

Office of Personnel Management.

Janice R. Lachance,
Director.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix A to subpart B of part 532 is amended for the State of Colorado by removing the wage area listing for “Southern & Western Colorado” and adding alphabetically in its place a listing for “Southern Colorado”.

3. Appendix C to subpart B is amended by revising the wage area listings for Denver, Colorado, and Utah, and by removing the wage area listing for Southern & Western Colorado and adding in its place a listing of Southern Colorado to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

* * * * *

Colorado

Denver

Survey Area

Colorado:
Adams
Arapahoe
Boulder
Denver
Douglas
Gilpin
Jefferson

Area of Application. Survey area plus:

Colorado:
Clear Creek
Eagle
Elbert
Garfield
Grand
Jackson
Lake
Larimer
Logan
Morgan
Park
Phillips
Pitkin
Rio Blanco
Routt
Sedgwick
Summit
Washington
Weld
Yuma

Southern Colorado

Survey Area

Colorado:

El Paso
Pueblo
Teller

Area of Application. Survey area plus:

Colorado:
Alamosa
Archuleta
Baca
Bent
Chaffee
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Fremont
Gunnison
Hinsdale
Huerfano
Kiowa
Kit Carson
Las Animas
Lincoln
Mineral
Montrose
Otero
Ouray
Pitkin
Prowers
Rio Grande
Saguache
San Juan
San Miguel

* * * * *

Utah

Survey Area

Utah:
Box Elder
Davis
Salt Lake
Tooele
Utah
Weber

Area of Application. Survey area plus:

Utah:
Beaver
Cache
Carbon
Daggett
Duchesne
Emery
Garfield
Grand
Iron
Juab
Millard
Morgan
Piute
Rich
San Juan (Only includes the Canyonlands National Park portion.)
Sanpete
Sevier
Summit
Uintah
Wasatch
Washington
Wayne
Colorado:
Mesa

Moffat

[FR Doc. 99-33364 Filed 12-23-99; 8:45 am]

BILLING CODE 6325-01-U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 360 and 361

[Docket No. 99-064-1]

Noxious Weeds; Update of Weed and Seed Lists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule and notice of public hearing.

SUMMARY: We are proposing to amend the noxious weeds regulations by adding *Homeria* spp. (Cape tulips) to the list of terrestrial weeds. Listed noxious weeds may be moved into or through the United States or interstate only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. This action appears to be necessary to prevent the artificial spread of noxious weeds into noninfested areas of the United States.

DATES: Consideration will be given only to comments received on or before February 25, 2000. We will also consider comments made at a public hearing to be held on February 1, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99-064-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 99-064-1.

The public hearing will be held at the USDA Center at Riverside, room 3B01, 4700 River Road, Riverdale, MD. Picture identification is required to gain access to the building. Parking is available next to the building for a \$3 fee (please have quarters or \$1 bills available). The nearest Metro station is the College Park station on the Green Line, which is within walking distance.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Ms. Polly Lehtonen, Botanist, Permits and Risk Assessment, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 734-8896.

SUPPLEMENTARY INFORMATION:

Background

The noxious weed regulations were promulgated under authority of the Federal Noxious Weed Act (FNWA) of 1974, as amended (7 U.S.C. 2801 *et seq.*), and are set forth in 7 CFR part 360. They contain restrictions on the movement of listed noxious weeds into or through the United States and interstate.

Under the authority of the Federal Seed Act (FSA) of 1939, as amended (7 U.S.C. 1551 *et seq.*), the US Department of Agriculture (USDA) regulates the importation and interstate movement of certain agricultural and vegetable seeds and screenings. Title III of the FSA, "Foreign Commerce," requires shipments of imported agricultural and vegetable seeds to be labeled correctly and to be tested for the presence of the seeds of certain noxious weeds as a condition of entry into the United States. The Animal and Plant Health Inspection Service's (APHIS) regulations implementing the provisions of title III of FSA are found in 7 CFR part 361. A list of noxious weed seeds is contained in § 361.6. Paragraph (a)(1) of § 361.6 lists species of noxious weed seeds with no tolerances applicable to their introduction into the United States.

The FNWA defines a noxious weed as "any living stage (including but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health."

In this document we are proposing to amend the regulations by adding *Homeria* spp. (Cape tulips) to the list of terrestrial noxious weeds in § 360.200(c) and to the list of seeds with no tolerances applicable to their introduction in § 361.6(a)(1).

