

and not to raise new issues for the first time.

Public hearings: The Office will be conducting public hearings in Washington, DC on Tuesday, May 2, 2000, Wednesday, May 3, 2000, and Thursday, May 4, 2000 from 9:30 a.m. to 6:00 p.m. Public hearings will also be held in Stanford, CA on Thursday, May 18, 2000 and Friday, May 19, 2000 from 9:30 a.m. to 6:00 p.m. Interested parties are invited to submit requests to testify at one of these hearings.

Requirements for persons desiring to testify: A request to testify must be submitted to the Copyright Office. All requests to testify must include:

- The name of the person desiring to testify;
- The organization or organizations represented by that person, if any;
- Contact information (address, telephone, and e-mail);
- The location and date of the hearing at which the requestor wishes to testify; and
- A one page summary of the intended testimony.

This request may be sent by mail, by fax, or by hand-delivery. Requests by telephone or electronic mail will not be accepted. The Copyright Office will notify all persons wishing to testify of the date and expected time of their appearance, and the maximum time allowed for their testimony.

Addresses for requests to testify: *If delivered by mail:* requests to testify should be addressed to Robert Kasunic, Senior Attorney, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024.

If sent by fax: requests to testify should be addressed to Robert Kasunic at (202) 707-8366.

If delivered by hand: requests to testify should be delivered to Robert Kasunic, the Office of the General Counsel, Copyright Office, Library of Congress, LM-403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington DC.

All requests to testify must be received by 5:00 E.S.T. on April 14, 2000.

Time limits on testimony at public hearings: There will be time limits on the testimony allowed for speakers. In the initial comment period, the Office received 235 written comments. Given the time constraints, only a fraction of that number could possibly testify at the hearings. The time limits will depend on the number of persons wishing to testify. Approximately one week prior to the hearings, the Office will notify all persons submitting requests to testify of the precise time limits that will be

imposed on oral testimony. Due to the time constraints, the Copyright Office encourages parties with similar interests to select a single spokesperson to testify.

Post-hearing comments: At the conclusion of the public hearings, the Copyright Office will accept post-hearing written comments that relate specifically to matters addressed at the hearings or identified in the reply comments. This post-hearing comment period is not intended to be an opportunity for interested parties to reiterate points they have already made or to raise new issues. Post-hearing comments must be received in the Office of the General Counsel no later than 5:00 p.m. E.S.T. on June 23, 2000.

Format and submission of reply comments and post-hearing comments: The Copyright Office prefers to receive reply and post-hearing comments submitted in electronic format (by attachment to electronic mail or by delivery of 3.5-inch diskettes). While the Office prefers electronic submissions, reply and post-hearing comments in paper format will also be accepted. The applicable requirements for each form of submission are specified below:

1. *If by electronic mail:* Send to "1201@loc.gov" a message containing the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, fax number (if any), and e-mail address. The subject heading of the message should also identify the document clearly as a reply or post-hearing comment. The document itself must be sent as a MIME attachment, and must be in a single file in either: (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word Version 7.0 or earlier; (3) WordPerfect 7 or earlier; (4) ASCII text file format; or (5) Rich Text File (RTF) format. At a minimum, the comment must contain the name of the person submitting the comment.

2. *If by regular mail or hand delivery:* Send, to the appropriate address listed above, two copies of the comment, each on a 3.5-inch write-protected diskette, labeled with the name of the person making the submission and, if applicable, his or her title and organization. The document must be clearly identified as a reply or post-hearing comment. Either the document itself or a cover letter must also include the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, fax number (if any), and e-mail address (if any). The

document itself must be in a single file in either (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word Version 7.0 or earlier; (3) WordPerfect Version 7 or earlier; (4) ASCII text file format; or (5) Rich Text File (RTF) format. At a minimum, the comment must contain the name of the person submitting the comment.

