% of the program's funding.

Proposed § 205.4 also includes a provision integrating Policy Statement 17 ("Exclusion of Major Federal Assistance Programs Based on Funding Changes", June 21, 1995), which describes exemptions for discontinued programs. Specifically, we and a State may agree to exempt a program from being subject to Part 205 if the program has been discontinued and the remaining funding does not exceed the existing major program threshold. We may also agree with a State to exempt from subpart A of Part 205 multi-year programs that have remaining funds totaling less than that of a State's threshold. For example, assume a five-year program has spent all but \$100,000 of its authorized funds in its first four years. If the major program threshold for that State is \$900,000, we and a State can agree to exempt the program from subpart A of Part 205 program for its one remaining year.

Section 205.5 What Are the Thresholds for Major Federal Assistance Programs?

In the current rule, § 205.5 is reserved. In the proposed rule, this section is used to state the threshold determination levels and incorporate Appendix A from the current rule.

A small number of Federal programs are responsible for the majority of interest exchanged each year. In general, these are the largest Federal assistance programs, based on funding levels. The proposed rule increases the existing thresholds, thereby reducing the number of programs covered.

As with the current rule, the proposed rule requires States to determine the major program thresholds based on a percentage of the total expenditure of Federal assistance by a State. Different percentages are applied based on the amount of Federal assistance received by a State. The proposed rule doubles the percentages used in the existing rule. For example, States that receive \$100 million or less would apply a 6.00 percent standard under the proposed rule instead of the 3.00 percent standard currently in effect. States that receive between \$100 million and \$10 billion would apply a 0.60 percent standard instead of 0.30 percent standard. States receiving in excess of \$10 billion in Federal assistance must apply a 0.30 percent standard instead of the 0.15 percent standard. However, States in this largest category are subject to a default threshold level of \$60 million or greater. This is to ensure that the threshold is at least as great as for those States in the middle category. Under the proposed rule, States do not have the option of selecting a fixed dollar amount

instead of the percentage. This reduces the number of applicable threshold levels from ten to three.

The higher thresholds allow States, Federal program agencies, and FMS to focus their resources on large dollar programs and eliminate the administrative burden of tracking interest liabilities for numerous, but relatively small, Federal assistance programs. A review of the potential effect of approximately doubling the major program threshold indicates that the eliminated programs represent a very small percentage of the program funds that would remain subject to this Part. This is because the eliminated programs represent the smallest programs, measured by dollar amount, covered by CMIA.

To ensure that adequate program coverage is maintained, the proposed regulation requires a State to compare its coverage under the new thresholds with program coverage under the existing thresholds determined by the Single Audit Act. Consider, for example, a State that has a threshold of \$10 million under the existing regulation, using the current 0.3 percent multiplier, and would have its threshold doubled to \$20 million under the proposed regulation using the 0.6 percent multiplier. That State must sum the total dollar value of the additional programs that would be exempted under the proposed rule. If that figure exceeds 10 percent of the total dollar value of the programs covered using the lower threshold amount, then the threshold must be lowered until 90 percent coverage of the total program dollars is maintained.

Assume, for purposes of our example that, under the existing regulations the State's \$10 million dollar threshold would cover 24 programs that represent a total value of \$600 million. Under the proposed regulation, the threshold rises to \$20 million, covering 15 programs that total \$530 million. To determine if 90% coverage is maintained, the State must divide the reduction in total program coverage by the program coverage value under the existing rule or $(\$600 \text{ million} - \$530 \text{ million}) / \$600 \text{ million} = 11.6 \text{ percent}$. In this case, program coverage would be reduced by more than 10% and the threshold level would be adjusted downward until that level of coverage is reached. The 10% reduction in program coverage is not a target, but an outer limit. A State that doubles its threshold which eliminates less than 10% of its total program dollar coverage is NOT allowed to automatically increase its threshold to reach the 10% level.

As noted in § 205.3, States that wish to retain or expand current CMIA program coverage would be allowed to continue to negotiate Treasury-State Agreements containing lower program thresholds.

To determine if a program meets the threshold for a "major" program, refer to Table A in proposed § 205.5. For example, assume a State receives \$3 billion in Federal assistance for all programs. To determine which programs are major Federal assistance programs, look at the corresponding information in Column B. Column B indicates that any program with expenditures exceeding 0.60 percent of the total Federal assistance expenditures would be considered a major Federal assistance program. Under the proposed rule, the State calculates the threshold by multiplying \$3 billion by 0.60 percent, totaling \$18 million.

On May 5, 1999, the current regulation was revised with updated major program threshold criteria derived from the Single Audit Act Amendments of 1996, 64 FR 24242. We are now proposing to move the amended table describing these thresholds to proposed § 205.5 from the definitions section of the current rule. The Single Audit Act Amendments of 1996 identify programs subject to audit based on a combination of objective funding figures and a subjective "risk" analysis of each program. The "risk based" criteria do not apply to this Part. The only criterion for designation as a major program subject to this Part is funding level.

Section 205.6 What Is a Treasury-State Agreement?

Proposed § 205.6 includes provisions found in current § 205.9, *Treasury-State Agreements*. Provisions from current § 205.6, *Funding Techniques* are moved to proposed § 205.12. A Treasury-State Agreement is a document negotiated by FMS and the States that identifies the covered programs, funding techniques, and interest calculation methods used for programs subject to subpart A.

We are proposing a major change in the Treasury-State Agreement negotiation process. Currently, the majority of Treasury-State Agreements have a one-year term and thus must be renegotiated annually. We do not believe that it is necessary or productive to renegotiate each agreement every year, particularly since agreements are amended as necessary to reflect changes in programs, funding techniques, and clearance patterns. Therefore, we are proposing to make Treasury-State Agreements effective until terminated. States and the Federal Government

retain the right to terminate a Treasury-State Agreement with 30 days written notice.

Section 205.7 Can a Treasury-State Agreement Be Amended?

Proposed § 205.7 is a new section that contains details on the amendment process currently set forth in Policy Statement 10 ("Amendment Policy and Process," May 11, 1994). In general, proposed § 205.7 indicates how, when, and for what reason States can amend Treasury-State Agreements. A State may amend a Treasury-State Agreement for such reasons as: adding or deleting programs, changing funding techniques, and changing clearance patterns.

Section 205.8 What if There Is No Treasury-State Agreement in Effect?

This section addresses the default process that is currently part of existing § 205.9 *Treasury-State Agreements*. It describes the situation when there is no Treasury-State Agreement in effect. In these circumstances, we will prescribe default procedures to implement subpart A. We will identify the major programs to be subject to subpart A as well as the funding techniques to be used by the State.

Section 205.9 What Is Included in a Treasury-State Agreement?

Proposed § 205.9 is similar to current § 205.9 in that it describes the components that must be included in a Treasury-State Agreement. Proposed § 205.9 also prescribes a uniform format for Treasury-State Agreements. Although we have made an effort in the past to standardize the format of the first-year agreements, most agreements still have differences in format. These differing formats add to the time needed to review the agreements and make it difficult to examine and compare them. Proposed § 205.9 is designed to correct this problem, but it is not intended to change the substantive provisions of the agreements. We'll provide the new format to the designated State and Federal agency CMIA contacts. The format will consist of terms and conditions common to all States, followed by addenda specific to any one State.

Section 205.10 How Do You Document Funding Techniques?

Proposed § 205.10 replaces current § 205.7, *Requesting and transferring funds*. Proposed § 205.10 clarifies the information on funding techniques that must be included in a Treasury-State Agreement. Concise descriptions of each funding technique must include details such as "what is a timely request for

funds?" and "what procedures are used to reconcile estimates with actual cash needs?"

It is important to include these details in the negotiated Treasury-State Agreement because we aren't requiring any particular funding techniques. Therefore, it will benefit all parties to have the terms of the agreed upon funding techniques clearly described.

Section 205.11 What Requirements Apply to Funding Techniques?

Proposed § 205.11 contains basic requirements a State and a Federal agency have to meet to achieve an efficient level of funds transfers. Proposed § 205.11 restates much of current § 205.11. In addition, proposed § 205.11 mandates electronic funds transfer for Federal funds transfers to States, pursuant to the Debt Collection Improvement Act of 1996 and its implementing regulation, 31 CFR Part 208. 63 FR 51490. The definition of electronic funds transfer found in proposed § 205.2 has been expanded beyond wire transfers and Automated Clearing House payments to include any payment made electronically.

In response to the questions received from States on the treatment of compensating balances under CMIA, proposed § 205.11(c) provides that a State must not draw down funds from its account in the Unemployment Trust Fund or from a Federal account in the Unemployment Trust Fund in advance of actual immediate cash needs for the express purpose of maintaining a compensating balance. Compensating balances are deposits held in bank accounts to offset the costs of bank services.

CMIA requires States and Federal agencies to minimize the time between the drawdown and the subsequent expenditure of Federal funds for Federal assistance program purposes. Thus, a State may only draw down Federal funds in accordance with the timing and amounts dictated by the agreed upon funding technique. The amount drawn down must equal the amount issued or the amount expected to clear. Drawdowns may not include an extra amount, or occur earlier, to create a balance for the purpose of compensating a bank. A State's interest liability on funds withdrawn from a State account in the Unemployment Trust Fund is based on actual interest earned. The proposed rule clarifies that actual interest earned does not include non-cash bank earnings.

Section 205.12 What Funding Techniques May Be Used?

Proposed § 205.12 contains much of current § 205.6, *Funding techniques*. However, proposed § 205.12 states in clear language that the funding techniques listed in the section are not the only methods allowed. The General Accounting Office report, "Financial Management: Implementation of the Cash Management Improvement Act," January 1996, noted that States found the restrictions on the use of reimbursable funding burdensome. In response, FMS is giving States more flexibility in choosing funding techniques. However, we believe that there is value in providing definitions of some funding techniques. States and Federal agencies may benefit from having a standard definition when negotiating a Treasury-State Agreement. The definitions in proposed § 205.12 may be adopted, modified, or excluded from a Treasury-State Agreement at the discretion of the parties negotiating the agreement.

The proposal allows States and Federal program agencies to negotiate the use of a technique that meets their needs, including reimbursable funding, which is currently prohibited. Reimbursable funding is a funds transfer method where, after a State pays out its own funds for the Federal portion of a program, the State then requests and receives reimbursement for the Federal funds paid out by the State. The proposal would eliminate the current prohibition on reimbursable funding.

We're proposing this change because some States have used reimbursable funding to fund certain administrative and overhead costs through cost allocation or other after-the-fact distribution methods. We expect to limit the use of reimbursable funding to those limited circumstances where there aren't any other acceptable funding techniques.

Section 205.13 How Do You Determine When State or Federal Interest Liability Accrues?

Proposed § 205.13 is a new separate section that clarifies that State or Federal interest liability may accrue when funding techniques agreed to in the Treasury-State Agreement are applied. Proposed § 205.13 contains a provision included in existing § 205.10 that allows a State and FMS to agree not to assess interest liability for indirect costs or indirect allocated costs. These costs would be based on an indirect cost rate and the arrangement must be included in the Treasury-State Agreement.

Section 205.14 When Does Federal Interest Liability Accrue?

Proposed § 205.14 replaces current § 205.11 governing Federal interest liabilities. In general, the Federal government incurs an interest liability if the State pays out its own funds for Federal assistance program purposes with valid obligational authority. Obligational authority is defined as "the existence of a definite commitment on the part of the Federal government to provide appropriated funds to a State to carry out specified programs, whether the commitment is executed before or after a State pays out funds for Federal assistance program purposes." Thus, obligational authority exists if the Federal government is authorized to make payments to a State and appropriates funds to make those payments. If a State pays out funds for Federal assistance program purposes before Congress has appropriated funds, and Congress subsequently appropriates funds to cover the period for which the State paid out the funds, obligational authority exists and the Federal Government incurs an interest liability to the State.

Some Federal agencies have questioned whether obligational authority exists if a State's expenditure of funds is subject to agency approval or authorization, and the State pays out funds prior to obtaining the agency's approval or authorization. We invite agencies and States to comment on the nature and operation of any agency approval requirements that currently are in place, including whether the agency's approval or authorization requirement is imposed pursuant to a Federal statute, a Federal regulation, or an agreement between the Federal agency and the State. We also request comment on whether we should amend the definition of "obligational authority" in the regulation to address this issue more specifically.

Proposed § 205.14(a)(3) clarifies that a Federal agency does not accrue retroactive interest liability if a State expends funds for a discretionary grant project prior to receiving approval from the Federal agency. A discretionary grant is a project for which a Federal program agency is authorized by law to exercise judgment in awarding a grant and in selecting a grantee, generally through a competitive process. CMIA interest liability on discretionary grants cannot begin to accrue until the Federal program agency approves the project. This position is consistent with the existing regulation.

Proposed § 205.14(a)(5) includes a provision that allows FMS to deny

Federal interest liability if a State fails to follow the agreed upon procedures outlined in the Treasury-State Agreement. The intent of this regulation, efficient cash management, is best accomplished when all parties comply with the Treasury-State Agreement.

Section 205.15 When Does State Interest Liability Accrue?

Proposed § 205.15 replaces current § 205.12 describing the circumstances under which State interest liability accrues.

Proposed § 205.15(b) provides that States will incur an interest liability on disallowances. The CMIA states the following: "The Secretary shall issue regulations that shall require a State, when not inconsistent with Federal assistance program purposes, to pay interest to the United States on funds from the time funds are deposited by the United States to the State's account until the time that funds are paid out by the State in order to redeem checks or warrants or make payments by other means for program purposes." Disallowed funds are funds that have been paid out for other than Federal assistance program purposes and, therefore, are not properly chargeable to the Federal government. Under CMIA, a State must pay interest to the United States on such funds.

In general, if a Federal program agency disallows a State expenditure, a State will owe interest from the day on which the Federal funds associated with the disallowed expenditure were credited to the State's account to the day the funds are credited back to the Federal government. In many instances, however, State expenditures are disallowed by a Federal program agency in CMIA reporting years subsequent to the CMIA reporting year in which the State originally made the expenditure. In such instances, either the State or the Federal government may previously have paid CMIA interest on the funds associated with the disallowed expenditure. The State's CMIA interest calculation resulting from the disallowance shall be adjusted to reflect any prior CMIA interest payments.

For example, a State may have paid interest to the Federal government in the reporting year in which the State made the expenditure because the State drew down Federal funds early. In that case, the State's interest liability resulting from the disallowance should be reduced by the amount of interest it had already paid in the earlier reporting year (i.e., interest accruing from the day the State drew down the funds until the State paid out the funds). Alternatively,

the Federal government may have paid interest to a State in an earlier reporting year because the State advanced the funds associated with the disallowed expenditure. Because the State did not pay out the funds for Federal assistance program purposes, the State was not entitled to the interest that the Federal government paid for that period. Accordingly, the State must reimburse the Federal government for that interest, and the State's liability resulting from the disallowance must be increased accordingly.

FMS is specifically seeking comment on the implementation of this provision.

Proposed § 205.15(c)(2) changes the current provision allowing States and FMS to agree on a refund transaction exemption threshold of \$10,000. The proposed rule lets FMS and a State mutually agree on either a \$50,000 threshold or no refund transaction threshold. The purpose of the threshold is to give States relief from tracking large volumes of small dollar refunds. The General Accounting Office report noted that some States believe excessive effort is required to monitor and calculate interest on refunds. Some States adopted labor-intensive procedures to separate refund transactions above the threshold from those below it, and to calculate interest on each refund transaction rather than an aggregate refund activity.

Section 205.16 What Special Rules Apply to Federal Assistance Programs and Projects Funded by the Highway Trust Fund?

Proposed § 205.16 contains provisions currently included in § 205.11, *Federal interest liabilities*. Some States have asked FMS to clarify the Federal interest provisions for programs and projects funded from the Federal Highway Trust Fund. If a State pays out its own funds in the absence of a project agreement, the Federal Government will not incur an interest liability, even if obligational authority is established subsequently to permit payment for the State's expenditure. This is the current policy, and it remains unchanged in the proposed rule. Where a project agreement exists, States must request funds at least weekly for current project costs. The Federal Government will accrue an interest liability on current project costs for which there is valid obligational authority, for a maximum of one week's time. The Federal Government will not accrue an interest liability on project costs accrued prior to the week the State request funds.

Section 205.17 Are Funds Transfers Delayed by Automated Payment Systems Restrictions Based on the Size and Timing of the Drawdown Request Subject to This Part?

Proposed § 205.17 clarifies the role Part 205 plays when funds transfers are delayed by a Federal program agency. Part 205 applies to funds transfers that are deferred by a Federal program agency based solely on the size and timing of the drawdown request. This is in response to State concerns that payment systems such as the Automated Standard Application for Payment (ASAP) and the Payment Management System (PMS) may allow Federal program agencies to automatically reject drawdown requests that fall outside a predetermined set of parameters.

Section 205.18 Are Federal Program Agency Grants for Administrative Costs Subject to This Part?

Proposed § 205.18 clarifies the treatment of grants made to States to compensate for indirect administrative costs. This subject is addressed in current § 205.10, *Funding of indirect costs and administrative costs*. We are proposing these changes in response to concerns that tracking these costs is not an efficient use of resources. These two provisions make clear that Federal agency grants that are 100% dedicated to compensate for indirect and/or other administrative costs are subject to subpart A. However, as for grants that contain funds dedicated to program costs and administrative costs, the portion of the grant dedicated to indirect administrative costs is not subject to Part 205.

Section 205.19 How Is Interest Calculated?

Proposed § 205.19 incorporates the provisions of current § 205.13, *Interest calculation*. Proposed § 205.19 lists the requirements that States must comply with to calculate and support interest liability claims. States must ensure that the interest calculations are auditable and retain a record of the calculations. This section also describes the method used to calculate the interest rate applied to CMIA liabilities. We will provide that interest rate to each State.

Section 205.20 What Is a Clearance Pattern?

Proposed § 205.20 contains information found in current § 205.8, as well as more detailed information regarding the requirements of developing and maintaining proper clearance patterns. These requirements are intended to ensure that all clearance patterns meet an adequate level of

accuracy and detail. In general, a clearance pattern must accurately represent the flow of Federal funds under the Federal assistance programs. These clearance patterns must be based on at least three consecutive months of disbursement data, and valid statistical sampling must be applied.