Homeria spp. (Cape tulips) are not known to exist in the United States in

the wild. However, *Homeria* spp. have been imported into the United States under the Bulb Preclearance Program since 1994, with increasing numbers of imports each year. We estimate that over 1.8 million *Homeria* spp. corms were received in the United States between July 1994 and March 1999. However, data on the distribution of *Homeria* spp. are not available. We are requesting that the public help us determine which species of *Homeria* spp. are being planted and where. If we determine, based on public comments, that some species of *Homeria* spp. have become widespread in the United States, those species will not be included in final listing of noxious weeds.

Because APHIS conducts no weediness screening for nursery stock, we placed no restrictions on the importation of *Homeria* spp. because no evidence was available to suggest it was an invasive genus. However, as explained in detail below, APHIS has recently conducted a pest risk assessment that identifies *Homeria* spp. as a genus that presents a high pest risk to American agriculture.

Homeria spp. as a Contaminant in Australian Oats

Until recently, the importation of Australian oats was prohibited because such shipments often contain wheat seeds, which were prohibited entry into the United States under the wheat diseases regulations, contained in 7 CFR part 319, §§ 319.59 through 319.59-2. In December 1998, APHIS decided to stop prohibiting the entry of nonpropagative materials contaminated with disease-free wheat seeds. This change renewed interest in the United States in importing Australian oats for consumption.

As a result, prospective importers submitted seed analysis reports from Australian oats to APHIS to see if any other contaminants, particularly noxious weeds, might present a risk to plant resources in the United States. One of the analysis reports listed *Homeria* spp. as a potentially threatening invasive noxious weed that could be present in shipments of Australian oats. Introduced into Australia as ornamental plants between 1840 and 1850, *Homeria* spp. are now listed by five Australian States as noxious weeds.

Given Australia's identification of *Homeria* spp. as noxious weeds, APHIS conducted a pest risk assessment on the potential effects of *Homeria* spp. on U.S. agriculture and the natural environment. By the time the first shipment of Australian oats reached the United States, APHIS had gathered

sufficient information to conclude that *Homeria* spp. present a high pest risk to U.S. agriculture.

APHIS inspectors found seeds of *Homeria* spp. in the initial shipments of Australian oats to the United States. This was problematic. Although *Homeria* spp. nursery stock has been imported into the United States for several years without restriction, the risk to agriculture associated with importations of nursery stock, while high, is not as serious as the risk associated with *Homeria* spp. imported as a contaminant of Australian oats. Since the imported oats are likely to be used as a feed for horses, it is likely that the *Homeria* spp. seeds could be introduced into grazing lands and paddocks, where they could do the following:

- Poison livestock and/or humans. Livestock may die within 12 hours or less after ingesting the leaves.
- Reproduce and persist in prolific fashion, thus crowding out desirable plants and competing with them for soil nutrients, reducing the carrying capacity of pastures and reducing crop yields.

Historical data show that, in the 1980's in South Africa, poisoning from *Homeria* spp. and a related genus resulted in losses of \$2.5 to \$3 million per year in livestock. All classes of livestock are susceptible, but cattle, sheep, goats, and donkeys are most likely to suffer poisoning under natural conditions. Further, since *Homeria* spp. could grow on cultivated land, they may be cut with forage and cause poisoning in stall-fed animals.

Contaminated oats are likely to introduce *Homeria* spp. into the areas where they pose the greatest threat to U.S. agriculture. Listing this weed would help avert the introduction and help prevent the artificial spread of the weed into noninfested areas of the United States. Therefore, we are proposing to add *Homeria* spp. (Cape tulips) to the list of terrestrial weeds in § 360.200(c) and to the list of seeds with no tolerances applicable to their introduction in § 361.6(a)(1). If listed as a noxious weed, all forms of *Homeria* spp., including nursery stock, could be prohibited entry into the United States. However, as stated earlier in this document, if we find evidence that certain species are already widespread due to several years of availability in the nursery trade, we will make exceptions to the *Homeria* spp. noxious weed listing for those species.

Public Hearing

APHIS will host a public hearing to provide interested persons a full opportunity to present their views

regarding this proposal. The hearing will be held on February 1, 2000, at the USDA Center at Riverside, room 3B01, 4700 River Road, Riverdale, MD.

A representative of APHIS will preside at the public hearing. Any interested person may appear and be heard in person, by attorney, or by other representative. Persons who wish to speak at the public hearing will be asked to sign in, listing their names and organizations.

The public hearing will begin at 10 a.m. local time and is scheduled to end at 12 noon local time. However, the hearing may be terminated at any time after it begins if all persons desiring to speak have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. If the number of speakers at a hearing warrants it, the presiding officer may limit the time for each presentation so that everyone wishing to speak has the opportunity.