3. *If in print only:* Anyone who is unable to submit a comment in electronic form should submit an original and fifteen paper copies by hand or by mail to the appropriate address listed above. The reply or post-hearing comment should contain the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, fax number (if any), and e-mail address (if any). At a minimum, the comment must contain the name of the person making the submission.

Dated: March 14, 2000.

David O. Carson,
General Counsel.

[FR Doc. 00-6711 Filed 3-16-00; 8:45 am]

BILLING CODE 1410-30-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-83-1-200009; FRL-6561-4]

Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Florida State Implementation Plan (SIP) submitted on December 10, 1999, by the State of Florida through the Florida Department of Environmental Protection (FDEP). This submittal consists of revisions to the ozone air quality maintenance plans for the Jacksonville (Duval County) and Southeast Florida (Broward, Dade, and Palm Beach Counties) areas to remove the emission reduction credits attributable to the Motor Vehicle Inspection Program (MVIP) from the future year emission projections contained in those plans. Florida submitted technical amendments to this revision on January 18, 2000. For the Jacksonville and Southeast Florida areas, this revision updates the control strategy by removing emissions credit

for the MVIP, and as such, transportation conformity must be redetermined by the Metropolitan Planning Organizations (MPOs) within 18 months of the final approval of this action.

DATES: Comments on EPA's proposed action must be received by April 17, 2000.

ADDRESSES: All comments should be addressed to Joey LeVasseur at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Atlanta Federal Center, Region 4 Air Planning Branch, 61 Forsyth Street S.W., Atlanta, Georgia 30303-3104.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur at 404/562-9035 (E-mail: levasseur.joey@epa.gov).

SUPPLEMENTARY INFORMATION: The following sections: Background, Analysis of the State's Submittal, and Final Action, provide additional information concerning the revisions to the ozone air quality maintenance plans for the Jacksonville and Southeast Florida areas to remove the emission reduction credits attributable to the MVIP from the future year emission projections contained in those plans.

I. Background

Upon enactment of the Clean Air Act Amendments of 1990, the Jacksonville and Southeast Florida areas were classified as nonattainment for the one-hour ozone national ambient air quality standard (NAAQS). On November 16, 1992, the State of Florida submitted comprehensive inventories for volatile organic compound (VOC), oxides of nitrogen (NO_x), and carbon monoxide emissions from the Jacksonville and Southeast Florida areas. The inventories include biogenic, area, stationary, and mobile source emissions using 1990 as the base year for calculations to demonstrate NAAQS attainment and maintenance. The 1990 inventory is considered representative of attainment conditions because the one-hour ozone NAAQS was not violated during 1990. By 1993, both areas were able to demonstrate attainment of the one-hour ozone NAAQS and were able to show compliance with other requirements of the Clean Air Act as amended in 1990 (CAA) for redesignation.

On June 23, 1993, the State of Florida through the FDEP requested that the Jacksonville area be redesignated from a transitional ozone nonattainment area to attainment and on November 8, 1993, the State of Florida requested that the Southeast Florida area be redesignated from moderate ozone nonattainment to attainment. Approval of the ozone maintenance plans into the SIP, in conjunction with EPA's redesignation of the two areas to attainment with respect to the 1-hour ozone NAAQS, became effective March 6, 1995, for the Jacksonville area and March 25, 1995, for the Southeast Florida area (40 CFR 81.310).

The ozone maintenance plans for the two areas, developed pursuant to section 175A of the CAA and approved in the SIP, accounted for the MVIP in the mobile source emissions projections. The MVIP began April 1, 1991, in Duval, Palm Beach and Dade Counties and May 1, 1991, in Broward County. Currently, the MVIP is a centralized basic inspection and maintenance program. The program utilizes an idle emissions test to monitor vehicles' emission compliance.