Several States have requested a clearer statement of the standards to be used in developing clearance patterns. Therefore, the proposed rule specifies:

- (1) The information that must be included in a Treasury-State Agreement, consistent with proposed § 205.9;
- (2) The amount of data to be used to develop a clearance pattern;
- (3) The standards of statistical accuracy to be applied if checks are sampled to develop a clearance pattern; and
- (4) the range of days which a clearance pattern must cover.

Some States have questioned why we require that a clearance pattern be carried out until 99 percent of the dollars in a disbursement clear or are paid out for Federal assistance program purposes. The States' concern was noted in the General Accounting Office report, "Financial Management: Implementation of the Cash Management Improvement Act," January 1996. The 99 percent standard, currently documented in FMS Policy Statement 11 ("Clearance Patterns," May 20, 1994), is incorporated in the proposed rule. The 99 percent standard was adopted because the 95 percent standard did not accurately represent the flow of funds, leaving a substantial amount of funding undocumented.

When CMIA was initially implemented, we required that a clearance pattern be carried out until 95% of the dollars cleared. At that time, only a limited amount of clearance data were available. When additional clearance data became available, we learned that some States do not have expiration dates for checks; thus, checks could remain outstanding for years. The 95 percent standard allowed States to draw down 5 percent of Federal funds before the dollars cleared. Further, the 95 percent clearance standard allowed the dollar-weighted average day of clearance to be one day earlier than with the 99 percent standard.

A clearance pattern based on either the old 95 percent standard or the current 99 percent standard may extend over a significant period of time. Some States are concerned about making numerous small drawdowns, as noted in the GAO report. There are many ways to avoid this, such as the use of average clearance. A State also may use estimated clearance for a period of time

specified in its Treasury-State Agreement. A State may use estimated clearance for the first two weeks of the clearance pattern, then make one additional drawdown on the average day of clearance of the remaining funds.

Section 205.21 When May Clearance Patterns Be Used?

Proposed § 205.21 through § 205.23 address specific issues regarding clearance patterns, found in current § 205.8, *Clearance patterns*. A State may use clearance patterns to estimate when funds are paid out, given a known dollar amount and a known date of disbursement. When the dollar amount and/or the timing of disbursements are not known, we may agree with a State on other procedures to use to estimate when funds are paid out. Clearance patterns may be used to determine the flow of funds for individual Federal assistance programs, accounts at financial institutions, groups of Federal assistance programs, and other types of payments. The methods used to create and maintain clearance patterns must be contained in the Treasury-State Agreement.

Section 205.22 How Are Accurate Clearance Patterns Maintained?

If a State has knowledge that a clearance pattern is no longer accurate, it must notify us. The State must develop a new and accurate clearance pattern, certify it, and submit it to us. Clearance patterns must be re-certified by the authorized State official every five years.

Section 205.23 What Requirements Apply to Estimates?

A major change that we are proposing to the current rule is the introduction of standards for developing, documenting, and maintaining estimates, other than clearance patterns, used to determine the amount to request and the timing of the transfer of funds. Many States have negotiated unique funding techniques that are not based on the actual amount of funds in a disbursement, but rely on some method of estimating the State's cash requirements. Often these funding techniques are difficult to audit because they are not documented in sufficient detail. The proposed standards are designed to ensure that, when such estimates are used, a Treasury-State Agreement clearly documents how to calculate the amount to request, the timing of the transfer of funds, and the method for reconciling estimates and actual payments for Federal assistance program purposes.

Estimates are used for predicting program volume for non-payment

variables. For example, under a Child Care program, a State would need to estimate the increase or decrease of children needing care. This could be based on population growth or a change in the unemployment rate, or other factors. These estimates will affect the amount of funds a State draws down. The new language requires that States document and justify their estimates.

Section 205.24 How Are Accurate Estimates Maintained?

The proposed rule requires that States notify us immediately when they possess actual or constructive knowledge that the estimates in use are not accurate. This is similar to the requirement that States inform us of changes in clearance patterns.

Section 205.25 How Does This Part Apply to Certain Federal Assistance Programs or Funds?

Proposed § 205.25 contains information on how Part 205 affects several different programs.

Unemployment Trust Fund (UTF)

Proposed § 205.25 describes the treatment of the UTF under Part 205. A state's interest liability on funds withdrawn from its UTF account do not accrue at the designated CMIA rate. Instead, the interest is calculated at the actual interest earned on those funds less the related banking costs. To maintain an accurate interest calculation, if funds that are withdrawn from a State UTF account are commingled with other monies, the UTF funds must be allocated a proportional share of the related interest earnings and banking costs.

Interest earned on funds withdrawn by a State from a Federal UTF account, with the exception of the Federal Unemployment Account, will accrue under the rules of this Part, specifically, § 205.19.

Supplemental Security Income

Proposed § 205.25 sets forth the treatment of Supplemental Security Income transactions under CMIA. This subsection describes the effect of this Part on Supplemental Security Income administrative fees and supplemental State payments by integrating Policy Statement 4 ("Interest Calculations for the Supplemental Security Income Program," February 22, 1993,) and Policy Statement 14 ("Supplemental Security Income Program Fees," December 21, 1994) into the regulation.

For the most part, Part 205 applies to programs in which money flows from the Federal Government to the State. SSI is unique under CMIA in that it is a

program in which money flows from the State to the Federal Government. Congress especially addressed this "reverse flow" in 31 U.S.C. 6503(g), which provides:

If the Federal Government makes a payment to a recipient under a Federal program, and a portion of that payment is an amount which the Federal Government is paying to such recipient on behalf of a State, such amounts will be considered a transfer of funds between the Federal Government and the State for purposes of this section.

Interest must be calculated on the difference between a State's monthly SSI payment, which is an estimate, and the State's actual liability. This is consistent with other requirements to calculate interest on quarterly shortfalls or reporting period adjustments.

Interest liabilities shall not accrue to the Federal Government or States on refunds of State funds because States are credited with the refunds in advance, before the Social Security Administration even collects the funds. Rather than being liable for interest, the Federal Government bears the cost of crediting States with refunds early.

This provision makes it clear that the only SSI funds that are subject to CMIA are payments to recipients. Since the new administrative fees are not funds to be delivered to recipients, they are not considered a transfer of funds and, therefore, are not governed by CMIA. Interest on late fees is calculated in accordance with the Social Security Administration's (SSA) debt collection procedures.

Under the SSI program, States may supplement the Federal SSI benefit. States where the Federal SSI benefit would be less than beneficiaries received under State programs prior to SSI must supplement the Federal SSI benefit. All but a few States and jurisdictions provide supplementation. States may administer their supplementary payments themselves or may contract with the SSA for Federal administration. The SSA administers the State supplementation of SSI benefits in 27 States and the District of Columbia. Interest on late State supplementation is calculated in accordance with the provisions of Part 205.

Child Support Enforcement Program transactions

Proposed § 205.25(d) incorporates Policy Statement 6 ("Funds Collected by States Under the Child Support Enforcement Program," February 26, 1993), which describes the treatment for CMIA purposes of certain funds received under the Child Support Enforcement Program.

The interest provisions of CMIA do not come into play with respect to child support collections by States. Federal law provides that the Federal government will reimburse States for a portion of a State's expenditures in administering a State child support enforcement program, conditioned on the State's complying with Federal assistance program requirements. When a State collects child support, the Federal funding scheme allows the State to retain certain collections for a period of time rather than immediately distributing them to custodial parents. CMIA interest does not accrue on such undistributed funds because they are considered still paid out for Federal assistance program purposes. Rather, interest earned on undistributed funds is treated as program income under program regulations found at 45 CFR 304.50(b) and, in accordance with those regulations, must be deducted from a State's claim to the Federal government for reimbursement. Additionally, late payment fees collected by States from absent parents, as permitted by the Federal funding scheme, are not subject to interest liabilities under CMIA. These fees are State funds and are not considered Federal funds for CMIA purposes. In accordance with program regulations found at 45 CFR 302.75(b)(6), such fees must be treated as program income and must be deducted from a State's claim to the Federal government for reimbursement.

Block Grant Programs

Proposed § 205.25(e) provides clarification on Part 205's effect on certain block grant programs. This section incorporates information included in Policy Statement 7 ("Interest Provisions for Block Grants Where States Voluntarily Supplement Federal Funding," March 31, 1993) related to Social Services Block Grants (SSBG) and Policy Statement 19 ("Inclusion of the New Temporary Assistance to Needy Families and the New Matching and Mandatory Child Care Funds Programs Under CMIA," June 1, 1999). Proposed § 205.25(e) is meant to implement a policy that favors neither States nor Federal agencies participating in block grant programs.

States that supplement SSBG funding with their own funds are not allowed to draw down all Federal funds first, then use State funds. A State must draw down Federal funds in proportion to the State's participation in the block grant program.

Policy Statement 7 addresses two questions: (1) If a State voluntarily supplements the SSBG program, can the Federal program agency limit the

drawdowns to be made quarterly, forcing States to supplement funds, or will this limitation result in an interest liability for the agency? (2) Can a State draw and spend all Federal funds for allowable expenses first, then spend State funds?

Federal law requires all definite appropriations to be apportioned to prevent obligation at a rate that would result in a deficiency or necessitate a supplemental appropriation. For example, if a program is expected to use funds at a constant rate and receives a quarterly Federal payment, the drawdown should be $\frac{1}{4}$ of the total amount. Given the nature of the SSBG program, it is expected that the Office of Management and Budget will continue to apportion funds quarterly. Policy Statement 7 clarifies that States are entitled to interest if they must advance their own funds due to funding breakdowns caused by apportionments.

With SSBG programs, the State is under no obligation to match or appropriate funding. However, if a State elects to appropriate funding (as opposed to temporarily fronting State funds pending reimbursement at the start of the next fiscal quarter), the State may not arbitrarily assign its earliest costs to the Federal Government and claim interest.

If a State elects to appropriate funding for the SSBG program, which does not require matching or State appropriations, funds should be allocated in a manner that benefits neither the Federal Government nor the State with respect to cash flow. Consequently, Federal funds and State funds should be combined and allocated proportionately with no interest ramifications until the combined quarterly allocation is exceeded. For example, if the total Federal allotment to a State for a given program is \$16 million (\$4M per quarter) and the State voluntarily appropriates \$8 million (\$2M per quarter), interest liabilities could occur once \$6 million is paid out in any given quarter. Under this scenario, neither party "wins" regarding cash flow. Therefore, a State cannot draw and exhaust Federal funds first because voluntary funds which the State appropriates must be made commensurately with each Federal drawdown. In addition, States should indicate in their Treasury-State Agreement if State appropriations will currently supplement, or have historically supplemented, Federal block grants or programs which do not require a State match. If States claim interest liabilities have been incurred, Annual Reports should provide the

amount of the State appropriation and State apportionment procedure.

Policy Statement 19 refers to Temporary Assistance to Needy Families (TANF) and Mandatory and Matching Child Care Funds Programs that require a State maintenance-of-effort for funding. This Policy Statement reaffirms Policy Statement 7 that Federal funds must not be drawn down in advance of, or out of proportion with, State funds used in these programs.

Women, Infants, and Children Program

Proposed § 205.25(f) is added to the regulation to clarify that interest earned on rebates from the Women, Infants, and Children Program (WIC) is not subject to Part 205 if the funds are used for Federal assistance program purposes. As noted in Policy Statement 18 ("Special Supplemental Food Program for WIC Rebates," September 13, 1995), this subsection recognizes the November 2, 1994 amendment to the Child Nutrition Act of 1966. That amendment declared that States will not incur any interest liability to the Federal Government on rebate funds for infant formula and other foods provided all interest earned by the State on funds is used for Federal assistance program purposes.

Revolving Loan Funds

Proposed § 205.25(g) incorporates Policy Statement 15 ("Community Development Block Grant Revolving Loan Funds," March 13, 1995), which describes the effect of Part 205 on revolving loan funds. Although Policy Statement 15 addresses a question on one specific program, proposed § 205.25(g) applies to all revolving loan fund programs. If a Federal agency program authorizes a revolving loan fund and specifically designates that income earned from that fund be used for Federal assistance program purposes, then the interest earned is not subject to this Part if it is used for Federal assistance program purposes. However, transfers of funds to the revolving loan fund remain subject to Part 205.

Section 205.26 What Are the Requirements for Creating Annual Reports?

Proposed § 205.26 contains provisions of current § 205.15, *Annual reports*. Proposed § 205.26 provides that annual reports are due to FMS on December 31 for the State's most recently completed fiscal year. Interest will continue to be exchanged on March 1 since interest liabilities are aggregated among all States to offset direct costs, as noted in proposed § 205.27. Prior period adjustments are limited to the two State

fiscal years prior to the State fiscal year covered by an annual report.

Section 205.27 How Are Direct Costs Calculated?

Proposed § 205.27 contains provisions found in current § 205.14, *Direct costs of implementation*. Provisions on cost claims for the initial implementation of CMIA are deleted. In addition, the proposed rule deletes the requirement that FMS review the policies on direct costs of implementation to determine their effectiveness. In reviewing direct cost claims for reasonableness, we will consider how necessary a task is to the development and maintenance of clearance patterns in support of interest calculations or the actual calculation of interest liabilities. All States seeking reimbursement should maintain proper documentation of accrued expenses. States seeking more than \$50,000 for direct costs should have documentation supporting that assertion.

The General Accounting Office report noted that some States believe they should be reimbursed for costs that are outside the definition of direct costs for the implementation of subpart A as set forth in § 205.12. Congress authorized FMS to reimburse only those costs directly related to the interest calculations required by this Part. Congress intended that other costs should be reimbursed in accordance with Office of Management and Budget guidelines for reimbursement for indirect program costs (OMB Circular A-87). In order to clarify the scope of direct costs that are reimbursable under CMIA, the definition of direct cost in § 205.2 has been revised to provide that States will be compensated only for costs associated with the calculation of CMIA interest, including those costs a State incurs in developing and maintaining clearance patterns in support of interest calculations. The legislative history of the cost recovery provisions of CMIA was discussed in the proposed and final CMIA rules. 57 FR 10102 and 57 FR 44272.

Section 205.28 How Are Interest Payments Exchanged?

Proposed § 205.28 addresses the manner in which States and the Federal agencies offset interest liability on or before March 31 of each year. This interest exchange date is changed from March 1 in the existing regulation. The date change will benefit all stakeholders seeking an equitable exchange of interest because more time will be allowed to conduct comprehensive reviews of disputed liabilities.

Section 205.29 What Are the State Oversight and Compliance Responsibilities?

Proposed § 205.29 restates, without material change, the State oversight and compliance responsibilities that are set forth in current § 205.17, *Compliance and oversight*. A State's implementation of subpart A is subject to audit in accordance with the requirements for single audits. CMIA specific audit objectives and suggested audit procedures now appear in the *OMB Circular A-133 Compliance Supplement*. States are required to maintain all pertinent records for three fiscal years following submission of an Annual Report.

Section 205.30 What Are the Federal Oversight and Compliance Responsibilities?

The Federal oversight and compliance responsibilities that are set forth in current § 205.17, *Compliance and oversight*, are relocated to proposed § 205.30. In addition, proposed § 205.30 requires Federal agencies to notify us when they have actual or constructive knowledge that corrective action needs to be taken by us or by a State with respect to the implementation of Part 205 or if a State's clearance pattern doesn't correspond to a program's clearance activity. We believe that this requirement will improve compliance with Part 205.

Proposed § 205.30 also clarifies that Federal program agencies are responsible for determinations regarding whether or not costs should be properly chargeable to the Federal government.

Federal program agencies that incur interest liabilities through improper actions or compliance failures continue to be subject to charges by FMS. In these instances, we will issue a Notice of Assessment that describes the nature of the non-compliance and the amount of the charge to the Federal program agency. An appeals process is available to Federal program agencies.

Section 205.31 How Does a State or Federal Program Agency Appeal a Determination Made by Us and Resolve Disputes?

Proposed § 205.31 sets forth the appeal and dispute provisions that appear in current § 205.18. However, unlike the current rule, the proposed rule provides that an aggrieved party has 90 days from the date of the notice of assessment to submit a written petition if a dispute arises from the implementation or administration of subpart A. Currently there is no limitation on the amount of time an

aggrieved party can take to submit a written appeal. We are proposing this change to respond to requests from Federal agencies for a time limit on filing appeals.

Proposed § 205.31 also clarifies that the appeal and dispute resolution procedures of this section apply to matters concerning the implementation of subpart A and do not apply to disputes between States and Federal program agencies concerning the determination of whether a cost is properly chargeable to the Federal government.

Subpart B: Rules Applicable to Federal Assistance Programs Not Included in a Treasury-State Agreement

Section 205.32 What Federal Assistance Programs Are Subject to Subpart B?

This section clarifies that all Federal assistance programs listed in the Catalogue of Federal Domestic Assistance, but not included in a State's Treasury-State Agreement or subject to default procedures, are subject to subpart B.

Section 205.33 How Are Funds Transfers Processed?

Proposed § 205.33 reaffirms the overall goal of Part 205, efficient cash management. Federal program agencies and States must limit funds transfers to the minimum amounts necessary to meet program goals. These funds transfers must be conducted to minimize the time between the funding and the paying out of the funds for Federal assistance program purposes.

This section states that no interest liability will be incurred by States or Federal program agencies for funds transfers subject to subpart B.

Section 205.34 What Are the Federal Oversight and Compliance Responsibilities?

Federal program agencies must monitor a State's practices and notify us if a State exhibits an unwillingness or inability to practice efficient cash management. Federal program agencies must develop procedures to comply with subpart B to promote efficient cash management.

Section 205.35 What Is the Result of Federal Program Agency or State Non-Compliance?

In the event of State or Federal program agency non-compliance, we may transfer Federal assistance programs to subpart A. These programs would then be subject to interest liabilities.

Subpart C [Reserved]

Subpart C remains reserved pending further consideration. In the Notice of Proposed Rulemaking issued in March 1992, 57 FR 10102, this section applied to programs administered by non-State recipients and non-State subrecipients. Subpart C did not apply the interest provisions of CMIA to these non-state recipients and sub-recipients and is not included in the Final Rule.

