

regular wage schedule on the first day of the first applicable pay period beginning on or after September 18, 2000. Each employee's new rate of pay was set at the step rate for the applicable grade of the regular wage schedule that equaled the employee's existing rate of pay. If an employee's existing pay rate fell between two steps on the regular schedule, the new rate was to be set at the higher of the two steps.

The Federal Prevailing Rate Advisory Committee, the national labor-management committee that advises OPM on FWS pay matters, recommended this change by consensus.

### Regulatory Flexibility Act

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

### List of Subjects in 5 CFR Part 532

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

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (65 FR 50127) amending 5 CFR part 532 published on August 17, 2000, is adopted as final with no changes.

U.S. Office of Personnel Management.

**Janice R. Lachance,**

*Director.*

[FR Doc. 00-32283 Filed 12-18-00; 8:45 am]

BILLING CODE 6325-01-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 989

[Docket No. FV00-989-5 FIR]

### Raisins Produced from Grapes Grown in California; Decreased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule which decreased the assessment rate established for the Raisin Administrative Committee (Committee) for the 2000-01 and subsequent crop years from \$8.50 to \$6.50 per ton of free tonnage raisins acquired by handlers, and reserve tonnage raisins released or

sold to handlers for use in any market. The Committee locally administers the Federal marketing order which regulates the handling of raisins produced from grapes grown in California (order). Authorization to assess raisin handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The crop year runs from August 1 through July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

**EFFECTIVE DATE:** January 18, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Maureen T. Pello, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487-5901, Fax: (559) 487-5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 989 (7 CFR part 989), both as amended, regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California raisin handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable raisins beginning on August 1, 2000, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or

policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues to decrease the assessment rate established for the Committee for the 2000-01 and subsequent crop years from \$8.50 to \$6.50 per ton of free tonnage raisins acquired by handlers, and reserve tonnage raisins released or sold to handlers for use in any market. The order authorizes volume control provisions that establish free and reserve percentages of raisins acquired by handlers. Free tonnage raisins may be sold by handlers to any outlet, and reserve tonnage raisins are held by handlers for the account of the Committee or released or sold to handlers for sale to any market. With projected assessable tonnage about 23,300 tons higher than last year's assessable tonnage, sufficient income should be generated at the lower assessment rate for the Committee to meet its anticipated expenses. This action was unanimously recommended by the Committee at a meeting on August 15, 2000.

Sections 989.79 and 989.80, respectively, of the order provide authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California raisins. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have

an opportunity to participate and provide input.

A continuous assessment rate of \$5.00 per ton was in effect for the 1996–97 and 1997–98 crop years. Due to short crops in 1998–99 and 1999–2000, the assessment rate for those years was raised to \$8.50 per ton.

Regarding the 2000–01 crop year, the Committee recommended decreasing the assessment rate to \$6.50 per ton of assessable raisins to cover recommended administrative expenditures of \$2,145,000. This compares to budgeted expenses of \$2,482,000 for the 1999–2000 crop year. Major expenditures include \$660,500 for export program administration and related activities, \$477,700 for salaries, \$476,300 for contingencies, and \$160,000 for compliance activities. Budgeted expenses for these items in 1999–2000 were \$549,500, \$425,000, \$506,250, and \$200,000, respectively.

The recommended \$6.50 per ton assessment rate was derived by dividing the \$2,145,000 in anticipated expenses by an estimated 330,000 tons of assessable raisins. The Committee recommended decreasing its assessment rate because the projected 2000–01 assessable tonnage of 330,000 tons is about 23,300 tons higher than last year's actual assessed tonnage. Thus, sufficient income should be generated at the lower assessment rate for the Committee to meet its anticipated expenses. Pursuant to § 989.81(a) of the order, any unexpended assessment funds from the crop year must be credited or refunded to the handlers from whom collected.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and other information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2000–01 budget and those for subsequent crop years will be

reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of California raisins who are subject to regulation under the order and approximately 4,500 raisin producers in the regulated area. Small agricultural firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than \$5,000,000, and small agricultural producers are defined as those having annual receipts of less than \$500,000. Thirteen of the 20 handlers subject to regulation have annual sales estimated to be at least \$5,000,000, and the remaining 7 handlers have sales less than \$5,000,000, excluding receipts from any other sources. No more than 7 handlers, and a majority of producers, of California raisins may be classified as small entities, excluding receipts from other sources.

This rule continues to decrease the assessment rate established for the Committee and collected from handlers for the 2000–01 and subsequent crop years from \$8.50 to \$6.50 per ton of assessable raisins acquired by handlers. The Committee unanimously recommended 2000–01 expenses of \$2,145,000. Major expenditures include \$660,500 for export program administration and related activities, \$477,700 for salaries, \$476,300 for contingencies, and \$160,000 for compliance activities. Budgeted expenses for these items in 1999–2000 were \$549,500, \$425,000, \$506,250, and \$200,000, respectively. With anticipated assessable tonnage at 330,000 tons, about 23,300 tons higher than last year's actual assessed tonnage, sufficient income should be generated at the \$6.50 per ton assessment rate to meet expenses. Pursuant to § 989.81(a) of the order, any unexpended assessment funds from the crop year must be credited or refunded to the handlers from whom collected.

