

(60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which (called supplemental programs) an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. SGSUS has already received recognition for two of the supplemental programs, and the on-site review report indicates that SGSUS appears to meet the criteria for use of the following supplemental programs for which it has applied:

Program 3: Acceptance of product evaluations from independent organizations, other than NRTLs.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under a program only when the NRTL meets certain criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

#### *Conditions—Use of Programs*

As previously mentioned, OSHA included certain conditions in the **Federal Register** notice for the renewal of the SGSUS recognition, published on August 28, 1998 (63 FR 46084). The conditions applied to the recognition to use the additional programs listed in that notice, and also apply to the programs listed in this current notice of our preliminary finding. These conditions are in addition to the requirements detailed in the previously cited March 9, 1995 **Federal Register**:

a. SGS U.S. Testing Company, Inc., Fairfield, New Jersey, will review and approve the qualifications of all external organizations prior to SGS U.S. Testing Company, Inc., accepting test data from these organizations.

b. SGS U.S. Testing Company, Inc., Fairfield, New Jersey, will review and approve the qualifications of all external organizations prior to SGS U.S. Testing Company, Inc., using a site of any of these organizations for witnessed test data.

#### **Preliminary Finding on the Application**

SGSUS has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with the request, OSHA performed an on-site review of the SGSUS facility in Fairfield, New Jersey, on June 7–8, 1999. Discrepancies noted by the assessor during the on-site review were addressed by SGSUS following the on-site evaluation and are factored into the recommendation in the on-site review report (see Exhibit 15).

Following a review of the application file, the on-site review report, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant, to the SGS U.S. Testing Company, Inc., facilities, listed above, the expansion of recognition to use the additional four (4) test standards, also listed above, with the limitations to be applied as noted. The staff also grants use of the two (2) supplemental programs, subject to the above conditions. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the SGS U.S. Testing Company, Inc., facilities listed above can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the expansion of recognition, subject to the above limitations and conditions. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether SGSUS has met the requirements of 29 CFR 1910.7 for the expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESS**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of the SGSUS request, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–2–90, the permanent record of public information on the SGSUS recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant the SGSUS expansion request. The Assistant Secretary will make the final

decision on granting the expansion and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 5th day of January, 2000.

**Charles N. Jeffress,**

*Assistant Secretary.*

[FR Doc. 00–916 Filed 1–13–00; 8:45 am]

**BILLING CODE 4510–26–P**

---

## **LIBRARY OF CONGRESS**

### **Copyright Office**

[Docket No. 2000–1 CARP]

### **Copyright Arbitration Royalty Panels; List of Arbitrators**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Publication of the 2000–2001 CARP arbitrator list.

**SUMMARY:** The Copyright Office is publishing the list of arbitrators eligible for service on a Copyright Arbitration Royalty Panel (“CARP”) during 2000 and 2001. This list will be used to select the arbitrators who will serve on panels initiated in 2000 and 2001 for determining the distribution of royalty fees or the adjustment of royalty rates.

**EFFECTIVE DATE:** January 14, 2000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney-Advisor, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

For royalty rate adjustments and distributions that are in controversy, the Copyright Act requires the selection of a Copyright Arbitration Royalty Panel (“CARP”) consisting of three arbitrators from “lists provided by professional arbitration associations.” See 17 U.S.C. 802(b). The Librarian of Congress selects two of the arbitrators for a CARP from a list of nominated arbitrators; those selected then choose a third arbitrator to serve as chairperson of the panel. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

On December 7, 1994, the Copyright Office issued final regulations implementing the CARP selection process. 59 FR 63025 (December 7, 1994). Subsequently, these rules were

amended to provide for the generation of a new list of nominees biannually. 61 FR 63715 (December 2, 1996). Section 251.3(a) of the regulations allows any professional arbitration association or organization to nominate qualified individuals, as described in § 251.5, to serve as arbitrators on a CARP. The regulations require that the submitting arbitration association supply the following information for each person:

(1) The full name, address, and telephone number of the person.