IV. Procedural Matters*Executive Order 12866, Regulatory Planning and Review*

These proposed regulations are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. These proposed regulations will not have effect of \$100 million or more on the economy. They will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These proposed regulations will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. These proposed regulations do not alter the budgetary effects of entitlement, grants, user fees, or loan programs, or the right or obligations of their recipients; nor do they raise novel legal or policy issues.

Clarity of the Regulations

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. President Clinton's Presidential memorandum of June 2, 1998, requires us to write new regulations in plain language. We invite your comments on how to make these proposed regulations easier to understand.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, it is hereby certified that this proposal will not have a significant economic impact on a substantial number of small business entities. The proposed rule does not require any actions on the part of small entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

Paperwork Reduction Act

The Office of Management and Budget has approved the information collection requirements in the proposed rule under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, and has assigned clearance number 1510-0061. Sections of this proposed rule with information collection requirements are 205.9,

205.26, 205.27, 205.29, and we estimate the public reporting burden of these sections to average, respectively, 500 hours per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. We estimate the number of respondents to be 56.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Information Collection Clearance Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; Attention: 1510-AA38; with copies to Juanita Holder, Public Reports Clearance Officer, Financial Management Service, 3361 75th Avenue, Landover, Maryland 20785.

List of Subjects in 31 CFR Part 205

Electronic funds transfer, Grant programs, Intergovernmental relations.

Authority and Issuance

For the reasons set out in the preamble, we propose to revise part 205 of title 31 of the Code of Regulations to read as follows:

PART 205—RULES AND PROCEDURES FOR EFFICIENT FEDERAL-STATE FUNDS TRANSFERS**Sec.**

- 205.1 What Federal assistance programs are covered by this part?
- 205.2 What definitions apply to this part?

Subpart A—Rules Applicable to Federal Assistance Programs Included in a Treasury-State Agreement

- 205.3 What Federal assistance programs are subject to this subpart A?
- 205.4 Are there any circumstances where a Federal assistance program that meets the criteria of § 205.3 would not be subject to this subpart A?
- 205.5 What are the thresholds for major Federal assistance programs?
- 205.6 What is a Treasury-State Agreement?
- 205.7 Can a Treasury-State Agreement be amended?
- 205.8 What if there is no Treasury-State Agreement in effect?
- 205.9 What is included in a Treasury-State Agreement?
- 205.10 How do you document funding techniques?
- 205.11 What requirements apply to funding techniques?
- 205.12 What funding techniques may be used?
- 205.13 How do you determine when State or Federal interest liability accrues?
- 205.14 When does Federal interest liability accrue?

- 205.15 When does State interest liability accrue?
- 205.16 What special rules apply to Federal assistance programs and projects funded by the Federal Highway Trust Fund?
- 205.17 Are funds transfers delayed by automated payment systems restrictions based on the size and timing of the drawdown request subject to this part?
- 205.18 Are Federal assistance program agency grants for administrative costs subject to this part?
- 205.19 How is interest calculated?
- 205.20 What is a clearance pattern?
- 205.21 When may clearance patterns be used?
- 205.22 How are accurate clearance patterns maintained?
- 205.23 What requirements apply to estimates?
- 205.24 How are accurate estimates maintained?
- 205.25 How does this part apply to certain Federal assistance programs or funds?
- 205.26 What are the requirements for creating Annual Reports?
- 205.27 How are direct costs calculated?
- 205.28 How are interest payments exchanged?
- 205.29 What are the State oversight and compliance responsibilities?
- 205.30 What are the Federal oversight and compliance responsibilities?
- 205.31 How does a State or Federal program agency appeal a determination made by us and resolve disputes?

Subpart B—Rules Applicable to Federal Assistance Programs Not Included in a Treasury-State Agreement

- 205.32 What Federal assistance programs are subject to this subpart B?
- 205.33 How are funds transfers processed?
- 205.34 What are the Federal oversight and compliance responsibilities?
- 205.35 What is the result of Federal program agency or State non-compliance?

Subpart C—[Reserved]

Authority: 5 U.S.C. 301; 31 U.S.C. 321, 3335, 6501, 6503.

§ 205.1 What Federal assistance programs are covered by this part?

(a) This part prescribes rules for transferring funds between the Federal Government and States for Federal assistance programs. This part applies to:

(1) All States as defined in § 205.2; and

(2) All Federal program agencies, except the Tennessee Valley Administration (TVA) and its Federal assistance programs.

(b) Only programs listed in the Catalog of Federal Domestic Assistance, as established by Chapter 61 of Title 31, United States Code (U.S.C.) are covered by this part.

(c) This part does not apply to:

(1) Payments made to States acting as vendors on Federal contracts, which are

subject to the Prompt Payment Act of 1982, as amended, 31 U.S.C. 3901 *et seq.*, 5 CFR part 1315, and 48 CFR part 32; or

(2) Direct loans from the Federal Government to States.

§ 205.2 What definitions apply to this part?

For purposes of this part:

Administrative cost grant means a grant wholly dedicated to compensate States for administrative expenses.

Administrative costs means expenses incurred by a State associated with managing a Federal assistance program.

Auditable means records must be retained to allow for calculations outlined in the Treasury-State Agreements to be reviewed and replicated for compliance purposes. States must maintain these records to be readily available, fully documented, and verifiable.

Authorized State Official means a person with the authority under the laws of a State to make commitments on behalf of the State for the purposes of this part, or that person's official designee as certified in writing.

Business day means a day when Federal Reserve Banks are open.

Catalog of Federal Domestic Assistance (CFDA) means the government-wide list of Federal assistance programs, projects, services, and activities which provide assistance or benefits to the American public. The listing includes financial and nonfinancial Federal assistance programs administered by agencies of the Federal Government. (The Catalog is available at <http://www.cfda.gov>)

Clearance pattern means a forecast showing the daily amount subtracted from a State's bank account each day after the State makes a disbursement. For example, a State mailing out benefit checks may forecast that the percentage of checks cashed each day will be 0% for the first day, 10% for the second day, 80% on the third day, and 10% on the fourth day following issuance. Clearance patterns are used to schedule the transfer of funds with various funding techniques and to support interest calculations.

Compensating balance means funds maintained in State bank accounts and/or State Treasurer bank accounts to offset the costs of bank services.

Current project cost means a cost for which the State has recorded a liability on or after the day that the State last requested funds for the project.

Day means a calendar day unless otherwise specified.

Default procedures means efficient cash management practices that we prescribe for Federal funds transfers to

a State if a Treasury-State Agreement is not in place.

Direct cost means those costs a State incurs in performing the actual calculation of interest liabilities, including those costs a State incurs in developing and maintaining clearance patterns in support of interest calculations.

Disallowances mean costs incurred by a State which the Federal program agency has determined to be costs which should not be charged to the Federal Government either because the funds were used for other than Federal assistance program purposes or the amount of the funds used for Federal assistance program purposes was improper.

Disburse means to issue a check or initiate an electronic funds transfer payment.

Discretionary grant project means a project for which a Federal program agency is authorized by law to exercise judgment in awarding a grant and in selecting a grantee, generally through a competitive process.

Dollar-weighted average day of clearance means the day when, on a cumulative basis, 50 percent of funds have been paid out. To calculate the dollar-weighted average day of clearance for a clearance pattern:

(1) For each day, multiply the percentage of dollars paid out that day by the number of days that have elapsed since the payments were issued. For example, on the first day payments were issued, multiply the percentage of dollars paid out on that day by zero, since zero days have elapsed. On the day after payments were issued, multiply the percentage of dollars paid out on that day by one, since one day has elapsed; and so forth.

(2) Total the results from paragraph (1) of this definition. Round to the nearest whole number. This is the dollar-weighted average day of clearance.

Draw down (verb) means a process in which a State requests and receives Federal funds. *Drawdown* (noun) means Federal funds requested and received by a State.

Electronic Funds Transfer (EFT) means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

Estimate means a projection of the future needs of a Federal assistance program that can't be accurately described by a clearance pattern.

Federal assistance program means a program included in the Catalog of Federal Domestic Assistance where funds are transferred from the Federal Government to a State. Federal assistance programs do not include vendor payments or direct loans.

Federal program agency means an executive agency as defined by section 102 of title 31, United States Code, except the Tennessee Valley Authority (TVA), that issues and administers grants to States or cooperative agreements with States.

Federal-State agreement means an agreement between a State and a Federal program agency specifying terms and conditions for carrying out a Federal assistance program or group of programs. This is different than a Treasury-State Agreement.

Financial Management Service (we or us) means the Bureau of the U.S. Department of the Treasury responsible for implementation of this part.

Fiscal Year means the twelve-month period that a State designates as its budget year.

Grant means, for the purposes of this Part, a funds transfer by the Federal Government associated with a Federal assistance program listed in the Catalog of Federal Domestic Assistance.

Indirect cost means costs a State incurs that are necessary to the operation and performance of its Federal assistance programs, but that aren't readily identifiable with a particular project or Federal assistance program.

Indirect cost rate means a formula that identifies the amount of indirect costs based on the amount of accrued direct costs.

Maintenance-of-effort means a requirement that a State spend at least a specified amount of State funds for Federal assistance program purposes.

Major Federal assistance program means a Federal assistance program which receives Federal funding in excess of the dollar thresholds found in Table A to § 205.5.

Obligational authority means the existence of a definite commitment on the part of the Federal Government to provide appropriated funds to a State to carry out specified programs, whether the commitment is executed before or after a State pays out funds for Federal assistance program purposes.

Pay out means to debit the State's bank account.

Pay out funds for Federal assistance program purposes means, in the context of State payments, to debit a State account for the purpose of making a payment properly chargeable to the Federal Government to:

(1) A person or entity that is not considered part of the State pursuant to the definition of "State" in this section; or

(2) A State entity that provides goods or services for the direct benefit or use of the payor State entity or the Federal Government to further Federal assistance program goals.

Rebate means funds returned to a State by third parties after a State has paid out those funds for Federal assistance program purposes.

Refund means funds that a State recovers that it previously paid out for Federal assistance program purposes. Refunds include rebates received from third parties.

Refund transaction means an entry to the record of a State bank account representing a single deposit of refunds. A refund transaction may consist of a single check or item, or a bundle of accumulated checks.

Related banking costs means separately identified costs which are necessary and customary for maintaining an account in a financial institution, whether a commercial account or a State Treasurer account. Investment service fees and fees for credit-related services aren't related banking costs.

Request for funds means a State's request for funds that the State completes and submits in accordance with Federal program agency guidelines.

Reverse flow program means a Federal assistance program, such as Supplemental Security Income (SSI), for which the Federal Government makes payments to recipients on behalf of a State.

Revolving loan fund means a pool of program funds managed by a State. States may loan funds from the pool to other entities in support of Federal assistance program goals. Investment income is earned on the funds that remain in the pool and on loans made from pool funds. A Federal program agency may require that all income derived from a revolving loan fund be used for Federal assistance program purposes.

Secretary means the Secretary of the United States Department of the Treasury. We are the Secretary's representative in all matters concerning this Part, unless otherwise specified.

State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands. It includes any agency, instrumentality, or fiscal agent of a State that is legally and fiscally

dependent on the State executive, State Treasurer, or State Comptroller.

(1) A State agency or instrumentality is any organization of the primary government of the State financial reporting entity, as defined by generally accepted accounting principles.

(2) A fiscal agent of a State is an entity that pays, collects, or holds Federal funds on behalf of the State in furtherance of a Federal assistance program, excluding private nonprofit community organizations.

(3) Local governments, Indian Tribal governments, institutions of higher education, hospitals, and nonprofit organizations are excluded from the definition of State.

Treasury-State Agreement means a document describing the accepted funding techniques and methods for calculating interest and identifying the Federal assistance programs governed by this subpart A.

Trust fund for which the Secretary is the trustee means a trust fund administered by the Secretary.

Vendor payment means a funds transfer by a Federal program agency to a State to compensate the State for acting as a vendor on a Federal contract.

We and us means Financial Management Service.

Subpart A—Rules Applicable to Federal Assistance Programs Included in a Treasury-State Agreement

§ 205.3 What Federal assistance programs are subject to this subpart A?

(a) Generally, this subpart prescribes the rules that apply to Federal assistance programs which:

(1) Are listed in the Catalog of Federal Domestic Assistance;

(2) Meet the funding threshold for a major Federal assistance program; and

(3) Are included in a Treasury-State Agreement or default procedures.

(b) Upon a State's request, we will make additional Federal assistance programs subject to this subpart A by lowering the funding threshold in the Treasury-State Agreement. All of a State's programs that meet this lower threshold would be subject to this subpart A.

(c) We may make additional Federal assistance programs subject to this subpart A if a State or Federal program agency fails to comply with subpart B of this part.

§ 205.4 Are there any circumstances where a Federal assistance program that meets the criteria of § 205.3 would not be subject to this subpart A?

(a) A Federal assistance program that meets or exceeds the threshold for major Federal assistance programs in a State is

not subject to this subpart A until it is included in an amended Treasury-State Agreement or in default procedures.

(b) We and a State may agree to exclude components of a major Federal assistance program from interest calculations if the State administers the program through several State agencies and meets the following requirements:

(1) The dollar amount of the exempted cash flow doesn't exceed 5% of the State's major Federal assistance program threshold and can't exceed 10% of that Federal assistance program's total expenditures;

(2) If less than the total amount of Federal assistance program funding is subject to interest calculation procedures, the interest liabilities should be pro-rated to 100% of the Federal assistance program funding;

(3) A State may not use this exclusion if a Federal assistance program is administered by only one State agency; and

(4) We may request Federal assistance program specific data on funding levels to determine exemptions.

(c) We and a State may exclude a Federal assistance program from this subpart A if the Federal assistance program has been discontinued since the most recent Single Audit and the remaining funding is below the threshold, or if the Federal assistance program is funded by an award not limited to one fiscal year and the remaining Federal assistance program funding is below the State's threshold.

§ 205.5 What are the thresholds for major Federal assistance programs?

(a) Table A of this section defines major Federal assistance programs based on the dollar amount of an individual Federal assistance program and the dollar amount of all Federal assistance being received by a State for all Federal assistance programs. A State must locate the appropriate row in Column A based upon the total expenditures of Federal assistance received. In that same row, a State must apply the percentage from Column B to determine the State's threshold for major Federal assistance programs. A State with expenditures greater than \$10 billion will have a minimum default threshold of \$60 million.

(b) To ensure adequate coverage of all State programs, a State must compare its program coverage using the threshold figure obtained under paragraph (a) of this section to the program coverage projected by a threshold of one half that of paragraph (a) of this section.

(1) Sum the total dollar expenditures of programs that exceed the threshold

determined in Column B. Designate this amount as X.

(2) Sum the total dollar expenditures of programs that exceed one half of the threshold amount determined in Column B. Designate this amount as Y.

(3) Subtract X from Y. Designate this amount as Z.

(4) If Z is less than or equal to 10% of Y use the figure found in Column B of Table A.

(5) If Z is greater than 10% of Y, then a State must lower its threshold, or add programs, until the difference between Y and the new total dollar value of

program coverage is less than or equal to 10%.

(c) Unless specified otherwise, major Federal assistance programs must be determined from the most recent Single Audit data available.

TABLE A TO § 205.5

Column A—Total expenditure of Federal Assistance for all programs per State	Column B—Major Federal Assistance Program means any Federal assistance program with expenditures that exceed these levels
Between zero and \$100 million inclusive	6.00 percent of such total expenditures.
Over \$100 million but less than or equal to \$10 billion	0.60 percent of such total expenditures.
Over \$10 billion	The greater of 0.30 percent of such total expenditures or \$60 million.

§ 205.6 What is a Treasury-State Agreement?

(a) A Treasury-State Agreement documents the accepted funding techniques and methods for calculating interest agreed upon by us and a State and identifies the Federal assistance programs governed by this subpart A. If anything in a Treasury-State Agreement is inconsistent with this subpart A, that part of the Treasury-State Agreement won't have any effect and this subpart A will govern.

(b) A Treasury-State Agreement will be effective until terminated. We or a State may terminate a Treasury-State Agreement on 30 days written notice.

§ 205.7 Can a Treasury-State Agreement be amended?

(a) We or a State may amend a Treasury-State Agreement at any time if both we and the State agree in writing.

(b) The effective date of an amendment shall be the date both parties agree to the amendment in writing. Amendments may not be retroactive, except for an amendment to clarify the terms of a Treasury-State Agreement.

(c) We and a State must amend a Treasury-State Agreement as needed to change or clarify its language when the terms of the existing agreement are either no longer correct or no longer applicable. A State must notify us in writing describing the Federal assistance program change and include a proposed amendment for our review and a current list of all programs included in the Treasury-State Agreement. Amendments may address, but are not limited to:

(1) Additions or deletions of Federal assistance programs subject to this subpart A;

(2) Changes in funding techniques; and

(3) Changes in clearance patterns.

(d) Additions or deletions to the list of Federal assistance programs subject

to this subpart A take effect when a Treasury-State Agreement is amended.

(e) Federal assistance programs that are to be added to a Treasury-State Agreement are not subject to this subpart A until the Treasury-State Agreement is amended, except when a Federal assistance program subject to this subpart A is being replaced by a Federal assistance program governed by subpart B of this part, in which case the replacement program is immediately subject to this subpart A.

§ 205.8 What if there is no Treasury-State Agreement in effect?

When a State doesn't have a Treasury-State Agreement in effect, we will prescribe default procedures to implement this subpart A. The default procedures will prescribe efficient funds transfer procedures consistent with State and Federal law and identify the covered Federal assistance programs and designated funding techniques.

§ 205.9 What is included in a Treasury-State Agreement?

We will prescribe a uniform format for all Treasury-State Agreements. A Treasury-State Agreement must include, but is not limited to, the following:

(a) State agencies, instrumentalities, and fiscal agents that administer the Federal assistance programs subject to this subpart A.

(b) Federal assistance programs subject to this subpart A, consistent with §§ 205.3 and 205.4. A State must use its most recent single audit report as a basis for determining the funding thresholds for major Federal assistance programs, unless otherwise specified in the Treasury-State Agreement. A State may use budget or appropriations data for a more recent period instead of single audit data, if specified in the Treasury-State Agreement.