II. Analysis of State's Submittal

On December 10, 1999, FDEP submitted a revision to the SIP for the ozone air quality maintenance plans for the Jacksonville and Southeast Florida areas to remove the emission reduction credits attributable to the MVIP from the future year emission projections contained in those plans. Specifically this action involves a recalculation of the motor vehicle emissions budgets (budgets) for the areas, eliminating the credit for the MVIP. In this submittal, the State originally used the MOBILE 5b model to project mobile source emissions for 2005. The mobile source budgets in the maintenance plan were calculated using the MOBILE 5a model, however the same version of the model must be used for comparisons of mobile source emissions. Subsequently, on January 18, 2000, the State submitted technical amendments to the mobile source emission projection calculations. The State recalculated the 2005 mobile source emissions using the MOBILE 5a model. The change in emissions using the MOBILE 5a versus MOBILE 5b models for 2005 was negligible.

The Transportation Conformity regulations, promulgated on November 24, 1993, established the criteria and procedures for determining conformity of transportation activities to the SIP. Under these provisions and Title I of the CAA, states may revise their emissions budgets at any time through the standard SIP revision process, provided

that the revised emissions budgets will not adversely affect attainment and maintenance of the ozone NAAQS for any milestone year in the required time frame. The conformity rule provides states with the option to revise the emissions budgets to reallocate emissions among sources or between pollutants and their precursors so long as this budget maintains total emissions for the area below the attainment inventory levels.

In addition, the SIP revision must not have an adverse impact on maintenance of the NAAQS for any criteria pollutant. Guidance on this issue is contained in a memorandum dated September 17, 1993, from Michael Shapiro, Acting Assistant Administrator for Air and Radiation entitled, "State Implementation Plan Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide National Ambient Air Quality Standards on or after November 15, 1992." This memo states:

As a general policy, a State may not relax the adopted and implemented SIP upon the area's redesignation to attainment. States should continue to implement existing control strategies in order to maintain the standard. However, section 175A recognizes that States may be able to move SIP measures to the contingency plan upon redesignation if the State can adequately demonstrate that such action will not interfere with maintenance of the standard.

In this revision, Florida demonstrates that the area can maintain the one-hour ozone NAAQS without the implementation of the MVIP. The EPA has reviewed the State's emissions inventory and modeling analyses and finds that they meet applicable guidance and requirements. Therefore, the State has made the necessary demonstration that the MVIP is not necessary to maintain the one-hour ozone NAAQS and that attainment of the NAAQS for any other pollutant will not be affected by removing the MVIP from the SIP. In accordance with EPA's November 15, 1992, policy, the State must include the MVIP as a contingency measure in the maintenance plan for the redesignated area, which it has done.

Tables 1 through Table 5, presented after the text in this subsection, list the revised budgets and the emissions for point, area, biogenic, on-road mobile and non-road mobile sources. The motor vehicle emission budgets are derived as a percentage of the 1990 on road emissions inventories. Upon final EPA approval, these budgets are to be used by the local metropolitan planning organizations and transportation authorities to assure that transportation

plans, programs, and projects are consistent with, and conform to, the long-term maintenance of the NAAQS in the Jacksonville and Southeast Florida areas. Emissions inventories and budgets for the Jacksonville area (Duval County) are listed in Table 1. For the

Southeast Florida area (Broward, Dade, and Palm Beach), the emissions inventories and budgets are based on the three-county totals which are listed in Table 5. However, in practice, the conformity test can be made for each county on the basis of its county-

specific portion of the budget. For the purposes of conformity, allocation of the emissions inventories and budgets for Broward, Dade, and Palm Beach Counties are listed in Table 2 through Table 4, respectively.