(2) The current position and name of the person's employer, if any, along with a brief summary of the person's employment history, including areas of expertise, and, if available, a description of the general nature of clients represented and the types of proceedings in which the person represented clients.

(3) A brief description of the educational background of the person, including teaching positions and membership in professional associations, if any.

(4) A statement of the facts and information which qualify the person to serve as an arbitrator under § 251.5.

(5) A description or schedule detailing fees proposed to be charged by the person for service on a CARP.

(6) Any other information which the professional arbitration association or organization may consider relevant. 37 CFR 251.3(a).

Section 251.3(b) of the regulations requires the Copyright Office to publish a list of qualified persons and mandates that this list must include between 30 and 75 names of persons who were nominated from at least three arbitration associations. The newly comprised list of arbitrators will be in effect until the end of the 2001 calendar year, and any arbitrator selected for a CARP during 2000 and 2001 will come from this list. The list includes the name of the nominee and the nominating association.

The publication of today's list satisfies the requirement of 37 CFR 251.3. The information submitted by the arbitration association with respect to each person listed is available for copying and inspection at the Licensing Division of the Copyright Office. Thus, for example, if the Librarian is required to convene a CARP in 2000 for a royalty fee distribution, parties to that proceeding may review that information as a means of formulating objections to listed arbitrators under § 251.4. The Licensing Division of the Copyright Office is located in the Library of Congress, James Madison Building, LM-458, 101 Independence Avenue, SE, Washington, DC 20540.

#### **Deadline for Filing Financial Disclosure Statement**

Section 251.32(a) of the CARP rules provides that, within 45 days of their nomination, each nominee must "file with the Librarian of Congress a confidential financial disclosure statement as provided by the Library of Congress." The Copyright Office sent financial disclosure statements to the nominating associations, with specific instructions for completing and filing the statement, and asked each organization to distribute the forms to its nominees for the CARP arbitrator list. The Librarian of Congress will use the financial disclosure form to determine what financial conflicts of interest, if any, may preclude the nominee from serving as an arbitrator in a CARP proceeding. Unlike information submitted by the arbitration associations under § 251.3(a), the information contained in the financial disclosure statements is confidential and is not available to the public or to the parties to the proceeding. Each nominee has filed a completed financial disclosure form with the Librarian of Congress.

#### **The 2000-2001 CARP Arbitrator List**

The Honorable James M. Bailey—  
Judicial Dispute Resolution, Inc.  
William F. Baron, Esq.—American  
Arbitration Association  
The Honorable Tobias G. Barry—  
Judicial Dispute Resolution, Inc.  
Marjory G. Basile, Esq.—American  
Arbitration Association  
Bernard J. Bonn III, Esq.—American  
Arbitration Association  
Dorothy K. Campbell, Esq.—American  
Arbitration Association  
The Honorable Luis A. Cardenas—  
JAMS/Endispute  
Virginia S. Carson, Esq.—American  
Arbitration Association  
Terry L. Clark, Esq.—American  
Arbitration Association  
Jerry Cohen, Esq.—JAMS/Endispute  
John W. Cooley, Esq.—Judicial Dispute  
Resolution, Inc.  
Mark J. Davis, Esq.—American  
Arbitration Association  
The Honorable Gino L. DiVito—Judicial  
Dispute Resolution, Inc.  
Edward Dreyfus, Esq.—American  
Arbitration Association  
The Honorable Lenore G. Ehrig—  
American Arbitration Association  
The Honorable Jesse Etelson—Attorney/  
Client Arbitration Board, The District  
of Columbia Bar  
The Honorable John B. Farmakides—  
American Arbitration Association  
The Honorable Thomas A. Fortkort—  
American Arbitration Association  
The Honorable Charles W. Fowler—  
Arbitration and Mediation Services