(c) Funding techniques applied to Federal assistance programs subject to subpart A based on the Federal

assistance program's purpose and administration.

(d) Methods the State will use to develop and maintain clearance patterns and estimates, consistent with § 205.11. The method must include, at a minimum, a clear indication of:

(1) the data used;

(2) the sources of the data;

(3) the development process;

(4) for estimates, when and how the State will update the estimate to reflect the most recent data available;

(5) for estimates, when and how the State will make adjustments, if any, to reconcile the difference between the estimate and the State's actual cash needs; and

(6) any assumptions, standards, or conventions used in converting the data into the clearance pattern or estimate.

(e) Federal program agency provisions requiring reconciliation of estimates to actual outlays may be included in a Treasury-State Agreement. The supporting documentation must be retained by the State for three years.

(f) States must include the results of the clearance pattern process in the Treasury-State Agreement. The supporting documentation must be retained by the State for three years.

(g) Methods used by the State and Federal agencies to calculate interest liabilities pursuant to this subpart A. The method must include, but is not limited to, a clear indication of:

(1) the data used;

(2) the sources of the data;

(3) the calculation process; and

(4) any assumptions, standards, or conventions used in converting the data into the interest liability amounts.

(h) Treasury-State agreements must include language describing how a State and Federal program agency will address a State request for supplemental funding. This language must include, but is not limited to, the following provisions:

(1) What constitutes a timely request for supplemental funds for Federal assistance program purposes by a State; and

(2) What constitutes a timely transfer of supplemental funds for Federal assistance program purposes from a Federal program agency to a State.

§ 205.10 How do you document funding techniques?

The Treasury-State Agreement must include a concise description for each funding technique that a State will use. The description must include the following:

(a) What constitutes a timely request for funds;

(b) How the State determines the amount of funds to request;

(c) What procedures are used to estimate or reconcile estimates with actual and immediate cash needs;

(d) What constitutes the timely receipt of funds; and

(e) Whether a State or Federal interest liability accrues when the funding technique, including any associated procedure for estimation or reconciliation, is properly applied.

§ 205.11 What requirements apply to funding techniques?

(a) A State and a Federal program agency must minimize the time elapsing between the transfer of funds from the United States Treasury and the State's pay out of funds for Federal assistance program purposes, whether the transfer occurs before or after the pay out of funds.

(b) A State and a Federal program agency must limit the amount of funds transferred to the minimum required to meet a State's actual and immediate cash needs.

(c) A State must not draw down funds from its account in the Unemployment Trust Fund or from a Federal account in the Unemployment Trust Fund in advance of actual immediate cash needs for any purpose including maintaining a compensating balance.

(d) A Federal program agency must allow a State to submit requests for funds daily. This requirement shouldn't be construed as a change to Federal program agency guidelines defining a properly completed request for funds.

(e) In accordance with the electronic funds transfer provisions of the Debt Collection Improvement Act of 1996 (31 U.S.C. 3332), a Federal program agency must use electronic funds transfer methods to transfer funds to States unless a waiver is available.

§ 205.12 What funding techniques may be used?

(a) We and a State may negotiate the use of mutually agreed upon funding techniques. We may deny interest liability if a State does not use a mutually agreed upon funding technique. Funding techniques should be efficient and minimize the exchange of interest between States and Federal agencies.

(b) We and a State may base our agreement on the sample funding techniques listed in paragraphs (b)(1) through (5) of this section, or any other technique upon which both parties agree.

(1) Zero balance accounting means that a Federal program agency transfers the actual amount of Federal funds to a State that are paid out by the State each day.

(2) Estimated clearance means that a Federal program agency transfers to a State the estimated amount of funds that the State pays out each day. The estimated amount paid out each day is determined by applying a clearance pattern to the total amount the State will disburse.

(3) Average clearance means that a Federal program agency, on the dollar-weighted average day of clearance of a disbursement, transfers to a State a lump sum equal to the actual amount of funds that the State is paying out. The dollar-weighted average day of clearance is the day when, on a cumulative basis, 50 percent of the funds have been paid out. The dollar-weighted average day of clearance is calculated from a clearance pattern, consistent with § 205.20.

(4) Cash advance (preissuance) funding means that a Federal program agency transfers the actual amount of Federal funds to a State that will be paid out by the State, in a lump sum, not more than 2 business days prior to the day the State issues checks or initiates EFT payments.

(5) Reimbursable funding means that a Federal program agency transfers Federal funds to a State after that State has already paid out the funds for Federal assistance program purposes.

§ 205.13 How do you determine when State or Federal interest liability accrues?

(a) State or Federal interest liability may or may not apply when mutually agreed to funding techniques are applied, depending on the terms of the Treasury-State Agreement.

(b) We and a State may agree in a Treasury-State Agreement that no State or Federal interest liability will accrue for indirect costs or indirect allocated costs based on an indirect cost rate. This

indirect cost rate must be approved by the appropriate Federal program agency under Office of Management and Budget (OMB) Circular A-87 (available from the addresses in 5 CFR 1310.3) and be in accordance with this subpart A.

§ 205.14 When does Federal interest liability accrue?

(a) Federal interest liabilities may accrue if funding techniques aren't properly applied, in accordance with the following provisions:

(1) The Federal program agency incurs interest liability if a State pays out its own funds for Federal assistance program purposes with valid obligational authority under Federal law, Federal regulation, or Federal-State agreement. A Federal interest liability will accrue from the day a State pays out its own funds for Federal assistance program purposes to the day Federal funds are credited to a State account.

(2) If a State pays out its own funds for Federal assistance program purposes without obligational authority, the Federal program agency incurs an interest liability if obligational authority subsequently is established.

(3) If a State pays out its own funds prior to the day a Federal program agency officially notifies the State in writing that a discretionary grant project is approved, the Federal program agency doesn't incur an interest liability, notwithstanding any other provision of this section.

(4) If a State pays out its own funds prior to the availability of Federal funds authorized or appropriated for a future Federal fiscal year, the Federal program agency doesn't incur an interest liability, notwithstanding any other provision of this section.

(5) If a State fails to request funds timely as set forth in § 205.29 or otherwise fails to apply a funding technique properly, we may deny any resulting Federal interest liability.

(b) Federal agency programs that have specific payment dates set by the Federal program agency that create interest liabilities are subject to this part.

(c) States must adhere to Federal program agency disbursement schedules when requesting funds. We may deny a State's claim for Federal interest liability for the period prior to a late drawdown request. States must time their funds drawdown so that it does not create Federal interest liability. The drawdown request must allow the Federal program agency sufficient time to meet its disbursement schedule. If the Federal program agency does not make a timely payout in accordance with the terms of the Treasury-State Agreement,

a State may submit a claim for interest liability.

§ 205.15 When does State interest liability accrue?

(a) *General rule.* State interest liability may accrue if Federal funds are received by a State prior to the day the State pays out the funds for Federal assistance program purposes. State interest liability accrues from the day Federal funds are credited to a State account to the day the State pays out the Federal funds for Federal assistance program purposes.

(b) *Disallowances.* A State incurs an interest liability on disallowances.

(1) If a Federal program agency disallows a State expenditure, a State will owe interest from the day that Federal funds associated with the disallowance are credited to a State account to the day the funds are credited to the Federal government.

(2) In instances where an expenditure is disallowed in a CMIA reporting year subsequent to the CMIA reporting year in which the State made the expenditure, the amount of interest calculated in accordance with paragraph (b)(1) of this section shall be adjusted for any CMIA interest previously paid on such amounts, either by a State or by the Federal government.

(c) *Refunds.* (1) A State incurs interest liability on refunds of Federal funds from the day the refund is credited to a State account to the day the refund is either paid out for Federal assistance program purposes or credited to the Federal government.

(2) We and a State may agree, in a Treasury-State Agreement, that a State doesn't incur an interest liability on refunds in refund transactions under \$50,000.

(d) *Exception to the general rule.* A State does not incur an interest liability to the Federal Government if a Federal statute requires the State to retain or use for Federal assistance program purposes the interest earned on Federal funds, notwithstanding any other provision in this section.

§ 205.16 What special rules apply to Federal assistance programs and projects funded by the Federal Highway Trust Fund?

The following applies to Federal assistance programs and projects funded out of the Federal Highway Trust Fund, notwithstanding any other provision of this part:

(a) A State must request funds at least weekly for current project costs, or Federal interest liability won't accrue prior to the day a State submits a request for funds.

(b) If a State pays out its own funds in the absence of a project agreement or

in excess of the Federal obligation in a project agreement, the Federal program agency won't incur an interest liability.

§ 205.17 Are funds transfers delayed by automated payment systems restrictions based on the size and timing of the drawdown request subject to this part?

Funds transfers delayed due to payment processes that automatically reject drawdown requests that fall outside a pre-determined set of parameters are subject to this part.

§ 205.18 Are Federal assistance program agency grants for administrative costs subject to this part?

(a) Federal assistance program agency grants wholly dedicated to compensate States for administrative costs are subject to this part.

(b) Federal assistance program agency grants dedicating only a portion of their funding for administrative costs are partially exempt from this part. The portion dedicated to compensate States for indirect and other administrative costs is not subject to this part.

§ 205.19 How is interest calculated?

(a) A State must calculate Federal interest liabilities and State interest liabilities for each Federal assistance program subject to this subpart A.

(b) The interest rate for all interest liabilities for each Federal assistance program subject to subpart A is the annualized rate equal to the average equivalent yields of 13-week Treasury Bills auctioned during a State's fiscal year. We provide this rate to each State.

(c) A State must calculate and report interest liabilities on the basis of its fiscal year. A State must ensure that its interest calculations are auditable and retain a record of the calculations.

(d) As set forth in § 205.9, a Treasury-State Agreement must include the method a State uses to calculate and document interest liabilities.

(e) A State may use actual data, a clearance pattern, or statistical sampling to calculate interest. A clearance pattern used to calculate interest must meet the standards of § 205.20. If a State uses statistical sampling to calculate interest, the State must sample transactions separately for each Federal assistance program subject to this subpart A. Each sample must be representative of the pool of transactions and be of sufficient size to accurately represent the flow of Federal funds under the Federal assistance program, including seasonal or other periodic variations.

(f) For the first year in which a Federal assistance program is covered in a Treasury-State Agreement, funds transfers that occur prior to the first day of the State's fiscal year must not be

included in interest calculations and are not subject to the interest liability provisions of this part.

§ 205.20 What is a clearance pattern?

States use clearance patterns to estimate when funds are paid out, given a known dollar amount and a known date of disbursement. We and a State may agree to other procedures to estimate when funds are paid out when the dollar amount and/or the timing of disbursements are not known. A State must ensure that clearance patterns meet the following standards:

(a) A clearance pattern must be auditable.

(b) A clearance pattern must accurately represent the flow of Federal funds under the Federal assistance programs to which it is applied.

(c) A clearance pattern must include seasonal or other periodic variations in clearance activity.

(d) A clearance pattern must be based on at least three consecutive months of disbursement data, unless additional data is required to accurately represent the flow of Federal funds.

(e) If a State uses statistical sampling to develop a clearance pattern, the sample size must be sufficient to ensure a 96% confidence interval no more than plus or minus 0.25 weighted days above or below the estimated mean.

(f) A clearance pattern must extend, at a minimum, until 99 percent of the dollars in a disbursement have been paid out for Federal assistance program purposes.

§ 205.21 When may clearance patterns be used?

(a) A State may develop a clearance pattern for:

(1) An individual Federal assistance program;

(2) A logical group of Federal assistance programs that have the same disbursement method and type of payee;

(3) A bank account;

(4) A specific type of payments, such as payroll or vendor payments; or

(5) Anything that is agreed upon by us and a State. If a clearance pattern is used for multiple Federal assistance programs, a State must apply the clearance pattern separately to each Federal assistance program when scheduling funds transfers or calculating interest.

(b) As set forth in § 205.9, a Treasury-State Agreement must include the method a State uses to develop and maintain clearance patterns.

§ 205.22 How are accurate clearance patterns maintained?

(a) If a State has knowledge, at any time, that a clearance pattern no longer

reflects a Federal assistance program's actual clearance activity, or if a Federal assistance program undergoes operational changes that may affect clearance activity, the State must notify us, develop a new clearance pattern, and certify that the new pattern corresponds to the Federal assistance program's clearance activity.

(b) An authorized State official must certify that a clearance pattern corresponds to the clearance activity of the Federal assistance programs to which it is applied. An authorized State official must re-certify the accuracy of a clearance pattern at least every 5 years. If a State develops a clearance pattern for a bank account or a specific type of payment, or on another basis, as set forth in § 205.21, we may prescribe other requirements for re-certifying the accuracy of the clearance pattern. A State can begin to use a new clearance pattern on the date the new clearance pattern is certified.

§ 205.23 What requirements apply to estimates?

The requirements in this section apply when we and a State negotiate a mutually agreed upon funds transfer procedure based on an estimate of the State's immediate cash needs. These requirements don't apply to an estimate based on a clearance pattern or an indirect cost rate.

(a) The State must ensure that the estimate reasonably represents the flow of Federal funds under the Federal assistance program or program component to which the estimate applies. The estimate must take into account seasonal or other periodic variations in activity throughout the period for which the Federal funds are available. If a State supplements the Federal funds for a Federal assistance program, other than through required matching, the State must not arbitrarily assign its earliest costs to the Federal Government. The State may allocate its costs proportionately over the period for which the Federal funds are available, or specify in the Treasury-State Agreement which Federal assistance program components will use Federal funds exclusively.

(b) As set forth in § 205.9, a Treasury-State Agreement must include the method a State uses to develop and maintain the estimate.

§ 205.24 How are accurate estimates maintained?

(a) If a State has knowledge that an estimate doesn't reasonably correspond to the State's cash needs for a Federal assistance program or program component, or if a Federal assistance

program undergoes operational changes that may affect cash needs, the State must immediately notify us in writing. We and the State will amend the funding technique provisions in the Treasury-State Agreement or take other mutually agreed upon corrective action.

(b) When estimates are properly updated and applied, a State or Federal interest liability may or may not accrue, depending on the terms of the Treasury-State Agreement.

(c) We may require a State to justify in writing that it is not feasible to use a more efficient funding technique for the Federal assistance program or program component to which an estimate is applied. We may prescribe requirements for certifying the reasonableness of an estimate.

§ 205.25 How does this part apply to certain Federal assistance programs or funds?

(a) Special rules apply to certain Federal assistance programs or funds described in this section. To the extent the provisions of this section are inconsistent with other provisions of this part, this section applies.

(b) A State's interest liability on funds withdrawn from its account in the Unemployment Trust Fund equals the actual interest earned on such funds less the related banking costs. Actual interest earned doesn't include non-cash bank earnings. If funds withdrawn from the State account in the UTF are commingled with other funds, the funds withdrawn from the State account must be allocated a proportionate share of interest earnings and banking costs. (Interest liabilities on funds withdrawn from a Federal account in the UTF, except the Federal Unemployment Account, are calculated in accordance with § 205.19.)

(c) Supplemental Security Income. (1) The Federal Government incurs an interest liability from the day State funds are credited to the Federal Government's account to the day a Federal program agency pays out the State funds for Federal assistance program purposes. A State incurs an interest liability from the day a Federal program agency pays out Federal funds for Federal assistance program purposes to the day State funds are credited to the Federal Government's account.

(2) Interest liability must be calculated on the difference between a State's monthly Supplemental Security Income payment and the State's actual liability for the month.

(3) The Federal Government won't incur interest liabilities on refunds of State funds under the Supplemental Security Income Program.

(4) Administrative fees charged by the Social Security Administration to States under the Supplemental Security Income program are not subject to this part.

(5) Supplemental State payments made in conjunction with Supplemental Security Income are not subject to this part.

(d) Funds collected under the Child Support Enforcement Program. (1) Funds collected by States from absent parents pursuant to Title IV-D of the Social Security Act are not subject to this part.

(2) Interest earned by States on undistributed collections must be treated as Federal assistance program income under 45 CFR 304.50(b) and is not subject to this part.

(3) Late payment fees collected by States from absent parents are not subject to CMIA interest liabilities and are not subject to this Part. However, such fees must be treated as Federal assistance program income in accordance with 45 CFR 302.75(b)(6).

(e) States supplementing Social Services block grants, Temporary Assistance for Needy Families block grants, and the Mandatory and Matching Child Care Funds program. (1) At the discretion of the Office of Management and Budget, Federal funds will be apportioned to avoid depletion and a supplemental appropriation.

(2) A State must not draw down all Federal funds prior to spending State funds.

(3) A State is entitled to interest if the apportioned funds are not transferred timely.

(4) A State that provides matching State funding and/or maintenance-of-effort funding, as defined in 45 CFR 98.60(f), in conjunction with a Federal block grant program:

(i) Must not arbitrarily assign its earliest costs to the Federal Government;

(ii) Must coordinate a proportional drawdown of State and Federal funds to avoid interest liabilities; and

(iii) Must include these arrangements in the Treasury-State Agreement.

(f) A State that earns interest on Special Supplemental Food Program for Women, Infants, and Children rebates is not subject to interest liability if the funds earned are used for Federal assistance program purposes.

(g) Revolving Loan Funds. (1) This part applies to any transfer of funds from the Federal program agency to the State for the Revolving Loan Fund.

(2) This part doesn't apply to interest a State earns on Revolving Loan Funds when Federal program agency regulations require that all interest

earned on invested funds be used for Federal assistance program purposes.

§ 205.26 What are the requirements for creating Annual Reports?

(a) A State must submit to us an Annual Report accounting for the interest liabilities of the State's most recently completed fiscal year. Adjustments to the Annual Report must be limited to the two State fiscal years prior to the State fiscal year covered by the report. The authorized State official must certify the accuracy of a State's Annual Report. A signed original of the Annual Report must be received by the next December 31 after the end of the State's fiscal year. We will provide copies of Annual Reports to Federal agencies. We will prescribe the format of the Annual Report, and may prescribe that the Annual Report be submitted by electronic means.

(b) A State must submit a description and supporting documentation for liability claims greater than \$5,000. This information must include the following:

- (1) The amount of funds requested;
- (2) The date the funds were requested;
- (3) The date the funds were paid out for Federal assistance program purposes;
- (4) The date the funds were received by the State; and
- (5) The date of late grant awards.