The purpose of the hearing is to give interested persons an opportunity for oral presentations of data, views, and arguments. Questions about the content of the proposed rule may be part of the commenters' oral presentations. However, neither the presiding officer nor any other representative of APHIS will respond to comments at a hearing, except to clarify or explain provisions of the proposed rules.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is set forth below, regarding the economic effects of this proposed rule on small entities. We do not currently have all the data necessary for a comprehensive analysis of the economic effects of this rule on small entities. Therefore, we are inviting comments concerning potential economic effects. In particular, we are interested in determining the number and kinds of small entities that may incur benefits or costs from implementation of this proposed rule.

In accordance with the FFWA, the Secretary of Agriculture is authorized to promulgate regulations to prevent the movement of any noxious weed into the United States, or interstate, except under conditions prescribed by the Secretary.

This proposed rule would add *Homeria* spp. (cape tulips) to the list of Federal noxious weeds and to the list of

seeds with no tolerances applicable to their introduction.

Homeria spp. (Cape tulips) are not known to exist in the United States in the wild. However, *Homeria* spp. have been imported into the United States under the Bulb Preclearance Program since 1994, with increasing numbers of imports each year. We estimate that over 1.8 million *Homeria* spp. corms were received in the United States between July 1994 and March 1999. However, data on the distribution of *Homeria* spp. are not available. If all species of *Homeria* spp. are listed as noxious weeds, persons who import or purchase *Homeria* spp., including those in the nursery trade, could be affected. However, data on the number and location of persons who import or purchase *Homeria* spp. are not available.

As stated above, *Homeria* spp. nursery stock has been imported into the United States for several years without restriction. Recently, APHIS inspectors found seeds of *Homeria* spp. in shipments of Australian oats to the United States. As a result of this finding, APHIS conducted a risk assessment to determine the potential effects of *Homeria* spp. on U.S. agriculture. The risk assessment revealed that *Homeria* spp. may present a high risk to U.S. agriculture and that *Homeria* spp. meet the criteria for listing as a Federal noxious weed.

Since imported Australian oats are likely to be used as a feed for horses and other livestock, it is likely that the *Homeria* spp. seeds could be introduced into grazing lands and paddocks, where they could do the following:

- Poison livestock and/or humans. Livestock may die within 12 hours or less after ingesting the leaves.
- Reproduce and persist in prolific fashion, thus crowding out desirable plants and competing with them for soil nutrients, reducing the carrying capacity of pastures and reducing crop yields.

Historical data show that, in the 1980's in South Africa, poisoning from *Homeria* spp. and a related genus resulted in losses of \$2.5 to \$3 million per year in livestock. All classes of livestock are susceptible, but cattle, sheep, goats, and donkeys are most likely to suffer poisoning under natural conditions. Further, since *Homeria* spp. could grow on cultivated land, they may be cut with forage and cause poisoning in stall-fed animals. If *Homeria* spp. is introduced into the United States via Australian oats, U.S. livestock producers could be expected to experience livestock losses similar to those experienced by South Africa in the 1980's.

Effects on Small Entities

If listed as a noxious weed, all forms of *Homeria* spp., including nursery stock, could be prohibited entry into the United States. However, as stated earlier in this document, if we find evidence that certain species are already widespread due to several years of availability in the nursery trade, we will make exceptions to the *Homeria* spp. noxious weed listing for those species.

The unchecked spread of *Homeria* spp. into the United States can be expected to have a negative economic effect on livestock operations in the United States, whether small or large, given significant negative effects on the regions in Australia and South Africa where *Homeria* spp. are already established. In responding to the potential harm caused by *Homeria* spp. to livestock and grazing lands, one or more organizations or governmental jurisdictions in affected areas could incur control costs if the weed were to be introduced into the environment. Although the size and magnitude of such potential costs are not known, it is clear that the proposed rule, if adopted, would help to prevent the need for such expenditures.

We are aware that there are persons in the nursery trade who import and distribute *Homeria* spp. nursery stock, especially bulbs. We have no data available on the location, number, or size of those businesses; however, it is likely that the majority of those businesses could be classified as small entities. We are requesting that the public provide any available data relevant to volumes and distribution of imported *Homeria* spp. nursery stock.

We believe that adding *Homeria* spp. to the list of Federal noxious weeds would help preclude potential economic and ecological consequences that could result from its spread.

Alternatives Considered

The only significant alternative to this proposed rule would be to make no changes in the regulations; i.e., to not add *Homeria* spp. to the list of Federal noxious weeds. We have rejected the alternative of not adding *Homeria* spp. to the list of Federal noxious weeds because of the potential economic and ecological consequences that we believe would result from their spread.