William D. Friend, Esq.—American  
Arbitration Association  
David Geronemus, Esq.—JAMS/  
Endispute  
The Honorable Michael B. Getty—  
JAMS/Endispute  
The Honorable Cornelia Bright  
Gordon—Arbitration and Mediation  
Services  
The Honorable Elizabeth E. Granville—  
American Arbitration Association  
The Honorable Jerry Grissom—JAMS/  
Endispute  
The Honorable Jeffrey S. Gulin—  
Arbitration and Mediation Services  
William E. Hartgering, Esq.—JAMS/  
Endispute  
Katherine Hendricks, Esq.—American  
Arbitration Association  
Harold Himmelman, Esq.—JAMS/  
Endispute  
The Honorable Louis N. Hurwitz—  
Arbitration and Mediation Services  
The Honorable Mel R. Jiganti—JAMS/  
Endispute  
Sheldon Kapustin, Esq.—American  
Arbitration Association  
Sheldon Karon, Esq.—American  
Arbitration Association  
B. Craig Killough, Esq.—American  
Arbitration Association  
Lewis Kurlantzick, Esq.—American  
Arbitration Association  
Christine Lepera, Esq.—American  
Arbitration Association  
The Honorable Lewis A. London—  
Arbitration and Mediation Services  
The Honorable Harlan A. Martin—  
JAMS/Endispute  
Gloria Messinger, Esq.—American  
Arbitration Association  
The Honorable James R. Miller, Jr.—  
JAMS/Endispute  
Cecilia H. Morgan, Esq.—JAMS/  
Endispute  
James D. Myers, Esq.—American  
Arbitration Association  
Cheryl I. Niro, Esq.—Judicial Dispute  
Resolution, Inc.  
David M. Ostfeld, Esq.—American  
Arbitration Association  
Timothy T. Patula, Esq.—American  
Arbitration Association  
Gerald F. Phillips, Esq.—American  
Arbitration Association  
Alex S. Polsky, Esq.—JAMS/Endispute  
Sol Rosenthal, Esq.—American  
Arbitration Association  
Richard H. Sayler, Esq.—American  
Arbitration Association  
Peter C. Schaumber, Esq.—Center for  
Litigation Alternatives  
The Honorable Philip E. Schwab—  
JAMS/Endispute  
The Honorable Seymour Schwartz—  
JAMS/Endispute  
Vivien B. Shelanski, Esq.—JAMS/  
Endispute  
William Stuart Taylor, Esq.—American  
Arbitration Association

Eric E. Van Loon, Esq.—JAMS/  
Endispute  
The Honorable Curtis E. von Kann—  
JAMS/Endispute  
Frank M. Wentworth, Jr., Esq.—  
American Arbitration Association  
The Honorable Ronald P. Wertheim—  
JAMS/Endispute  
Michael D. Young, Esq.—JAMS/  
Endispute  
Gregg R. Zegarelli, Esq.—American  
Arbitration Association

Dated: January 11, 2000.

**David O. Carson,**

*General Counsel.*

[FR Doc. 00-973 Filed 1-13-00; 8:45 am]

BILLING CODE 1410-33-P

## INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

### United States Section; Notice of Intent To Prepare an Environmental Impact Statement for the Rio Grande Rectification Project El Paso and Hudspeth Counties, Texas

**AGENCY:** United States Section,  
International Boundary and Water  
Commission, United States and Mexico.

**ACTION:** Notice of Intent to Prepare an  
Environmental Impact Statement (EIS).

**SUMMARY:** This notice advises the public that pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, and dependent on availability of funding, the United States Section, International Boundary and Water Commission (USIBWC) proposes to gather information necessary to analyze and evaluate the impacts of a River Management Plan by the USIBWC on the existing Rio Grande Rectification Project in El Paso and Hudspeth counties, Texas and prepare an EIS to document those effects. This notice is being provided as required by the Memorandum of Understanding between the USIBWC and Southwest Environmental Center, dated March 22, 1999; the Council on Environmental Quality Regulations (40 CFR 1501.7); and the USIBWC's Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, published in the *Federal Register* September 2, 1981 (46 FR 44083-44094) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS.