(c) A State may submit with its Annual Report a claim for reimbursement of the direct costs of implementing this subpart A, calculated in accordance with § 205.27. An authorized State official must certify the accuracy of a State's direct cost claim.

§ 205.27 How are direct costs calculated?

(a) We will compensate a State annually for the direct costs of implementing this subpart A, subject to the conditions and limitations of this section.

(b) We may deny a direct cost claim if a State doesn't:

- (1) Have a Treasury-State Agreement with us, as set forth in §§ 205.6 through 205.9;
- (2) Submit timely a Treasury-State Agreement, as set forth in §§ 205.6 through 205.9;
- (3) Submit timely an updated list of Federal assistance programs subject to this subpart A, as set forth in §§ 205.6 through 205.9;
- (4) Submit timely a claim for direct costs with its Annual Report, as set forth in § 205.26; or
- (5) Submit timely its Annual Report, as set forth in § 205.26.

(c) A State must maintain documentation to substantiate its claim for direct costs. We may require a State

to provide documentation to support its direct cost claims. We will review all direct cost claims for reasonableness. If we determine that a cost claim is unreasonable, we will not reimburse a State for that cost, notwithstanding any other provision of this section.

(d) Eligibility and treatment of direct costs. (1) Direct costs don't include expenses for normal disbursing services, such as processing checks or maintaining records for accounting and reconciliation of cash accounts, or expenses for upgrading or modernizing accounting systems.

(2) Direct costs in excess of \$50,000 in any year are not eligible for reimbursement, unless a State can justify to us that the State is unable to develop and maintain clearance patterns in support of interest calculations, or perform the actual calculation of interest, without incurring such costs. Supporting documentation must accompany State requests for reimbursement in excess of \$50,000.

(3) Direct costs that a State incurs in fiscal years prior to its most recently completed Annual Report are not eligible for reimbursement.

(4) A State must not include the direct costs of implementing this subpart A in its State-wide cost allocation plan, as defined and provided for in OMB Circular A-87. All costs incurred by a State to implement this subpart A, other than direct costs, are subject to the procedures and principles of OMB Circular A-87.

(e) The payments from the Federal Government to individual States to offset direct costs incurred are funded from the aggregate interest payments States make to the Federal Government. The following limitations apply:

- (1) We will not reduce or adjust interest liabilities for Federal assistance programs funded out of trust funds for which the Secretary is trustee; and
- (2) The aggregate payments from the Federal Government to States to offset direct costs will not be greater than the aggregate interest payments States make to the Federal Government.

§ 205.28 How are interest payments exchanged?

(a) We adjust a State's total interest liability to the Federal government and the Federal government's total interest liability to a State to determine direct cost reimbursement, as set forth in § 205.27.

(b) The adjusted total State interest liability and the adjusted total Federal interest liability for each State are offset to determine the net interest payable to or from each specific State. The payment of net interest to or from a

State for its most recently completed fiscal year must occur no later than March 31. We will notify a State of the final net interest liability. A State must submit a claim to receive payment.

(c) A State may appeal a decision by us on interest liabilities and direct cost claims in accordance with § 205.31.

(d) If a State appeals the amount of interest payable in accordance with the provisions of § 205.31, payment must occur by March 31 for any portions not subject to the appeal.

§ 205.29 What are the State oversight and compliance responsibilities?

(a) A State must designate an official representative with the statutory or administrative authority to coordinate all interaction with the Federal Government concerning subpart A, and must notify us in writing of the representative's name and title.

(b) A State must maintain records supporting interest calculations, clearance patterns, direct costs, and other functions directly pertinent to the implementation and administration of this subpart A for audit purposes. A State must retain the records for each fiscal year for three years from the date the State submits its Annual Report, or until any dispute or action involving the records and documents is completed, whichever is later. We, the Comptroller General, and the Inspector General or other representative of a Federal program agency must have the right of access to, and may require submission of, all records for the purpose of verifying interest calculations, clearance patterns, direct cost claims, and the State's accounting for Federal funds.

(c) A State's implementation of subpart A is subject to audit in accordance with chapter 75 of title 31, United States Code, "Requirements for Single Audits."

(d) If a State repeatedly or deliberately fails to request funds in accordance with the procedures established for its funding techniques, as set forth in § 205.11, § 205.12, or a Treasury-State Agreement, we may deny the State payment or credit for the resulting Federal interest liability, notwithstanding any other provision of this part.

(e) If a State materially fails to comply with this subpart A, we may, in addition to the action described in paragraph (d) of this section, take one or more of the following actions, as appropriate under the circumstances:

- (1) Request a Federal program agency or the General Accounting Office to conduct an audit of the State to determine interest owed to the Federal

Government, and to implement procedures to recover such interest;

(2) Deny the reimbursement of all or a part of the State's direct cost claim;

(3) Initiate a debt collection process to recover claims owed to the United States; or

(4) Take other remedies legally available.

§ 205.30 What are the Federal oversight and compliance responsibilities?

(a) A Federal program agency must designate an official representative to coordinate all interaction with us and the States concerning this subpart A, and must notify us in writing of the representative's name and title.

(b) Determinations regarding whether or not costs are properly chargeable to the Federal government shall be the responsibility of the Federal program agency responsible for the Federal assistance program under which the disallowance arose. Disallowances will be determined in accordance with the statutes, regulations, and policies otherwise applicable to the Federal assistance program under which the disallowance arose.

(c) A Federal program agency's implementation of this subpart A is subject to review pursuant to procedural instructions that we issue.

(d) We will consult with Federal agencies as necessary and appropriate before entering into or amending a Treasury-State Agreement.

(e) We will distribute Annual Reports to Federal agencies, as set forth in § 205.26. Upon our request, a Federal program agency must review a State's Annual Report for reasonableness and must report its findings to us within 10 days.

(f) A Federal program agency must notify us in writing if the program agency has knowledge, at any time, that:

(1) A State's clearance pattern doesn't correspond to a Federal assistance program's clearance activity; or

(2) Corrective action needs to be taken by a State, us, or another Federal program agency, with respect to the implementation of this subpart. We will notify the State or Federal program agency as appropriate in writing with a description of the Federal program agency's claim.

(g) If a Federal program agency incurs an interest liability by failing to comply with this subpart A, we may collect a charge from the Federal program agency. A Federal interest liability resulting from circumstances beyond the control of a Federal program agency doesn't constitute noncompliance. We will determine the charge using the following procedures:

(1) We will issue a Notice of Assessment to the Federal program agency, indicating the nature of the noncompliance, the amount of the charge, the manner in which it was calculated, and the right to file an appeal.

(2) To the maximum extent practicable, a Federal program agency must pay a charge for noncompliance out of appropriations available for the Federal program agency's operations and not from the Federal program agency's program funds.

(3) If a Federal program agency doesn't pay a charge for noncompliance within 45 days after receiving a Notice of Assessment, we will debit the appropriate Federal program agency account.

(4) In the event a Federal program agency appeals a charge imposed under the Notice of Assessment, we will defer the charge until we decide the appeal. If we deny the appeal, the effective date of the charge may be retroactive to the date indicated in the Notice of Assessment.

§ 205.31 How does a State or Federal program agency appeal a determination made by us and resolve disputes?

(a) This section documents the procedures for:

(1) A State to appeal the net interest charge that we have assessed;

(2) A State to appeal a determination we have made regarding the State's claim for direct costs in accordance with § 205.27;

(3) A Federal program agency to appeal a charge for noncompliance that we have assessed in accordance with § 205.30; or

(4) A State or a Federal program agency to resolve other disputes with us or between or among each other concerning the implementation of this subpart A.

(b) A State or Federal program agency must submit a written petition to the Assistant Commissioner, Federal Finance, Financial Management Service (Assistant Commissioner), within 90 days of the date of the notice of assessment or the event that initiated the appeal or dispute. The Petition must include a concise factual statement, not to exceed 15 pages, with supporting documentation in the appendices, of the conditions forming the basis of the Petition and the action requested of the Assistant Commissioner. In the case of a dispute, the party submitting the petition to us must concurrently provide a copy of the petition to the other concerned parties. The other concerned parties may submit to the Assistant Commissioner a rebuttal within 90 days

of the date of the petition. The rebuttal must include a concise factual statement, not to exceed 15 pages, with supporting documentation in the appendices.

(c) The Assistant Commissioner will review the Petition, any rebuttal, and all supporting documentation. As part of the review process, the Assistant Commissioner may request to meet with any or all parties and may request additional information.

(d) The Assistant Commissioner will issue a written decision within the later of 120 days of the date of the Petition, or the rebuttal in case of a dispute, or 120 days from receipt of any additional information. The Assistant Commissioner's decision will be the final program agency action on our part for purposes of judicial review procedures under the Administrative Procedures Act (APA), 5 U.S.C. 701–706, unless either the State or Federal program agency invokes the provisions of the Administrative Dispute Resolution Act of 1990 (ADRA), 5 U.S.C. 581–593.

(e) Either a State or Federal program agency may seek to invoke the provisions of the ADRA within 45 days after the date of the Assistant Commissioner's written decision.

(1) The party invoking the ADRA must notify the Assistant Commissioner and any other concerned parties in writing. If all parties, including the Assistant Commissioner, agree in writing, a neutral party appointed under the provisions of the ADRA may assist in resolving the dispute through the use of alternate means of dispute resolution as defined in the ADRA.

(2) If the party invoking the ADRA is unable to reach a satisfactory resolution, the Assistant Commissioner's decision will be the final agency action on our part for purposes of the judicial review procedures under the APA.

(f) Any amount due as a result of an appeal or dispute must be paid within 14 days of the date of the decision of the Assistant Commissioner or the date of the resolution under the ADRA. If a State fails to pay, the State will be subject to collection techniques under 31 U.S.C. 3701 *et seq.*, including accrual of interest on outstanding balances and administrative offset.

(g) The appeal and dispute resolution procedures described in this section do not apply to disputes between States and Federal program agencies concerning whether or not costs are properly chargeable to the Federal government.

Subpart B—Rules Applicable to Federal Assistance Programs Not Included in a Treasury-State Agreement**§ 205.32 What Federal assistance programs are subject to this subpart B?**

This subpart B applies to all Federal assistance programs listed in the Catalog of Federal Domestic Assistance that are not subject to subpart A of this part.

§ 205.33 How are funds transfers processed?

(a) A Federal program agency must limit a funds transfer to a State to the minimum amounts needed by the State and must time the disbursement to be in accord with the actual, immediate cash requirements of the State in carrying out a Federal assistance program or project. The timing and amount of funds transfers must be as close as is administratively feasible to a State's actual cash outlay for direct program

costs and the proportionate share of any allowable indirect costs.

(b) Neither a State nor the Federal government will incur an interest liability under this part on the transfer of funds for a Federal assistance program subject to this subpart B.

§ 205.34 What are the Federal oversight and compliance responsibilities?

(a) A Federal program agency must review the practices of States as necessary to ensure compliance with this subpart B.

(b) A Federal program agency must notify us if a State demonstrates an unwillingness or inability to comply with this subpart B.

(c) A Federal program agency must formulate procedural instructions specifying the methods for carrying out the responsibilities of this section.

§ 205.35 What is the result of Federal program agency or State non-compliance?

We have unilateral authority to require a State and a Federal program

agency to make the affected Federal assistance programs subject to subpart A of this part, consistent with Federal assistance program purposes and regulations, notwithstanding any other provision of this part, if:

(a) A State demonstrates an unwillingness or inability to comply with this subpart B; or

(b) A Federal program agency demonstrates an unwillingness or inability to make Federal funds available to a State as needed to carry out a Federal assistance program.

Subpart C—[Reserved]

Dated: October 3, 2000.

Kenneth R. Papaj,

Acting Commissioner.

[FR Doc. 00-25964 Filed 10-11-00; 8:45 am]

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Federal Register

**Thursday,
October 12, 2000**

Part V

Department of Labor

**Office of Federal Contract Compliance
Programs**

**41 CFR Parts 60–1, 60–250, and 60–741
Affirmative Action and Nondiscrimination
Obligations of Contractors and
Subcontractors; Compliance Evaluations
in All OFCCP Programs; Proposed Rule**

DEPARTMENT OF LABOR**Office of Federal Contract Compliance Programs****41 CFR Parts 60-1, 60-250, and 60-741****RIN 1215-AB28, 1215-AB27, 1215-AB23****Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Compliance Evaluations in All OFCCP Programs****AGENCY:** Office of Federal Contract Compliance Programs, Employment Standards Administration, Labor.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This proposal would revise certain regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended (Section 503 or the Act). Section 503 requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. The current regulations implementing Section 503 authorize OFCCP to conduct compliance reviews to determine whether a contractor is complying with its affirmative action and nondiscrimination obligations. Today's proposal would revise the Section 503 regulations to expressly authorize OFCCP to use additional investigative procedures to determine a contractor's compliance with Section 503. In this regard, today's proposal would conform the regulations implementing Section 503 to the compliance evaluation procedures contained in the regulations implementing Executive Order 11246, as amended, and the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), respectively.

In addition, today's proposal would revise the compliance check procedure found in the current regulations implementing Executive Order 11246 and the affirmative action provisions of VEVRAA by eliminating the on-site visit requirement. The compliance check is one of the four compliance evaluation methods currently used by OFCCP to determine a contractor's compliance with Executive Order 11246 and the affirmative action provisions of VEVRAA.

DATES: To be assured of consideration, comments must be in writing and must be received on or before December 11, 2000.

ADDRESSES: Comments should be sent to James I. Melvin, Director, Division of

Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

As a convenience to commenters, public comments transmitted by facsimile (FAX) machine will be accepted. The telephone number of the FAX receiver is (202) 693-1304. To assure access to the FAX equipment, only public comments of six or fewer pages will be accepted via FAX transmittal. Receipts of FAX transmittals will not be acknowledged; however the sender may request confirmation that a submission has been received by calling (202) 693-0102 (voice), (202) 693-1308 (TTY).

FOR FURTHER INFORMATION CONTACT:

James I. Melvin, Director, Division of Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 693-0102 (voice), (202) 693-1308 (TTY). Copies of this proposed rule, including copies in alternative formats, may be obtained by calling (202) 693-0102 (voice), or (202) 693-1308 (TTY). The alternate formats available are large print, electronic file on computer disk, and audiotape. The proposed rule also is available on the Internet at <http://www.dol.gov/dol/esa>.

SUPPLEMENTARY INFORMATION:**Background**

Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (Section 503 or the Act), requires parties holding a nonexempt Government contract or subcontract in excess of \$10,000 to take affirmative action to employ and advance in employment qualified individuals with disabilities. The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces Section 503 through implementing regulations codified at 41 CFR Part 60-741. OFCCP published a substantial revision of its Section 503 regulations on May 1, 1996 (61 FR 19336). Since that time, OFCCP has revised its regulations implementing Executive Order 11246, as amended, and the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act, as amended (VEVRAA). Among the revisions made to both sets of regulations was the introduction of a variety of alternative means of assessing contractors' compliance with their nondiscrimination and affirmative action obligations.

Before amendment, the primary method for evaluating compliance in the Executive Order and VEVRAA enforcement programs was the

"compliance review." Both the scope and content of a compliance review under Executive Order 11246 were prescribed by regulation. Compliance reviews were to be a comprehensive evaluation of a contractor's employment practices and were to consist of a desk audit, an on-site review and, if necessary, an off-site analysis. The recent amendments to the Executive Order and VEVRAA implementing regulations were designed to provide the agency greater flexibility in the manner in which it evaluates compliance by authorizing the agency to utilize a wider range of methods for evaluating compliance. Specifically, in addition to the full compliance review, three abbreviated methods for evaluating a contractor's compliance are included in the Executive Order 11246 and VEVRAA regulations: off-site review of records, compliance check, and focused review.

This proposal to revise certain provisions of the Section 503 regulations is precipitated by the new methods for evaluating contractor compliance introduced in the Executive Order 11246 and VEVRAA regulations. Under the current regulations implementing Section 503 the compliance review remains the primary method for evaluating compliance. The current regulations at 41 CFR 60-741.60 prescribe the scope of compliance reviews, but unlike the prior Executive Order regulations, do not prescribe the content of a review. For example, under the current regulations, OFCCP may complete the Section 503 compliance review without making an on-site visit to the contractor's establishment, if the agency can make a determination about compliance based upon a review and analysis of the documentation submitted by the contractor in response to the scheduling letter. Likewise, if an on-site visit is required in order to evaluate a particular contractor's compliance with the requirements of Section 503, OFCCP has the authority, under the current regulations, to limit its on-site investigation to one or two issues.

Today's proposal would supplement the comprehensive compliance review with a variety of different means for assessing a contractor's compliance with Section 503 and its implementing regulations. The rule we propose today would formally adopt the compliance evaluation approach and expressly authorize off-site reviews of records, compliance checks, and focused reviews under Section 503. Today's proposal also would replace the term "compliance review" with "compliance

evaluation,” as appropriate, in certain sections of the regulations.

The proposed revisions to 41 CFR Part 60–741 are necessary to harmonize the procedures used when enforcing Section 503, the Executive Order, and VEVRAA. OFCCP believes that adopting the compliance evaluation approach for determining compliance with Section 503 and its implementing regulations would further improve efficiency and permit the agency to better target its resources. Today’s proposal would ensure that the agency could use parallel procedures to simultaneously evaluate contractor compliance under all three laws. At the same time, today’s proposal would give OFCCP leeway to develop and pursue enforcement initiatives that focus on contractor compliance with the requirements of Section 503 and its implementing regulations. For example, the rule we propose today would allow OFCCP to conduct compliance checks solely for the purpose of examining whether contractors have developed and implemented the affirmative action programs required under the regulations in 41 CFR Part 60–741.

Today’s proposal also would revise the definition of “compliance check” used in the Executive Order and VEVRAA regulations by removing the requirement that OFCCP visit a contractor’s establishment during a compliance check. This change would allow OFCCP greater flexibility when using the compliance check method to assess a contractor’s compliance status. With this change, OFCCP could permit a contractor to satisfy the requirements of the compliance check by supplying the required records and supporting information to an OFCCP office or other designated site. Although the proposal would change how the agency intends to implement the compliance check, it would not expand the scope of the examination contemplated under the compliance check procedure. Lastly, today’s proposal corrects a drafting oversight by adding the term and definition of “compliance evaluation” to the definition section of the VEVRAA regulations at 41 CFR 60–250.2. The definition proposed is consistent with the definition in OFCCP’s Executive Order 11246 regulations and with the definition we today propose to add to the Section 503 regulations.