DUVAL COUNTY.—EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	VOC		NO _x	
	1990	2005	1990	2005
Point	15.60	21.16	101.16	98.40
Area	51.25	39.24	8.37	14.67
On-Road Mobile	82.49	44.30	61.40	52.10
Non-Road Mobile	24.63	29.41	21.07	23.74
Biogenic	126.70	126.70	0.30	0.30
Total	300.67	260.81	192.30	189.21
Motor Vehicle Emission Budget	n/a	44.30	n/a	52.10

BROWARD COUNTY.—EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	VOC		NO _x	
	1990	2005	1990	2005
Point	15.20	14.16	109.20	85.16
Area	55.60	35.03	6.90	8.21
On-Road Mobile	109.80	55.60	80.20	65.20
Non-Road Mobile	37.80	47.95	28.40	36.98
Biogenic	174.50	174.50	1.80	1.80
Total	392.90	327.24	226.50	197.35
Motor Vehicle Emission Budget	n/a	104.35	n/a	76.19

DADE COUNTY.—EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	VOC		NO _x	
	1990	2005	1990	2005
Point	11.46	8.59	41.30	32.00
Area	161.00	107.18	12.52	15.30
On-Road Mobile	156.60	87.30	117.70	100.80
Non-Road Mobile	65.11	77.86	36.30	56.52
Biogenic	211.30	211.30	3.00	3.00
Total	605.47	492.23	210.82	207.62
Motor Vehicle Emission Budget	n/a	148.77	n/a	111.82

PALM BEACH COUNTY.—EMISSIONS INVENTORY SUMMARY

[Tons per day]

Category	VOC		NO _x	
	1990	2005	1990	2005
Point	1.26	1.51	37.78	34.54
Area	84.06	78.29	4.19	5.03
On-Road Mobile	70.20	46.40	56.58	55.60
Non-Road Mobile	26.05	32.54	18.27	25.35
Biogenic	399.60	399.60	2.40	2.40
Total	581.17	558.34	119.22	122.92
Motor Vehicle Emission Budget	n/a	66.69	n/a	56.58

TOTAL 3—COUNTY (BROWARD, DADE, AND PALM BEACH COUNTIES) EMISSIONS INVENTORY SUMMARY
[Tons per day]

Category	VOC		NO _x	
	1990	2005	1990	2005
Point	27.92	24.26	188.28	151.70
Area	300.66	220.50	23.61	28.54
On-Road Mobile	336.60	189.30	254.48	221.60
Non-Road Mobile	128.96	158.35	82.97	118.85
Biogenic	785.40	785.40	7.20	7.20
Total	1,579.54	1,377.81	556.54	527.89
Motor Vehicle Emission Budget	n/a	319.81	n/a	244.59

Table 6 provides a comparison of the motor vehicle emissions budgets for Jacksonville and Southeast Florida areas with and without the emissions credits attributed to MVIP.

JACKSONVILLE AND SOUTHEAST FLORIDA AREAS—MOTOR VEHICLE EMISSIONS BUDGET

[Tons per day]

Area	2005			
	With MVIP credits		Without MVIP credits	
	VOC	NO _x	VOC	NO _x
Jacksonville	48.30	59.10	44.30	52.10
Broward County	104.35	76.19	104.35	76.19
Dade County	148.77	111.82	148.77	111.82
Palm Beach County	66.69	53.75	66.69	56.58
Southeast Florida	319.81	241.76	319.81	244.59

In summary, the budgets remain the same as the previous budgets allocated for Dade and Broward Counties. For Palm Beach County, the budget allocation for VOC is the same as the previous budget. In this submittal, the State of Florida increased the Palm Beach County motor vehicles emissions budget for NO_x from 53.75 tpd to 56.58 tpd, which is 100 percent of the 1990 on-road emissions inventory allocated for Palm Beach County. The State is allowed to allocate up to 100 percent of the 1990 on-road emissions inventory for use as the motor vehicle emissions budget. The Duval County air quality maintenance plan did not explicitly set forth conformity budgets for VOC or NO_x. For this SIP revision, the State is requesting that the conformity budgets for Duval County be set at 44.30 tpd for VOC and 52.10 for NO_x, effective upon final approval of this revision. These levels are less than the 1990 on-road emissions inventory levels of 82.49 tpd for VOC and 61.40 tpd for NO_x.

