

of Commerce, 3720 Howard Hughes Parkway, Las Vegas, NV, 9 a.m. to 5 p.m.

The hearings and the hydrologic modeling meeting will accommodate those with hearing impairments or other special requirements upon request by calling Janet Steele at (702) 293-8551 at least 48 hours prior to the hearing.

The DEIS remains available for viewing on the Internet at <http://www.lc.usbr.gov> and <http://www.uc.usbr.gov>. Copies of the DEIS, in the form of a printed document or on compact disk, remain available upon written request to the following address: Ms. Janet Steele, Attention BCOO-4601, PO Box 61470, Boulder City, Nevada 89006-1470, Telephone: (702) 293-8785, or by fax at (702) 293-8042.

**FOR FURTHER INFORMATION CONTACT:** For additional information, contact Ms. Jayne Harkins at the above address or telephone Ms. Harkins at (702) 293-8785.

Dated: July 28, 2000.

**Erica Petacchi,**

*Federal Register Liaison.*

[FR Doc. 00-19580 Filed 8-1-00; 8:45 am]

BILLING CODE 4310-MN-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-527 (Review)]

### Extruded Rubber Thread From Malaysia

#### Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on extruded rubber thread from Malaysia would likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted this review on August 2, 1999 (64 FR 41954) and determined on November 4, 1999 that it would conduct a full review (64 FR 62689, November 17, 1999). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the

Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on January 20, 2000 (65 F.R. 3246). The hearing was held in Washington, DC, on June 1, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in this investigation to the Secretary of Commerce on July 27, 2000. The views of the Commission are contained in USITC Publication 3327 (July 2000), entitled *Extruded Rubber Thread from Malaysia (Inv. No. 731-TA-527 (Review))*.

Issued: July 27, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00-19570 Filed 8-1-00; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-639 and 640 (Review)]

### Forged Stainless Steel Flanges From India and Taiwan

#### Determination

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty orders on forged stainless steel flanges from India and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted these reviews on December 1, 1999 (64 FR 67313, December 1, 1999) and determined on March 3, 2000 that it would conduct expedited reviews (65 FR 15009, March 20, 2000). The Commission transmitted its determinations in these reviews to the Secretary of Commerce on July 26, 2000. The views of the Commission are contained in USITC Publication 3329 (July 2000), entitled *Forged Stainless Steel Flanges from India and Taiwan:*

*Investigations Nos. 731-TA-639 and 640 (Review).*

Issued: July 27, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00-19568 Filed 8-1-00; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-309-A-B and 731-TA-528 (Review)]

### Magnesium From Canada

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act), that revocation of the countervailing duty orders<sup>2</sup> and the antidumping duty order on magnesium from Canada would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted these reviews on August 2, 1999, (64 FR 41961) and determined on November 4, 1999, that it would conduct full reviews (64 FR 62690, November 17, 1999). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on February 10, 2000 (65 FR 6628). The hearing was held in Washington, DC, on May 31, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 25, 2000. The views of the Commission are contained in USITC Publication 3324 (July 2000), entitled *Magnesium from Canada: Investigations Nos. 701-TA-309-A-B and 731-TA-528 (Review).*

Issued: July 26, 2000.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

<sup>2</sup> Commissioner Thelma J. Askey dissenting.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 207.2(f)).

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00-19567 Filed 8-1-00; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-663 (Review)]

### Paper Clips From China

#### Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on paper clips from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted this review on December 1, 1999 (64 FR 67320, December 1, 1999) and determined on March 3, 2000 that it would conduct an expedited review (65 FR 15010, March 20, 2000). The Commission transmitted its determination in this review to the Secretary of Commerce on July 28, 2000. The views of the Commission are contained in USITC Publication 3330 (July 2000), entitled *Paper Clips From China: Investigation No. 731-TA-663 (Review)*.