The industry considered various alternative assessment rates prior to arriving at the \$6.50 per ton recommendation. The Committee's Audit Subcommittee met on August 8, 2000, to review preliminary budget information. The subcommittee considered keeping the assessment rate at \$8.50 per ton. However, this would have generated a projected \$1 million in excess funds. The subcommittee considered reducing the rate to \$7.50 per ton and ultimately recommended that rate to the Committee at its meeting on August 15, 2000. Other options were discussed at the Committee meeting, including decreasing the rate to \$5.00 per ton. After much deliberation, the Committee voted to decrease the assessment rate to \$6.50 per ton.

A review of statistical data on the California raisin industry indicates that assessment revenue has consistently been less than 1 percent of grower revenue in recent years. Although no official estimates or data are available for the upcoming season, it is anticipated that assessment revenue will likely continue to be less than 1 percent of grower revenue in the 2000–2001 crop year, especially with the 24 percent decrease in the assessment rate.

Regarding the impact of this action on affected entities, this action decreases the assessment rate imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Audit Subcommittee's meeting on August 8, 2000, and the Committee's meeting on August 15, 2000, where this action was deliberated, were public meetings widely publicized throughout the raisin industry. All interested persons were invited to attend the meetings and participate in the industry's deliberations.

This action imposes no additional reporting or recordkeeping requirements on either small or large raisin handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, Committee and subcommittee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members, including small business

entities, and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion.

An interim final rule concerning this action was published in the **Federal Register** on September 27, 2000 (65 FR 57941). Copies of the rule were mailed by the Committee staff to all Committee members and alternates, the Raisin Bargaining Association, handlers and dehydrators. In addition, the rule was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons which ended November 27, 2000. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

#### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 65 FR 57941 on September 27, 2000, is adopted as a final rule without change.

Dated: December 13, 2000.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 00-32296 Filed 12-18-00; 8:45 am]

**BILLING CODE 3410-02-P**

#### NUCLEAR REGULATORY COMMISSION

##### 10 CFR Part 72

**RIN 3150-AG58**

#### List of Approved Spent Fuel Storage Casks: HI-STAR 100 Revision; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule: Correction.

**SUMMARY:** This document corrects a direct final rule appearing in the **Federal Register** on October 11, 2000 (65 FR 60339), that revises the Holtec International HI-Star 100 cask system listing within the "List of approved spent fuel storage casks" to include Amendment No. 1 to the Certificate of Compliance. This action is necessary to correct a typographical error.

**EFFECTIVE DATE:** If there are no adverse comments received, the direct final rule is effective on December 26, 2000.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Federal Register Liaison Officer, telephone (301) 415-7163.

#### SUPPLEMENTARY INFORMATION:

On page 60339, in the second column, in the **ADDRESSES** section, in the third paragraph, in the third line, the website address should be "http://ruleforum.llnl.gov."

Dated at Rockville, Maryland, this 13th day of December 2000.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**

*Federal Register Liaison Officer.*

[FR Doc. 00-32304 Filed 12-18-00; 8:45 am]

**BILLING CODE 7590-01-P**

#### DEPARTMENT OF EDUCATION

##### 34 CFR Parts 606, 607, and 608

#### Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, American Indian Tribally Controlled Colleges and Universities Program, and Strengthening Historically Black Colleges and Universities Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** We are amending the regulations governing the Developing Hispanic-Serving Institutions, Strengthening Institutions, American Indian Tribally Controlled Colleges and Universities, and Strengthening

Historically Black Colleges and Universities Programs to incorporate statutory changes made by the Higher Education Amendments of 1998 (1998 Amendments). The 1998 Amendments provide that if grantee institutions under the Developing Hispanic-Serving Institutions, Strengthening Institutions, American Indian Tribally Controlled Colleges and Universities, and Strengthening Historically Black Colleges and Universities Programs use grant funds to establish or increase endowment funds, we can subject that use to appropriate requirements under the Endowment Challenge Grant Program. These amendments to the regulations implement the statutory changes.

**DATES:** These regulations are effective January 18, 2001.

**FOR FURTHER INFORMATION CONTACT:** Darlene Collins, U.S. Department of Education, 1990 K Street, NW., Room 6032, Washington, DC 20006-8512. Telephone: (202) 502-7576. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

#### SUPPLEMENTARY INFORMATION:

##### Background

As amended by the 1998 Amendments, sections 311(d)(1), 316(c)(3)(A), 323(b)(1), and 503(c)(1) of the Higher Education Act of 1965, as amended (HEA), authorize grantee institutions under the Strengthening Institutions, American Indian Tribally Controlled Colleges and Universities, Strengthening Historically Black Colleges and Universities, and Developing Hispanic Serving-Institutions Programs to use up to 20% of their grants funds to establish or increase endowment funds. Amended sections 311(d)(3), 316(c)(3)(C), 323(b)(3), and 503(c)(3) of the HEA provide, in effect, that we can subject an institution's use of grant funds for that purpose to appropriate requirements in the Endowment Challenge Grant Program.

We implemented the Endowment Challenge Grant Program requirements in regulations contained in 34 CFR part 628. In the **Federal Register** of March 21, 2000, (65 FR 15115-15118) we proposed to subject grantees' use of grant funds for endowments under the Strengthening Institutions,