Section-by-Section Analysis

Section 60–741.2 Definitions

A definition of the term “compliance evaluation” is being added to the definition section of the regulations implementing Section 503 of the

Rehabilitation Act of 1973. The proposed definition is consistent with the definition included in the regulations implementing Executive Order 11246 at 41 CFR 60–1.3. Under the new definition a compliance evaluation means any one or combination of actions OFCCP may take to examine a Federal contractor’s or subcontractor’s compliance with one or more of the requirements of Section 503 of the Rehabilitation Act of 1973.

Section 60–741.44 Required Contents of Affirmative Action Programs

These paragraphs are unchanged from the existing § 60–741.44, except that the term “compliance review” has been replaced with the new term “compliance evaluation” in § 60–741.44(a)(2).

Section 60–741.60 Compliance Evaluations

We propose to revise existing paragraph (a) of § 60–741.60, which now addresses compliance reviews.

In the current regulations, paragraph (a) describes the purpose of a compliance review, provides that the review will consist of a comprehensive analysis of all relevant nondiscrimination and affirmative action practices, and provides that, where necessary, recommendations for appropriate sanctions will be made. The proposal expressly authorizes OFCCP’s use of additional methods to evaluate a contractor’s compliance with its Section 503 obligations. Consistent with the regulations implementing Executive Order 11246 and the affirmative action provisions of VEVRAA, the proposal specifies that the compliance evaluation methods available to OFCCP, other than the full compliance review, include an off-site review of records, a compliance check and a focused review. The activities that are contemplated under each of the four evaluation methods are described in proposed paragraph (a).

Proposed paragraph (a)(1), as does existing paragraph (a), states that a compliance review is a comprehensive analysis and evaluation of the hiring and employment practices of the contractor, the written affirmative action program, and the results of affirmative actions efforts undertaken by the contractor. Proposed paragraph (a)(2) describes the off-site review of records. An off-site review of records is composed of an analysis and evaluation of the affirmative action program (or any part thereof) and supporting documentation, and other documents related to the contractor’s personnel policies and employment actions that may be relevant to a determination of

whether the contractor has complied with the requirements of Section 503 of the Rehabilitation Act of 1973 and its implementing regulations. A compliance check is described in proposed paragraph (a)(3) as a determination of whether data and other information previously submitted by the contractor are complete and accurate; whether the contractor has maintained records consistent with § 60–741.80 and/or whether the contractor has developed an affirmative action program consistent with § 60–741.40. Proposed paragraph (a)(4) states that a focused review is an on-site review restricted to one or more components of the contractor’s organization or one or more aspects of the contractor’s employment practices.

Section 60–741.62 Conciliation Agreements and Letters of Commitment

These paragraphs are unchanged from the existing § 60–741.62, except that at § 60–741.62 the term “compliance review” is replaced with the new term “compliance evaluation.”

Section 60–741.65 Enforcement Proceedings

These paragraphs are unchanged from the existing § 60–741.65, except that the term “compliance review” is replaced with the new term “compliance evaluation” at § 60–741.65(a)(1).

Section 60–741.68 Reinstatement of Eligible Contractors

These paragraphs are unchanged from the existing § 60–741.68, except that the term “compliance review” is replaced with the new term “compliance evaluation” at § 60–741.68(a).

Section 60–741.69 Intimidation and Interference

These paragraphs are unchanged from the existing § 60–741.69, except that the term “compliance review” is replaced with the new term “compliance evaluation” at § 60–741.69(a)(2).

Section 60–741.80 Recordkeeping

These paragraphs are unchanged from the existing § 60–741.80, except that the term “compliance review” is replaced with the new term “compliance evaluation.”

Section 60–741.81 Access to Records

The paragraph is unchanged from the existing § 60–741.81, except that the term “compliance review” is replaced with the new term “compliance evaluation.”

Sections 60–1.20 and 60–250.60 Compliance Evaluations

As discussed in the above preamble, the regulations currently authorize OFCCP to conduct compliance evaluations to determine contractor compliance with the requirements under Executive Order 11246 and the affirmative action provisions of VEVRAA. The current regulations at 41 CFR 60–1.20(a)(3) and 60–250.60(a)(3) describe a compliance check as “a visit to the [contractor’s] establishment” to ascertain whether data and other information previously submitted is accurate and complete; whether the contractor has maintained records consistent with the record retention requirements in §§ 60–1.12 and 60–250.80; and whether the contractor has developed affirmative action programs consistent with the regulations. The agency has found that, in many instances, the assessments made with a compliance check procedure can be made without making an on-site visit. Accordingly, the proposal would revise the regulations at 41 CFR 60–1.20(a)(3) and 60–250.60(a)(3) by removing the requirement that OFCCP visit a contractor’s establishments when the “compliance check” procedure is used to assess compliance. The proposed revision to the compliance check procedure is designed to improve agency efficiency, but OFCCP believes that contractors also would find it more efficient and less burdensome if the regulations did not require that a compliance check involve an on-site visit. Under this revision the contractor will be required to provide OFCCP access to the requested documents, but at the contractor’s option the documents may be provided either on-site or off-site. While the proposal would change how the agency intends to implement the compliance check, it would not expand the scope of the examination contemplated under the compliance check procedure.

Section 60–250.2 Definitions

A definition of the term “compliance evaluation” is being added to the definition section of the regulations implementing VEVRAA. The definition being added is consistent with the definition in OFCCP’s Executive Order 11246 regulations. Under the new definition, a compliance evaluation means any one or combination of actions OFCCP may take to examine a Federal contractor or subcontractor’s compliance with one or more of the requirements of VEVRAA.

Regulatory Procedures

Executive Order 12866

The Department is issuing this proposed rule in conformance with Executive Order 12866. The rule has been determined not to be significant for purposes of Executive Order 12866 and therefore need not be reviewed by OMB. This rule does not meet the criteria of Section 3(f)(1) of Executive Order 12866 and therefore the information enumerated in Section 6(a)(3)(C) of that Order is not required.

This conclusion is based on the fact that this proposed rule does not substantially change the existing obligations of Federal contractors to apply a policy of nondiscrimination and affirmative action. Furthermore, this proposed rule does not substantially change the enforcement techniques currently employed by OFCCP to ensure federal contractor compliance with their nondiscrimination and affirmative action obligations.

Regulatory Flexibility Act

This proposed rule does not substantively change existing obligations for Federal contractors; it would only specify the procedures the agency may use to evaluate a Federal contractor’s compliance with existing requirements. Accordingly, we certify that the rule will not have a significant economic impact on a substantial number of small business entities. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Unfunded Mandates Reform

For purposes of the Unfunded Mandates Reform Act of 1995, as well as Executive Order 12875, the proposed rule, if promulgated, will not include any federal mandates that may result in increased expenditures by state, local, and tribal governments, or increased expenditures by the private sector, of \$100,000,000 or more in any one year.

Paperwork Reduction Act

Today’s proposal would have a negligible impact, if any, on the information collection requirements currently approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). Information collection requirements for compliance evaluations are currently approved under OMB control number 1215–0072. The currently approved inventory includes a burden estimate for compliance checks, which is based on

the assumption that it takes the average contractor approximately four-tenths of an hour to find and make available the documents requested during a compliance check. The proposal to revise the compliance check procedure by removing the on-site visit requirement would mean that, during some compliance checks, contractors would be asked to provide documents to OFCCP rather than make them available for an OFCCP compliance officer to review on-site. OFCCP believes that, for some contractors, this may take more time than it would to make them available on-site, but, for others, it may take less time. Accordingly, OFCCP estimates that the proposed revision to the compliance check procedure will not result in a net change in the burden hours associated with compliance checks. OFCCP will submit for approval to OMB the information collection provisions of this rule as necessary. OFCCP invites comments on the information collection provisions of this rule.

Executive Order 13132 (Federalism)

OFCCP has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have “federalism implications.” The rule does not “have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

List of Subjects

41 CFR Part 60–1

Administrative practice and procedure, Equal employment opportunity, Government contracts, Reporting and recordkeeping requirements.

41 CFR Part 60–250

Administrative practice and procedure, Equal employment opportunity, Government contracts, Individuals with disabilities, Reporting and recordkeeping requirements, Veterans.

41 CFR Part 60–741

Administrative practice and procedure, Equal employment opportunity, Government contracts, Individuals with disabilities, Reporting and recordkeeping requirements.

Signed at Washington, D.C., this 2d day of October, 2000.

Alexis M. Herman,
Secretary of Labor.

Bernard E. Anderson,
Assistant Secretary for Employment Standards.

Shirley J. Wilcher,
Deputy Assistant Secretary for Federal Contract Compliance.

Accordingly, for the reasons set forth in the Preamble, we propose to amend Title 41 of the Code of Federal Regulations, chapter 60, Parts 60–1, 60–250 and 60–741, under authorities cited as set forth below:

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

1. The authority citation for part 60–1 continues to read as follows:

Authority: Sec. 201, E.O. 11246 (30 FR 12319), as amended by E.O. 11375 (32 FR 14303) and E.O. 12086 (43 FR 46501).

2. In § 60–1.20 paragraph (a)(3) is revised to read as follows:

§ 60–1.20 Compliance evaluations.

(a) * * *

(3) *Compliance check.* A determination of whether data and other information previously submitted by the contractor is complete and accurate; whether the contractor has maintained records consistent with § 60–1.12; and/or whether the contractor has developed an AAP consistent with § 60–1.40; or

* * * * *

PART 60–250—AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

3. The authority citation for part 60–250 continues to read as follows:

Authority: 29 U.S.C. 793; 38 U.S.C. 4211 and 4212; E.O. 11758 (3 CFR, 1971–1975 Comp., p. 841.)

4. In § 60–250.2 paragraph (v) is added to read as follows:

§ 60–250.2 Definitions.

* * * * *

(v) *Compliance evaluation* means any one or combination of actions OFCCP may take to examine a Federal contractor or subcontractor's compliance with one or more of the requirements of the Vietnam Era Veterans' Readjustment Assistance Act.

5. In § 60–250.60 paragraph (a)(3) is revised to read as follows:

§ 60–250.60 Compliance evaluations.

(a) * * *

(3) *Compliance check.* A determination of whether data and other information previously submitted by the contractor is complete and accurate; whether the contractor has maintained records consistent with § 60–250.80; and/or whether the contractor has developed an AAP consistent with § 60–250.40; or

* * * * *

PART 60–741—AFFIRMATIVE ACTION AND NONDISCRIMINATION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS REGARDING INDIVIDUALS WITH DISABILITIES

6. The authority citation for part 60–741 continues to read as follows:

Authority: 29 U.S.C. 706 and 793; and E.O. 11758 (3 CFR, 1971–1975 Comp., p. 841.)

7. § 60–741.2 is amended by adding a new paragraph (z) to read as follows:

§ 60–741.2 Definitions.

* * * * *

(z) *Compliance evaluation* means any one or combination of actions OFCCP may take to examine a Federal contractor's or subcontractor's compliance with one or more of the requirements of Section 503 of the Rehabilitation Act of 1973.

8. In § 60–741.44 paragraph (a)(2) is revised to read as follows:

§ 60–741.44 Required contents of affirmative action programs.

* * * * *

(a) * * *

(2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other Federal, State or local law requiring equal opportunity for disabled persons;

* * * * *

9. In § 60–741.60 the section heading and paragraph (a) are revised to read as follows:

§ 60–741.60 Compliance evaluations.

(a) OFCCP may conduct compliance evaluations to determine if the contractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated in accordance with this part during employment. A compliance evaluation may consist of any one or

any combination of the following investigative procedures:

(1) *Compliance review.* A comprehensive analysis and evaluation of the hiring and employment practices of the contractor, the written affirmative action program, and the results of the affirmative action efforts undertaken by the contractor. A compliance review may proceed in three stages:

(i) A desk audit of the written affirmative action program and supporting documentation to determine whether all elements required by the regulations in this part are included, whether the affirmative action program meets agency standards of reasonableness, and whether the affirmative action program and supporting documentation satisfy agency standards of acceptability. The desk audit is conducted at OFCCP offices;

(ii) An on-site review, conducted at the contractor's establishment to investigate unresolved problem areas identified in the affirmative action program and supporting documentation during the desk audit, to verify that the contractor has implemented the affirmative action program and has complied with those regulatory obligations not required to be included in the affirmative action program, and to examine potential instances or issues of discrimination. An on-site review normally will involve an examination of the contractor's personnel and employment policies, inspection and copying of documents related to employment actions, and interviews with employees, supervisors, managers, hiring officials; and

(iii) Where necessary, an off-site analysis of information supplied by the contractor or otherwise gathered during or pursuant to the on-site review;

(2) *Off-site review of records.* An analysis and evaluation of the affirmative action program (or any part thereof) and supporting documentation, and other documents related to the contractor's personnel policies and employment actions that may be relevant to a determination of whether the contractor has complied with the requirements of Section 503 of the Rehabilitation Act of 1973 and regulations;

(3) *Compliance check.* A determination of whether data and other information previously submitted by the contractor is complete and accurate; whether the contractor has maintained records consistent with § 60–741.80; and/or whether the contractor has developed an affirmative action program consistent with § 60–741.40; or

(4) *Focused review.* An on-site review restricted to one or more components of the contractor's organization or one or more aspects of the contractor's employment practices.

* * * * *

10. In § 60-741.62, the first sentence of paragraph (a) is revised to read as follows:

§ 60-741.62 Conciliation agreements and letters of commitment.

(a) If a compliance evaluation, complaint investigation or other review by OFCCP finds a material violation of the Act or this part, and if the contractor is willing to correct the violations and/or deficiencies, and if OFCCP determines that settlement on that basis (rather than referral for consideration of formal enforcement) is appropriate, a written conciliation agreement shall be required. * * *

* * * * *

11. In § 60-741.65, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 60-741.65 Enforcement proceedings.

(a) *General.* (1) If a compliance evaluation, complaint investigation or other review by OFCCP finds a violation of the act or this part, and the violation has not been corrected in accordance with the conciliation procedures in this part, or OFCCP determines that referral for consideration of formal enforcement (rather than settlement) is appropriate, OFCCP may refer the matter to the Solicitor of Labor with a recommendation for the institution of

enforcement proceedings to enjoin the violations, to seek appropriate relief, to impose appropriate sanctions, or any combination of these outcomes. * * *

* * * * *

12. In § 60-741.68, the fourth sentence of paragraph (a) is revised to read as follows:

§ 60-741.68 Reinstatement of ineligible contractors.

(a) * * * Before reaching a decision, the Deputy Assistant Secretary may conduct a compliance evaluation of the contractor and may require the contractor to supply additional information regarding the request for reinstatement. * * *

* * * * *

13. In § 60-741.69, paragraph (a)(2) is revised to read as follows:

§ 60-741.69 Intimidation and interference.

(a) * * *

(2) Assisting or participating in any manner in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the act or any other Federal, State or local law requiring equal opportunity for disabled persons;

* * * * *

14. In § 60-741.80, the last two sentences of paragraph (a) are revised to read as follows:

§ 60-741.80 Recordkeeping.

(a) * * * Where the contractor has received notice that a complaint of discrimination has been filed, that a compliance evaluation has been

initiated, or that an enforcement action has been commenced, the contractor shall preserve all personnel records relevant to the complaint, compliance evaluation or action until final disposition of the complaint, compliance evaluation or action. The term "personnel records relevant to the complaint, compliance evaluation or action" would include, for example, personnel or employment records relating to the aggrieved person and to all other employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected.

* * * * *

15. In § 60-741.81, the first sentence is revised to read as follows:

§ 60-741.81 Access to records.

Each contractor shall permit access during normal business hours to its places of business for the purpose of conducting on-site compliance evaluations and complaint investigations and inspecting and copying such books and accounts and records, including computerized records, and other material as may be relevant to the matter under investigation and pertinent to compliance with the act or this part. * * *

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Federal Register

**Thursday,
October 12, 2000**

Part VI

**Department of the
Treasury**

Internal Revenue Service

26 CFR Part 301

**Classification of Certain Pension and
Employee Benefit Trusts, and Other
Trusts; Proposed Rule**

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 301****[REG-108553-00]****RIN 1545-AY09****Classification of Certain Pension and Employee Benefit Trusts, and Other Trusts****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed amendments to the regulations defining a domestic or foreign trust for federal tax purposes. The proposed regulations will affect certain specified employee benefit trusts and investment trusts. The proposed amendments provide that these employee benefit trusts and investment trusts are deemed to satisfy the control test for domestic trust treatment if United States trustees control all of the substantial decisions of the trust made by the trustees of the trust. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by January 10, 2001. Requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for January 31, 2001, at 10 a.m. must be submitted by January 10, 2001.

ADDRESSES: Send submissions to: CC:M&SP:RU (REG-108553-00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:M&SP:RU (REG-108553-00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the "Tax Regs" option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/tax_regs/regslst.html. The public hearing will be held in the Internal Revenue Service Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, James A. Quinn, (202) 622-3060; concerning submissions and the hearing, Guy R. Traynor, (202) 622-7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:**Background**

Section 401(a) requires a trust forming part of a pension, profit-sharing, or stock bonus plan (qualified plan trust) to be created or organized in the United States in order to be a qualified trust. Similarly, section 408(a) requires an individual retirement account trust (IRA trust), which also includes a trust for a Simple IRA described in section 408(p) and a trust for a Roth IRA described in section 408A, to be created or organized in the United States. Section 1.401-1(a)(3)(i) further provides that a trust will not constitute a qualified trust under section 401(a) unless the trust is maintained at all times as a domestic trust in the United States. Under § 1.408-2(b), a similar requirement applies to an IRA trust.

Prior to the enactment of the Small Business Job Protection Act (SBJPA), Public Law 104-188 (110 Stat. 1755) (August 20, 1996), the status of a qualified plan trust as a domestic trust generally turned on a facts and circumstances determination that the trust was a resident trust and was subject to the continuous jurisdiction of the United States. See, for example, Rev. Rul. 70-242 (1970-1 C.B. 89) regarding the determination of domestic trust status for purposes of section 401(a).