Although the motor vehicle emission budgets do not change for all of the counties, the MPOs for all four counties must redetermine conformity within 18 months of the effective date for this SIP revision. This is required because the existing conformity determinations

considered emission reduction credits from the MVIP control strategy.

Proposed Action

The EPA proposes to approve the aforementioned changes to the SIP.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely proposes to approve state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as

specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and

Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 7, 2000.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.
[FR Doc. 00–6566 Filed 3–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[OH132–1; KY116–1; KY84–1; FRL–6562–1]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio and Kentucky; Reopening of the Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the public comment period.

SUMMARY: EPA is reopening the public comment period for a proposed rule published on January 24, 2000 (65 FR 3630). In the January 24, 2000 proposed rule, EPA proposed to determine that the Cincinnati-Hamilton moderate ozone nonattainment area (Cincinnati-Hamilton area) has attained the public health based 1-hour ozone National Ambient Air Quality Standard (NAAQS). EPA proposed to determine that certain attainment demonstration requirements, along with certain other

related requirements, of part D of Title 1 of the Clean Air Act (CAA) are not applicable to the Cincinnati-Hamilton area. The EPA proposed to approve the State of Ohio Environmental Protection Agency's and the Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet's requests to redesignate the Cincinnati-Hamilton ozone nonattainment area to attainment of the 1-hour ozone NAAQS. EPA re-proposed to approve an exemption from the nitrogen oxides (NO_x) requirements as provided for in section 182(f) of the CAA for the Kentucky portion of the Cincinnati-Hamilton area. EPA solicited public comment on the Ohio and Kentucky requests and on EPA's proposed actions. At the request of the Ohio Chapter of the Sierra Club, EPA is reopening the comment period through March 24, 2000. All comments received before March 24, 2000, including those received between the close of the comment period on February 23, 2000 and the publication of this proposed rule, will be entered into the public record and considered by EPA before taking final action on the proposed rule.

DATES: Comments must be received on or before March 24, 2000.

ADDRESSES: Written comments should be addressed to:

J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Kay Prince, Chief, Regulatory Planning Section, Air Planning Branch, U.S. Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT:

William Jones, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6058, (jones.william@EPA.gov).

Karla L. McCorkle, Environmental Scientist, Regulatory Planning Section, Air Planning Branch, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia, 30303, 404–562–9043, (mccorkle.karla@epa.gov).

Dated: March 10, 2000.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.
[FR Doc. 00–6713 Filed 3–16–00; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Centers for Disease Control and Prevention

42 CFR Part 493

[HCFA–2233–N]

RIN 0938–AH35

CLIA Program; Cytology Proficiency Testing

AGENCY: Health Care Financing Administration (HCFA), Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document announces the withdrawal of a proposed rule on cytology proficiency testing that was published in the **Federal Register** November 30, 1995 (60 FR 61509). We published the proposed rule to comply with a court order that we revise the regulations to require that cytology proficiency testing (PT) be conducted, "to the extent practicable, under normal working conditions," which the court interpreted to be at a pace corresponding to the maximum workload rate for individuals examining cytology slides. After the proposed rule was published, the appeals court overturned the lower court's ruling and remanded the regulation to us for completion of rulemaking or to provide our rationale for the original position we took with respect to cytology proficiency testing. This document withdraws the proposed rule and also contains a supplementary statement of rationale, in accordance with the appeals court ruling.

DATES: The proposed rule is withdrawn as of April 17, 2000.

FOR FURTHER INFORMATION CONTACT: Rhonda S. Whalen (770) 488–8155.

SUPPLEMENTARY INFORMATION:

I. Background

On February 28, 1992, we published a final rule with comment period in the **Federal Register** (57 FR 7002) to implement the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Pub. L. 100–578). One provision of CLIA, section 353(f)(4)(B)(i) of the Public Health Service Act (PHS Act), required the Department to establish a limit on the maximum number of cytology slides that an individual could examine daily, in order to ensure that he or she has sufficient time to adequately examine each slide. CLIA also required