**DATES:** Written comments will be accepted for an indefinite period of time from the date of this notice and

continuing until receipt of appropriation funds necessary for completion of the EIS. Participation by interested federal, state, and local agencies as well as other interested organizations and the general public is encouraged during this indefinite scoping period. Public comments on the scope of the EIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested.

**FOR FURTHER INFORMATION CONTACT:**

Comments will be accepted following the date of this notice by Mr. Douglas Echlin, Environmental Protection Specialist, Environmental Management Division, USIBWC, 4171 North Mesa Street, C-310, El Paso, Texas 79902. Telephone: 915/832-4741, Facsimile: 915/832-4167. E-mail: dougechlin@ibwc.state.gov.

**SUPPLEMENTARY INFORMATION:** The USIBWC proposes, pending appropriation of funds, to gather information necessary for the preparation of an EIS to be used to determine specific options for the maintenance of the Rio Grande Rectification Project (Rectification Project) that could be implemented to minimize, consistent with the law and international agreements, the impact of project maintenance on ecological and environmental resources in the area and to optimize the safety of people and property through flood management. The Rectification Project is located along the Rio Grande in El Paso and Hudspeth counties, Texas. It is an international project that provides a means of stabilizing the international boundary line between the United States and Mexico in the El Paso-Juarez valley and also provides flood protection to urban, suburban and agricultural lands in this valley. In 1927, the International Boundary Commission (now the International Boundary and Water Commission or IBWC), formulated plans for the rectification of the river and stabilization of the international boundary line in the El Paso-Juarez valley to serve as a basis for a Convention between the United States and Mexico authorizing the construction of necessary works. The initial construction on the Rectification Project was begun in March, 1934, and completed in 1938. Subsequently, in the period from 1943 through 1950, supplemental work was done which consisted of raising levees upstream from Riverside Canal Heading, revetting levees opposite arroyo entrances, revetting channel banks, and levelling floodways.

The USIBWC as lead agency proposes to collect information necessary for the preparation of an EIS; to analyze flood protection measures and alternatives to current management, including watershed-oriented and non-structural alternatives and collaborative measures with other agencies and landowners; to determine to what extent project management can support restoration of native riparian and aquatic habitats, as well as the restoration of natural fluvial processes such as channel meanders and overbank flooding. The EIS will consider a range of alternatives, including the no action alternative, based on issues and concerns associated with the project.

The EIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economical, and recreational resources; explain the existing international flood protection and boundary stabilization project; and evaluate the impacts associated with the alternatives under consideration. Significant issues which have been identified to be addressed in the EIS include but are not limited to impacts to water resources, water quality, cultural and biological resources, threatened and endangered species, and recreation.

The USIBWC seeks funding for river levee improvements along the international boundary; and pending appropriation of funds, proposed construction activities that will be studied in this EIS include rehabilitation of existing levees, channel improvements such as widening or armoring with riprap, and installation of grade control structures. Required work consists of evaluating the integrity of the levee system by conducting a series of geotechnical explorations and analysis to identify where levee rehabilitation is required. The levee rehabilitation work involves the replacement of unstable reaches, reconditioning of the levee side slopes, levee road resurfacing, and replacement of existing structure gates. The levee system would be evaluated and arrangements worked with Mexico for levee rehabilitation in both countries with an equal distribution of costs. The proposed project also seeks to evaluate best management practices regarding flood control, boundary river preservation, and flood plain management, taking into account the project riparian ecosystem. In addition, the EIS will study the environmental effects of a long-range maintenance plan that will be developed.

Coordination with the United States Fish and Wildlife Service will ensure compliance with the Fish and Wildlife Coordination Act and section 7 of the