The SBJPA and the Taxpayer Relief Act of 1997 (TRA 97), Public Law 105-34 (111 Stat. 788) (August 5, 1997), amended section 7701(a)(30) to provide objective criteria for determining whether a trust is a domestic trust. New section 7701(a)(30)(E) provides that a trust will be treated as a domestic trust if: (1) a court within the United States is able to exercise primary supervision over the administration of the trust (court test), and (2) one or more United States persons have the authority to control all substantial decisions of the trust (control test). These changes are generally effective for taxable years beginning after December 31, 1996.

Section 301.7701-7, published in the **Federal Register** on February 2, 1999 (64 FR 4967), provides guidance under section 7701(a)(30)(E) in determining whether a trust is treated as a United States person and therefore as a domestic trust for federal tax purposes. The regulations are generally effective for taxable years ending after February 2, 1999, but may be applied by taxpayers for taxable years beginning after December 31, 1996. In addition, section 1907(a)(3) of the SBJPA, as amended by the TRA 97, generally provides that, to the extent prescribed in regulations, a trust that was in existence on August 20, 1996, and that was

treated as a United States person on August 19, 1996, may elect to continue to be treated as a United States person. Section 301.7701-7(f) provides rules governing this election to continue to be treated as a United States person.

Section 301.7701-7(d) provides guidance on the application of the control test, including defining United States persons, substantial decisions, and control. Generally, for purposes of the control test, all persons with any power over substantial decisions of the trust, whether acting in a fiduciary capacity or not, must be counted for purposes of the control test.

However, § 301.7701-7(d)(1)(iv) provides a special rule for certain employee benefit trusts listed therein. These trusts are required to be created or organized in the United States and are subject to other detailed requirements for qualification under the Internal Revenue Code (Code). Therefore, § 301.7701-7(d)(1)(iv) provides that these trusts are deemed to satisfy the control test, provided that United States fiduciaries control all of the substantial decisions of the trust that are made by the trustees or fiduciaries. Section 301.7701-7(d)(1)(iv) authorizes the Commissioner to designate additional categories of trusts subject to the special rule in revenue procedures, notices, or other guidance published in the Internal Revenue Bulletin.

Explanation

The IRS and the Treasury Department have become aware of two additional categories of trusts that should qualify for the special control test rule in § 301.7701-7(d)(1)(iv).

The first category is group trusts consisting of qualified plan trusts and IRA trusts, as described in Rev. Rul. 81-100 (1981-1 C.B. 326). If the requirements set forth in Rev. Rul. 81-100 are met, a group trust is itself exempt from tax, and the tax-exempt status of the participating trusts is not affected by the pooling of their funds in the group trust. One of the requirements is that the group trust must be created or organized in the United States and must be maintained at all times as a domestic trust in the United States. Because these trusts are required to be created or organized in the United States and are subject to other detailed requirements, they are similar to the other categories of employee benefit trusts listed in § 301.7701-7(d)(1)(iv). Therefore, the proposed regulations add group trusts described in Rev. Rul. 81-100 to the categories of trusts that may use the special control test rule.

The second category is certain investment trusts that are classified as

trusts under § 301.7701-4(c)(1). An investment trust with a single class of ownership interests, representing undivided beneficial interests in the assets in the trust, is classified as a trust if there is no power under the trust agreement to vary the investment of the certificate holders. In addition, an investment trust with multiple classes of ownership interests, in which there is no power under the trust agreement to vary the investment of the certificate holders, is classified as a trust if the trust is formed to facilitate direct investment in the assets of the trust and the existence of multiple classes of ownership interests is incidental to that purpose. These trusts are treated as owned by the investors under the grantor trust rules of subpart E, part I, subchapter J, chapter 1 of the Code.

The proposed regulations add investment trusts classified as trusts under § 301.7701-4(c)(1) to the categories of trusts that may use the special control test rule, provided the investment trusts meet the conditions described in § 301.7701-7(d)(1)(iv)(I). These trusts are subject to reporting requirements as domestic grantor trusts, and each investor must report the items of income, deduction, and credit that are attributable to the investor's portion of the trust. The conditions set forth in the proposed regulations are intended to ensure that all trustees are United States persons including at least one institutional United States trustee, the sponsors (persons who exchange investment assets for beneficial interests with a view to selling the beneficial interests) are United States persons, and the beneficial interests are widely offered for sale primarily in the United States to United States persons. An investment trust that satisfies these conditions is deemed to satisfy the control test even though one or more investors may be foreign persons with the power to make a substantial decision of the trust.

In addition, the IRS and the Treasury Department have become aware of concerns expressed by taxpayers in applying the special rule of § 301.7701-7(d)(1)(iv) with respect to determining whether a person is or is not a fiduciary for purposes of the control test. For example, under section 3(14)(A) of the Employee Retirement Income Security Act of 1974 (ERISA), Public Law 93-406 (88 Stat. 829) (September 2, 1974), a variety of persons in addition to the trustee(s) is considered fiduciaries with respect to an employee benefit trust. In contrast, under ordinary trust principles the fiduciary of a trust is generally considered to be the trustee holding legal title to the trust assets on behalf of

those having a beneficial interest therein. Section 301.7701-6(b). Therefore, these regulations propose to amend § 301.7701-7(d)(1)(iv) relating to the application of the control test of section 7701(a)(30)(E) to clarify that employee benefit trusts and certain investment trusts identified in the regulations are deemed to satisfy the control test if United States trustees control all of the substantial decisions of the trust made by the trustees of the trust.

Taxpayers concerned with maintaining domestic trust status should also note that, in appropriate cases, it may still be possible to elect pursuant to § 301.7701-7(f) to treat a trust existing on August 19, 1996, as a United States person.

Application to Certain Pension Trusts Created or Organized in Puerto Rico

Section 1022(i)(1) of ERISA provides for tax exemption for certain trusts created or organized in Puerto Rico that form part of a pension, profit-sharing, or stock bonus plan. Section 1022(i)(2) and § 1.401(a)-50 generally provide that the administrator of such a trust may elect to have the trust treated as a trust created or organized in the United States for purposes of section 401(a). In light of the changes made to section 7701(a)(30) in the SBJPA and the TRA 97, and the ensuing regulations, some taxpayers have expressed concerns regarding the continuing application of sections 1022(i)(1) and (2) and § 1.401-50 to a pension trust created or organized in Puerto Rico that is not a domestic trust within the meaning of section 7701(a)(30). Because the application of these provisions is not restricted to trusts that are domestic trusts within the meaning of section 7701(a)(30), the 1996 and 1997 amendments to section 7701(a)(30) and the ensuing regulations do not affect the application of these provisions.

Proposed Effective Date

The amendments to the regulations are proposed to be applicable to trusts for taxable years ending on or after the date on which these regulations are published as final regulations in the **Federal Register**. It is anticipated that the final regulations will provide that trusts will be able to rely on the final regulations for taxable years beginning after December 31, 1996, and for electing trusts under section 1907(a)(3)(B) of the SBJPA for taxable years ending after August 20, 1996. In addition, for taxable years beginning after December 31, 1996, and taxable years ending before these regulations are finalized, or for electing trusts under

section 1907(a)(3)(B) of the SBJPA for taxable years ending after August 20, 1996, and before these regulations are finalized, the status of a trust as a qualified plan trust under section 401(a), an IRA trust under section 408(a), or any other employee benefit trust described in § 301.7701-7(d)(1)(iv) of these proposed regulations will not be challenged by the IRS based on a failure of the trust to satisfy the control test of section 7701(a)(30)(E)(ii) and, therefore, a failure to be maintained at all times as a domestic trust in the United States, if the trust satisfies the control test safe harbor set forth in § 301.7701-7(d)(1)(iv) of these proposed regulations or § 301.7701-7(d)(1)(iv) of the final regulations published in the **Federal Register** on February 2, 1999.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably a signed original and eight (8) copies) that are submitted timely to the IRS. The IRS and the Treasury Department specifically request comments on the clarity of the proposed regulations and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for January 31, 2001, at 10 a.m. in the Internal Revenue Service Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by January 10, 2001, and submit an outline of the topics to be discussed and the time to be devoted to each topic (preferably a signed original and eight (8) copies) by January 10, 2001.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information: The principal author of these regulations is James A. Quinn of the Office of Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

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

Par. 2. Section 301.7701-7 is amended as follows:

1. Paragraph (d)(1)(iv) introductory text is revised.
 2. Paragraph (d)(1)(iv)(H) is redesignated as paragraph (d)(1)(iv)(J).
 3. New paragraphs (d)(1)(iv)(H) and (I) are added.
 4. Paragraph (d)(1)(v) *Example 1* is revised and *Example 5* is added.
 5. The first sentence of paragraph (e)(1) is revised.
 6. Paragraph (e)(3) is added.
- The revisions and additions read as follows:

§ 301.7701-7 Trusts—domestic and foreign.

* * * * *

(d) * * *

(1) * * *

(iv) *Safe harbor for certain employee benefit trusts and investment trusts.*

Notwithstanding the provisions of this paragraph (d), the trusts listed in this paragraph (d)(1)(iv) are deemed to satisfy the control test set forth in paragraph (a)(1)(ii) of this section, provided that United States trustees control all of the substantial decisions made by the trustees of the trust—

* * * * *

(H) A group trust described in Rev. Rul. 81-100 (1981-1 C.B. 326) (See § 601.601(d)(2) of this chapter);

(I) An investment trust classified as a trust under § 301.7701-4(c), provided that the following conditions are satisfied—

(1) All trustees are United States persons and at least one of the trustees is a bank, as defined in section 581, or a United States Government-owned agency or United States Government-sponsored enterprise;

(2) All sponsors (persons who exchange investment assets for beneficial interests with a view to selling the beneficial interests) are United States persons; and

(3) The beneficial interests are widely offered for sale primarily in the United States to United States persons;

* * * * *

(v) * * *

Example 1. Trust is a testamentary trust with three fiduciaries, A, B, and C. A and B are United States citizens and C is a nonresident alien. No persons except the fiduciaries have authority to make any decisions of the trust. The trust instrument provides that no substantial decisions of the trust can be made unless there is unanimity among the fiduciaries. The control test is not satisfied because United States persons do not control all the substantial decisions of the trust. No substantial decisions can be made without C's agreement.

* * * * *

Example 5. X, a foreign corporation, conducts business in the United States through various branch operations. X has United States employees and has established a trust as part of a qualified employee benefit plan under section 401(a) for these employees. The trust is established under the laws of State A, and the trustee of the trust is B, a United States bank governed by the laws of State A. B holds legal title to the trust

assets for the benefit of the trust beneficiaries. A plan committee makes decisions with respect to the plan and the trust. The plan committee can direct B's actions with regard to those decisions and under the governing documents B is not liable for those decisions. Members of the plan committee consist of United States persons and nonresident aliens, but nonresident aliens make up a majority of the plan committee. Decisions of the plan committee are made by majority vote. In addition, X retains the power to terminate the trust and to replace the United States trustee or to appoint additional trustees. This trust is deemed to satisfy the control test under paragraph (d)(1)(iv) of this section because B, a United States person, is the trust's only trustee. Any powers held by the plan committee or X are not considered under the safe harbor of paragraph (d)(1)(iv) of this section. In the event that X appoints additional trustees including foreign trustees, any powers held by such trustees must be considered in determining whether United States trustees control all substantial decisions made by the trustees of the trust.

* * * * *

(e) *Effective date*—(1) *General rule.*

Except for the election to remain a domestic trust provided in paragraph (f) of this section and except as provided in paragraph (e)(3) of this section, this section is applicable to taxable years ending after February 2, 1999.

* * * * *

(3) *Effective date of safe harbor for certain employee benefit trusts and investment trusts.* Paragraphs (d)(1)(iv) and (v) *Examples 1* and 5 of this section apply to trusts for taxable years ending on or after the date of publication of final regulations in the **Federal Register**. Paragraphs (d)(1)(iv) and (v) *Examples 1* and 5 of this section may be relied on by trusts for taxable years beginning after December 31, 1996, and also may be relied on by trusts whose trustees have elected to apply sections 7701(a)(30) and (31) to the trusts for taxable years ending after August 20, 1996, under section 1907(a)(3)(B) of the SBJP Act.

* * * * *

David A. Mader,

Acting Commissioner of Internal Revenue.

[FR Doc. 00-26350 Filed 10-10-00; 3:31 pm]

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Federal Register

**Thursday,
October 12, 2000**

Part VII

The President

**Executive Order 13170—Increasing
Opportunities and Access for
Disadvantaged Businesses**

Presidential Documents

Title 3—**Executive Order 13170 of October 6, 2000****The President****Increasing Opportunities and Access for Disadvantaged Businesses**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act (15 U.S.C. 631 *et seq.*), section 7102 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, 15 U.S.C. 644 note), the Office of Federal Procurement Policy Act (41 U.S.C. 403 *et seq.*), Executive Order 11625, and to provide for increased access for disadvantaged businesses to Federal contracting opportunities, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the executive branch to ensure non-discrimination in Federal procurement opportunities for businesses in the Small Disadvantaged Business Program (SDBs), businesses in the section 8(a) Business Development program of the Small Business Administration (8(a)s), and Minority Business Enterprises (MBEs) as defined in section 6 of Executive Order 11625, of October 13, 1971, and to take affirmative action to ensure inclusion of these businesses in Federal contracting. These businesses are of vital importance to job growth and the economic strength of the United States but have faced historic exclusion and underutilization in Federal procurement. All agencies within the executive branch with procurement authority are required to take all necessary steps, as permitted by law, to increase contracting between the Federal Government and SDBs, 8(a)s, and MBEs.

Sec. 2. Responsibilities of Executive Departments and Agencies with Procurement Authority. The head of each executive department and agency shall carry out the terms of this order and shall designate, where appropriate, his or her Deputy Secretary or equivalent to implement the terms of this order.

(a) Each department and agency with procurement authority shall:

(i) aggressively seek to ensure that 8(a)s, SDBs, and MBEs are aware of future prime contracting opportunities through wide dissemination of contract announcements, including sources likely to reach 8(a)s, SDBs, other small businesses, and MBEs. Each department and agency shall use all available forms of communication to implement this provision, including the Internet, speciality press, and trade press;

(ii) work with the Small Business Administration (SBA) to ensure that information regarding sole source contracts awarded through the section 8(a) program receives the widest dissemination possible to 8(a)s;

(iii) ensure that the price evaluation preference programs authorized by the Federal Acquisition Streamlining Act of 1994 are used to the maximum extent permitted by law in areas of economic activity in which SDBs have historically been underused;

(iv) aggressively use the firms in the section 8(a) program, particularly in the developmental stage of the program, so that these firms have an opportunity to overcome artificial barriers to Federal contracting and gain access to the Federal procurement arena;

(v) ensure that department and agency heads take all reasonable steps so that prime contractors meet or exceed Federal subcontracting goals, and enforce subcontracting commitments as required by the Small Business Act (15 U.S.C. 637(d)) and other related laws. In particular, they shall

ensure that prime contractors actively solicit bids for subcontracting opportunities from 8(a)s and SDBs, and fulfill their SDB and section 8(d) subcontracting obligations. Enforcement of SDB subcontracting plan commitments shall include assessments of liquidated damages, where appropriate, pursuant to applicable contract clauses;

(vi) encourage the establishment of business-to-business mentoring and teaming relationships, including the implementation of Mentor-Protege programs, to foster the development of the technical and managerial capabilities of 8(a)s and SDBs and to facilitate long-term business relationships;

(vii) offer information, training, and technical assistance programs for 8(a)s and SDBs including, where appropriate, Government acquisition forecasts in order to assist 8(a)s and SDBs in developing their products, skills, business planning practices, and marketing techniques;

(viii) train program and procurement officials regarding the policy of including 8(a)s and SDBs in Federal procurement. This includes prescribing procedures to ensure that acquisition planners, to the maximum extent practicable, structure acquisitions to facilitate competition by SDBs and 8(a)s, including their participation in the competition of multiple award requirements;

(ix) provide the information required by the Department of Commerce when it requests data to develop the benchmarks used in the price evaluation preference programs authorized by the Federal Acquisition Streamlining Act of 1994;

(x) ensure that Directors of Offices of Small and Disadvantaged Business Utilization carry out their responsibilities to maximize the participation of 8(a)s and SDBs in Federal procurement and, in particular, ensure that the Directors report directly to the head of each department or agency as required by law; and

(xi) as required by law, establish with the Small Business Administration small business goals to ensure that the government-wide goal for participation of small business concerns is not less than 23 percent of Federal prime contracts. Where feasible and consistent with the effective and efficient performance of its mission, each agency shall establish a goal of achieving a participation rate for SDBs of not less than 5 percent of the total value of prime contract awards for each fiscal year and of not less than 5 percent of the total value of subcontract awards for each year. Each agency shall also establish a goal for awards made to 8(a) firms pursuant to section 8(a) of the Small Business Act. These goals shall be considered the minimum goals and every effort shall be taken to exceed these goals wherever feasible.

(b) Each department and agency with procurement authority shall:

(i) develop a long-term comprehensive plan to implement the requirements of section 2(a) of this order and submit this plan to the Director of the Office of Management and Budget (OMB) within 90 days of the date of this order. The Director of OMB shall review each plan and report to the President on the sufficiency of each plan to carry out the terms of this order; and

(ii) annually, by April 30 each year, assess its efforts and the results of those efforts to increase utilization of 8(a)s, SDBs, and MBEs as both prime contractors and subcontractors and report on those efforts to the President through the Director of OMB, who shall review the evaluations made of the agency assessments by the Small Business Administration.

Sec. 3. Responsibilities of the Small Business Administration. The Administrator of the SBA shall:

(a) evaluate on a semi-annual basis, using the Federal Procurement Data System (FPDS), the achievement of government-wide prime and subcontract goals and the actual prime and subcontract awards to 8(a)s and SDBs for each department and agency. The OMB shall review SBA's evaluation;

(b) ensure that Procurement Center Representatives receive adequate training regarding the section 8(a) and SDB programs and that they consistently and aggressively seek opportunities for maximizing the use of 8(a)s and SDBs in department and agency procurements; and

(c) ensure that each department and agency's small and disadvantaged business procurement goals as well as the amount of procurement of each department and agency with 8(a)s, SDBs, and MBEs is publicly available in an easily accessible and understandable format such as through publication on the Internet.