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects**7 CFR Part 360**

Imports, Plants (Agriculture), Quarantine, Reporting and recordkeeping requirements, Transportation, Weeds.

7 CFR Part 361

Agricultural commodities, Imports, Labeling, Quarantine, Reporting and recordkeeping requirements, Seeds, Vegetables, Weeds.

Accordingly, we are proposing to amend 7 CFR parts 360 and 361 as follows:

PART 360—NOXIOUS WEED REGULATIONS

1. The authority citation for part 360 would continue to read as follows:

Authority: 7 U.S.C. 2803 and 2809; 7 CFR 2.22, 2.80, and 371.2(c).

§ 360.200 [Amended]

2. In § 360.200, paragraph (c) would be amended by adding, in alphabetical order, an entry for "*Homeria* spp."

PART 361—IMPORTATION OF SEED AND SCREENINGS UNDER THE FEDERAL SEED ACT

3. The authority citation for part 361 would continue to read as follows:

Authority: 7 U.S.C. 1581–1610; 7 CFR 2.22, 2.80, and 371.2(c).

§ 361.6 [Amended]

4. In § 361.6, paragraph (a)(1) would be amended by adding, in alphabetical order, an entry for "*Homeria* spp."

Done in Washington, DC, this 16th day of December 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–33423 Filed 12–23–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Part 922****Initiation of Review of Management Plan/Regulations of the Gray's Reef National Marine Sanctuary; Intent To Prepare Draft Environmental Impact Statement and Management Plan; Scoping Meetings**

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Scoping meetings.

SUMMARY: The Gray's Reef National Marine Sanctuary (GRNMS or Sanctuary) was designated in January 1981, and consists of 17 square nautical miles of open ocean and live bottom habitat approximately 17.5 nautical miles east of Sapelo Island, Georgia. The present management plan for the Sanctuary was completed in 1983. In accordance with Section 304(e) of the National Marine Sanctuaries Act, as amended, (NMSA) (16 U.S.C 1431 *et seq.*), the Marine Sanctuaries Division (MSD) of the National Oceanic and Atmospheric Administration (NOAA) is initiating a review of the management plan, to evaluate substantive progress toward implementing the goals for the Sanctuary, and to make revisions to the plan and regulations as necessary to fulfill the purposes and policies of the NMSA.

The proposed revised management plan will likely involve changes to existing policies and regulations of the Sanctuary, to address contemporary issues and challenges, and to better protect and manage the Sanctuary's resources and qualities. The review process is composed of four major stages: information collection and characterization; preparation and release of a draft management plan/environmental impact statement, and any proposed amendments to the regulations; public review and comment; preparation and release of a final management plan/environmental impact statement, and any final amendments to the regulations. NOAA anticipates that completion of the revised management plan and concomitant documents will require approximately eighteen to twenty-four months. NOAA has already conducted five public scoping meetings (as announced in the document in 64 FR 63262, November 17, 1999) to gather

information and other comments from individuals, organizations, and government agencies on the scope, types and significance of issues related to the sanctuary's management plan and regulations. Because of the interest of individuals in other communities in Georgia, NOAA has decided to conduct three additional scoping meetings.

DATES: Written comments should be received on or before February 1, 2000.

Scoping meetings will be held:

- (1) Tuesday, January 11, 2000, 7:00 p.m. in Statesboro, GA
- (2) Wednesday, January 12, 2000, 7:00 p.m. in Savannah, GA
- (3) Thursday, January 13, 2000, 7:00 p.m. in Savannah, GA

ADDRESSES: Written comments may be sent to the Gray's Reef National Marine Sanctuary (Management Plan Review), 10 Ocean Science Circle, Savannah, Georgia 31411. Comments will be available for public review at the same address.

Scoping meetings will be held at:

- (1) William James Education Complex, 150 Williams Road, Statesboro, GA
- (2) Georgetown Elementary School, 1516 King George Blvd., Savannah, GA
- (3) Marshpoint Elementary School, 135 Whitmarsh Island Road, Savannah, GA

FOR FURTHER INFORMATION CONTACT:

Becky Shortland, Planning and Outreach Coordinator, at (912) 598–2381 or 2345; Becky.Shortland@noaa.gov

Authority: 16 U.S.C. Section 1431 *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: December 20, 1999.

Ted Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 99–33424 Filed 12–23–99; 8:45 am]

BILLING CODE 3510–08–M

NATIONAL INDIAN GAMING COMMISSION**25 CFR Part 504**

RIN 3141–AA04

Classification of Games

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; Notice of extension of time and notice of hearing.

SUMMARY: On November 10, 1999, the National Indian Gaming Commission (Commission) issued a Notice of Proposed Rulemaking (64 FR 61234,