Issued: July 28, 2000.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 00-19569 Filed 8-1-00; 8:45 am]

BILLING CODE 7020-02-P

## MERIT SYSTEMS PROTECTION BOARD

**Opportunity to File Amicus Briefs in Jerry Gribcheck v. U.S. Postal Service, MSPB Docket Nos. CH-0752-99-0002-I-1, CH-0752-99-0014-I-1, CH-0752-99-0337-I-1**

**AGENCY:** Merit Systems Protection Board.

**ACTION:** The Merit Systems Protection Board has requested an advisory opinion from the Director of the Office

of Personnel Management (OPM) concerning the interpretation of regulations promulgated by OPM. The Board is providing interested parties with an opportunity to submit amicus briefs on the same questions raised in the request to OPM as set forth in the summary below.

**SUMMARY:** The appellant, a Postal Service preference eligible, filed three appeals challenging a series of actions that the agency took in 1998-99 when it ordered him to undergo psychiatric fitness-for-duty examinations, allegedly refused to allow him to return to work, and ultimately placed him on enforced leave when he refused to submit to the third examination. The docket numbers are listed above. The administrative judge issued a single initial decision in the first two appeals, dismissing them as moot and finding that the appellant failed to establish his affirmative defenses of disability discrimination and retaliation for filing equal employment opportunity complaints. In the third appeal, which concerned the enforced leave, the administrative judge sustained the agency's action and found that the appellant failed to establish the same defenses.

In his petition for review in all three cases, the appellant reasserts that the agency's placement of him on enforced leave for refusing to submit to a fitness-for-duty examination was not sustainable because the agency did not fulfill the requirements of 5 CFR § 339.301.

Under 5 CFR § 339.301, an agency may order a psychiatric examination (including a psychological assessment) only when:

(i) The result of a current general medical examination which the agency has the authority to order under this section indicates no physical explanation for behavior or actions which may affect the safe and efficient performance of the individual or others, or

(ii) A psychiatric examination is specifically called for in a position having medical standards or subject to a medical examination program established under this part. 5 CFR § 339.301(e)(1)(i).

The agency placed the appellant on enforced leave because of his failure to submit to the third psychiatric fitness-for-duty examination. The appellant argues that OPM's regulations precluded the agency from ordering the final psychiatric fitness-for-duty examination, and the record contains no evidence that the agency ordered the appellant to undergo a physical examination prior to doing so, as

required by 5 CFR § 339.301(e)(i). the agency has not argued, and the record does not show, that subsection (e) (ii) is applicable.

The Postal Service's Employee and Labor Relations Manual (ELM) permits management to order psychiatric examinations. In at least two cases, the Board has relied on the ELM as authority for the Postal Service to order psychiatric examinations, without mentioning Part 339 of Title 5. See *Sellman v. U.S. Postal Service*, 63 M.S.P.R. 145, 152 (1994), and *Gannon v. U.S. Postal Service*, 61 M.S.P.R. 41, 44 (1994). However, it appears that the ELM is inconsistent with several portions of Part 339, and the Board has held that an agency may not discipline an employee for disobeying an order to submit to a psychiatric examination that was invalid under 5 CFR § 339.301. See *Harris v. Department of the Air Force*, 62 M.S.P.R. 524, 528-29, review dismissed, 39 F.3d 1195 (Fed. Cir. 1994) (Table). The Board has not specifically determined whether 5 CFR part 339 applies to the Postal Service. Under 39 U.S.C. § 410(a), Federal laws regarding employees do not apply to the Postal Service, unless they are made specifically applicable.

The members of the Board therefore have requested that the Director provide an advisory opinion on whether OPM intended 5 CFR part 339 to apply to the Postal Service and, if so, whether OPM has the authority to regulate the Postal Service in this area, considering that the Postal Service is generally exempt from Title 5 of the United States Code.

**DATES:** All briefs in response to this notice shall be filed with the Clerk of the Board on or before September 1, 2000.

**ADDRESSES:** All briefs should include the case name and docket numbers noted above (*Jerry Gribcheck v. U.S. Postal Service*, MSPB Docket Nos. CH-0752-99-0002-I-1, CH-0752-99-0014-I-1, CH-0752-99-0337-I-1) and be entitled "Amicus Brief." Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419. **FOR FURTHER INFORMATION CONTACT:** Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653-7200.

Dated: July 27, 2000.

**Robert E. Taylor,**

*Clerk of the Board.*

[FR Doc. 00-19463 Filed 8-1-00; 8:45 am]

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).