Sec. 4. *Federal Advertising.* Each department or agency that contracts with businesses to develop advertising for the department or agency or to broadcast Federal advertising shall take an aggressive role in ensuring substantial minority-owned entities' participation, including 8(a), SDB, and MBE, in Federal advertising-related procurements. Each department and agency shall ensure that all creation, placement, and transmission of Federal advertising is fully reflective of the Nation's diversity. To achieve this diversity, special attention shall be given to ensure placement in publications and television and radio stations that reach specific ethnic and racial audiences. Each department and agency shall ensure that payment for Federal advertising is commensurate with fair market rates in the relevant market. Each department and agency shall structure advertising contracts as commercial acquisitions consistent with part 12 of the Federal Acquisition Regulation processes and paperwork to enhance participation by 8(a)s, SDBs, and MBEs.

Sec. 5. *Information Technology.* Each department and agency shall aggressively seek to ensure substantial 8(a), SDB, and MBE participation in procurements for and related to information technology, including procurements in the telecommunications industry. In so doing, the Chief Information Officer in each department and agency shall coordinate with procurement officials to implement this section.

Sec. 6. *General Services Administration Schedules.* The SBA and the General Services Administration (GSA) shall act promptly to expand inclusion of 8(a)s and SDBs on GSA Schedules, and provide greater opportunities for 8(a) and SDB participation in orders under such schedules. The GSA should ensure that procurement and program officials at all levels that use GSA Schedules aggressively seek to utilize the Schedule contracts of 8(a)s and SDBs. The GSA shall allow agencies ordering from designated 8(a) firms under the Multiple Award Schedule to count those orders toward their 8(a) procurement goals.

Sec. 7. *Bundling Contracts.* To the extent permitted by law, departments and agencies must submit to the SBA for review any contracts that are proposed to be bundled. The determination of the SBA with regard to the appropriateness of bundling in each instance must be carefully reviewed by the department or agency head, or his or her designee, and must be given due consideration. If there is an unresolvable conflict, then the SBA or the department or agency can seek assistance from the OMB.

Sec. 8. *Awards Program.* The Secretary of Commerce and the Administrator of the SBA shall jointly undertake a feasibility study to determine the appropriateness of an awards program for executive departments and agencies who best exemplify the letter and intent of this order in increasing opportunities for 8(a)s, SDBs, and MBEs in Federal procurement. Such study shall be presented to the President within 90 days of the date of this order.

Sec. 9. *Applicability.* Independent agencies are requested to comply with the provisions of this order.

Sec. 10. *Administration, Enforcement, and Judicial Review.*

(a) This order shall be carried out to the extent permitted by law and consistent with the Administration's priorities and appropriations.

(b) This order is not intended and should not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

A handwritten signature in black ink, reading "William J. Clinton". The signature is written in a cursive style with a large, stylized "W" and "C".

THE WHITE HOUSE,
October 6, 2000.

[FR Doc. 00-26446

Filed 10-11-00; 8:45 am]

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Federal Register

Vol. 65, No. 198

Thursday, October 12, 2000

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

58635-58900.....	2
58901-59104.....	3
59105-59338.....	4
59339-59694.....	5
59695-60092.....	6
60093-60338.....	10
60339-60568.....	11
60569-60830.....	12

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	2.....	59270
Proclamations:	72.....	60339
7346.....	13.....	59270
7347.....	434.....	60000
7348.....	435.....	60000
7349.....	830.....	60292
7350.....	Proposed Rules	
7351.....	72.....	60384
7352.....	430.....	59550, 59590, 59761
7353.....		
7354.....	12 CFR	
7355.....	226.....	58903
7356.....	263.....	60583
7357.....	563b.....	60095
7358.....	575.....	60095
Executive Orders:	Proposed Rules:	
11625 (See 13170).....	563b.....	60123
13169.....	575.....	60123
13170.....		
Administrative Orders:	13 CFR	
Presidential Determinations:	121.....	60342
No. 2000-30 of	Proposed Rules:	
September 19,	119.....	60256
2000.....	126.....	58963
No. 2000-31 of	14 CFR	
September 28,	25.....	60343
2000.....	39.....	58640, 58641, 58645,
		58647, 59701, 59703, 59705,
No. 2000-32 of		59707, 59709, 59710, 60347,
September 29,		60349
2000.....		60334
		60334
No. 2000-33 of		60334
September 29,		60334
2000.....		59341, 59711, 59712,
		60352
5 CFR		59341
591.....		60352
1201.....		60352
8301.....		59342, 59345
		108.....
7 CFR		60334, 60352
272.....		135.....
274.....		187.....
		59713
Proposed Rules		
210.....		Proposed Rules:
226.....		36.....
235.....		59634
245.....		39.....
905.....		58675, 58678, 58681,
944.....		58966, 59146, 59381, 59383,
1412.....		60124, 60126, 60129, 60591,
		60593, 60595, 60597, 60599
8 CFR		43.....
234.....		58878
		45.....
Proposed Rules:		58878
3.....		71.....
212.....		59762, 59763, 59764,
		60385
9 CFR		
391.....		15 CFR
590.....		101.....
		59714
10 CFR		742.....
1.....		58911
		774.....
		58911
		922.....
		60096

16 CFR	47.....59048	41 CFR	5.....60542
Proposed Rules:	56.....59048	101-40.....60060	7.....60542
Ch. II.....58968	57.....59048	102-117.....60060	15.....60542
313.....59766	77.....59048	Proposed Rules:	19.....60542
17 CFR	Proposed Rules:	60-1.....60816	52.....60542
4.....58648	920.....59150	60-250.....60816	53.....60542
30.....60558, 60560	946.....59152	60-741.....60816	1511.....58921
Proposed Rules:	31 CFR	61-250.....59684	1515.....58921
240.....59766	Proposed Rules:	42 CFR	1517.....58921
18 CFR	205.....60796	36.....58918	1519.....58921
284.....59111	32 CFR	412.....59748	1523.....58921
19 CFR	1615.....60100	413.....58919, 59748, 60104	1528.....58921
10.....59650, 59668	33 CFR	422.....59749	1535.....58921
163.....59650, 59668	66.....59124	424.....60366	1542.....58921
20 CFR	100.....58652	440.....60105	1545.....58921
Proposed Rules:	117.....59126, 60359, 60360, 60361	441.....60105	1552.....58921
404.....58970, 60584	165.....58654, 58655	489.....58919, 59748	1807.....58931
416.....58970, 60584	Proposed Rules:	498.....58919	1811.....58931
21 CFR	117.....59780	Proposed Rules:	1815.....58931
25.....60499	36 CFR	447.....60151	1816.....58931
73.....59717, 60253	Proposed Rules:	43 CFR	1817.....58931
101.....58917	1190.....58974	Proposed Rules:	1819.....58931
510.....60097, 60585	1191.....58974	4.....60602	1834.....58931
601.....59718	38 CFR	44 CFR	1837.....58932
872.....60098	21.....59127, 60499, 60724	59.....60758	1843.....58931
22 CFR	39 CFR	61.....60758	1845.....58931
Proposed Rules:	20.....60361	Proposed Rules:	1852.....58931
51.....60132	Proposed Rules:	65.....60159	Proposed Rules:
23 CFR	111.....58682	206.....58720	9904.....59504
1275.....59112	502.....58682	47 CFR	49 CFR
24 CFR	40 CFR	1.....59350	172.....60382
203.....60320	9.....59894	2.....59350, 60108	173.....60382
291.....60324	35.....58850	20.....58657, 60112	177.....60382
888.....58870	52.....59128, 59727, 60101	25.....59140, 59749	375.....58663
982.....58870	63.....59894	27.....60112	386.....58663
985.....58870	81.....59128, 60362	32.....58661	391.....59362
Proposed Rules:	85.....59896	54.....58662	Proposed Rules:
888.....60084	86.....59896	63.....60113	1180.....58974
26 CFR	132.....59738	64.....58661	50 CFR
1.....58650, 60585	180.....59346	73.....58920, 58921, 59144, 59145, 59751, 59752, 60378, 60379, 60585	17.....58933
Proposed Rules:	271.....59135	87.....59350, 60108	20.....58664
1.....58973, 59774, 60136	300.....58656	90.....60379	223.....60383
301.....60822	403.....59738	101.....59350, 60382	600.....59752
27 CFR	Proposed Rules:	Proposed Rules:	635.....60118
4.....59719	52.....58698, 59154, 59782, 60141, 60144	54.....58721	648.....59758, 60118, 60586
28 CFR	63.....58702	73.....59162, 59163, 59388, 59389, 59796, 59797, 60163, 60387, 60602	660.....59752
0.....60100	81.....59154, 60362	76.....60387	679.....59380, 60587
541.....59725	82.....59783	48 CFR	Proposed Rules:
30 CFR	123.....59385	Ch. 1.....60542	17.....58981, 59798, 60391, 60603, 60605, 60607
42.....59048	271.....59155	2.....60542	216.....59164
	403.....59791	4.....60542	622.....59170, 60163
	1601.....59155		648.....60396
			660.....59813
			679.....58727

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 OCTOBER 12, 2000**FEDERAL RESERVE SYSTEM**

Practice and procedures:

- Civil money penalties; inflation adjustment; published 10-12-00

**HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration**

Animal drugs, feeds, and related products:

- Sponsor name and address changes—
Akey, Inc.; published 10-12-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low income housing:

- Housing assistance payments (Section 8)—
Homeownership program; published 9-12-00

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

Airworthiness directives:

- Aviointeriors S.p.A.; published 9-27-00

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Oranges, grapefruit, tangerines, and tangelos grown in Florida and imported; comments due by 10-17-00; published 10-2-00

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

Plant-related quarantine, foreign:

- Fruits and vegetables; comments due by 10-20-00; published 8-21-00

**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

- Gulf of Mexico shrimp; comments due by 10-19-00; published 9-19-00

West Coast States and Western Pacific fisheries—

- Pacific Coast groundfish; comments due by 10-16-00; published 9-14-00

- Precious corals; comments due by 10-20-00; published 9-5-00

DEFENSE DEPARTMENT

Acquisition regulations:

- North American industry classification system; comments due by 10-16-00; published 8-17-00

Federal Acquisition Regulation (FAR):

- Electronic commerce in Federal procurement; comments due by 10-20-00; published 8-21-00

DEFENSE DEPARTMENT**Engineers Corps**

Permits for discharges of dredged or fill material into U.S. waters:

- Regulatory definition; comments due by 10-16-00; published 8-16-00

ENERGY DEPARTMENT**Federal Energy Regulatory Commission**

Practice and procedure:

- FERC Form No. 6 and related Uniform Systems of Accounts; electronic filing; comments due by 10-16-00; published 8-17-00

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

- Aluminum foundry and aluminum die casting operations; source category list; comments due by 10-16-00; published 9-14-00

- Secondary aluminum production; comments due by 10-16-00; published 9-14-00

Air quality implementation plans:

- Preparation, adoption, and submittal—

- Motor vehicle inspection/maintenance program requirements; onboard diagnostic check; comments due by 10-20-00; published 9-20-00

Motor vehicle inspection/maintenance program requirements; onboard diagnostic check; correction; comments due by 10-20-00; published 9-29-00

Air quality implementation plans; approval and promulgation; various States:

- Alabama; comments due by 10-20-00; published 9-20-00

- California; comments due by 10-18-00; published 9-18-00

- Massachusetts; comments due by 10-18-00; published 9-18-00
- Tennessee; comments due by 10-20-00; published 9-20-00

Hazardous waste program authorizations:

- Florida; comments due by 10-18-00; published 9-18-00

Hazardous waste:

- Identification and listing—
Chemical-specific exemption levels; comments due by 10-16-00; published 7-18-00

Permits for discharges of dredged or fill material into U.S. waters:

- Regulatory definition; comments due by 10-16-00; published 8-16-00

Superfund program:

- National oil and hazardous substances contingency plan—
National priorities list update; comments due by 10-18-00; published 9-18-00

- National priorities list update; comments due by 10-18-00; published 9-18-00

Water pollution control:

- Water quality standards—
Kansas; comments due by 10-16-00; published 7-24-00

Water supply:

- Underground injection control program—
Class I municipal wells in Florida; comments due by 10-20-00; published 9-1-00

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

- Missouri and Vermont; comments due by 10-16-00; published 9-11-00

Montana; comments due by 10-16-00; published 9-6-00

New Mexico; comments due by 10-16-00; published 9-7-00

Texas; comments due by 10-16-00; published 9-6-00

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

- Electronic commerce in Federal procurement; comments due by 10-20-00; published 8-21-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Housing programs:

- Mandatory expense deductions and earned income disallowances for persons with disabilities; income adjustment determination; comments due by 10-20-00; published 8-21-00

INTERIOR DEPARTMENT**Fish and Wildlife Service**

Endangered and threatened species:

- Arkansas river shiner; comments due by 10-16-00; published 8-15-00

Critical habitat designations—

- Piping plover; Great Lakes breeding population; comments due by 10-19-00; published 9-19-00

- West Indian manatee; comments due by 10-16-00; published 9-1-00

INTERIOR DEPARTMENT**Minerals Management Service**

Outer Continental Shelf oil and gas leasing:

- Royalty suspensions; comments due by 10-16-00; published 9-14-00

Outer Continental Shelf; oil, gas, and sulphur operations:

- Oil and gas drilling requirements; comments due by 10-19-00; published 7-27-00

INTERIOR DEPARTMENT**Surface Mining Reclamation and Enforcement Office**

Permanent program and abandoned mine land reclamation plan submissions:

- Maryland; comments due by 10-19-00; published 10-4-00

JUSTICE DEPARTMENT**Immigration and
Naturalization Service****Immigration:****Aliens—**

Deportation proceedings;
relief for certain aliens;
comments due by 10-
18-00; published 10-11-
00

**NATIONAL AERONAUTICS
AND SPACE
ADMINISTRATION****Federal Acquisition Regulation
(FAR):**

Electronic commerce in
Federal procurement;
comments due by 10-20-
00; published 8-21-00

**PERSONNEL MANAGEMENT
OFFICE****Allowances and differentials:**

Cost-of-living allowances
(nonforeign areas)—
Guam and Northern
Mariana Islands;
comments due by 10-
16-00; published 7-17-
00

Pay under General Schedule:
Locality-based comparability
payments; comments due
by 10-16-00; published 8-
16-00

POSTAL SERVICE**Domestic Mail Manual:**

Address list sequencing
service; comments due by
10-19-00; published 9-19-
00

International Mail Manual:

Global Direct—Mexico
service; comments due by
10-18-00; published 9-18-
00

SPECIAL COUNSEL OFFICE

Prohibited personnel practice
or other prohibited activity;
complaints and information
disclosures filing; comments
due by 10-16-00; published
8-16-00

**TRANSPORTATION
DEPARTMENT****Coast Guard**

Boating safety:

Accidents involving
recreational vessels,
reports; property damage
threshold raised;
comments due by 10-18-
00; published 6-20-00

Drawbridge operations:

Washington; comments due
by 10-17-00; published 8-
18-00

**TRANSPORTATION
DEPARTMENT****Federal Aviation
Administration****Airworthiness directives:**

Airbus; comments due by
10-20-00; published 9-20-
00

Boeing; comments due by
10-18-00; published 9-18-
00

British Aerospace;
comments due by 10-19-
00; published 9-19-00

Empresa Brasileira de
Aeronautica, S.A.;
comments due by 10-18-
00; published 9-18-00

Fokker; comments due by
10-19-00; published 9-19-
00

General Electric Co.;
comments due by 10-20-
00; published 8-21-00

Israel Aircraft Industries,
Ltd.; comments due by
10-16-00; published 9-14-
00

Lockheed; comments due
by 10-16-00; published 8-
30-00

McDonnell Douglas;
comments due by 10-16-
00; published 9-1-00

Polskie Zakłady Lotnicze
Spolka zo.o.; comments
due by 10-17-00;
published 9-15-00

Saab; comments due by 10-
19-00; published 9-19-00

Sikorsky; comments due by
10-16-00; published 8-16-
00

Special conditions—

Sino Swearingen Model
SJ30-2 airplane;
comments due by 10-
20-00; published 9-20-
00

Restricted areas; comments
due by 10-16-00; published
8-31-00

**TRANSPORTATION
DEPARTMENT****Federal Motor Carrier Safety
Administration****Practice and procedure:**

Motor carriers, brokers, and
freight forwarders;
sanctions for failure to
pay civil penalties;
comments due by 10-19-
00; published 9-19-00

LIST OF PUBLIC LAWS

This is a continuing list of
public bills from the current
session of Congress which
have become Federal laws. It
may be used in conjunction
with "PLUS" (Public Laws
Update Service) on 202-523-
6641. This list is also
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published in the **Federal
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in "slip law" (individual
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Superintendent of Documents,
U.S. Government Printing
Office, Washington, DC 20402
(phone, 202-512-1808). The
text will also be made
available on the Internet from
GPO Access at [http://
www.access.gpo.gov/nara/
index.html](http://www.access.gpo.gov/nara/index.html). Some laws may
not yet be available.

H.R. 940/P.L. 106-278

To designate the Lackawanna
Valley and the Schuylkill River
National Heritage Areas, and
for other purposes. (Oct. 6,
2000; 114 Stat. 814)

H.R. 2909/P.L. 106-279

Intercountry Adoption Act of
2000 (Oct. 6, 2000; 114 Stat.
825)

H.R. 4919/P.L. 106-280

Security Assistance Act of
2000 (Oct. 6, 2000; 114 Stat.
845)

H.R. 5193/P.L. 106-281

FHA Downpayment
Simplification Extension Act of
2000 (Oct. 6, 2000; 114 Stat.
865)

H.J. Res. 110/P.L. 106-282

Making further continuing
appropriations for the fiscal
year 2001, and for other
purposes. (Oct. 6, 2000; 114
Stat. 866)

S. 430/P.L. 106-283

Take Tribal Corporation Land
Transfer Act (Oct. 6, 2000;
114 Stat. 867)

Last List October 4, 2000

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