

**§ 550.56 Institution residential drug abuse treatment program.**

\* \* \* \*

(b) *Application/Referral/Placement.* An inmate may be identified for referral and evaluation for the residential drug abuse treatment program by unit or drug treatment staff or apply for the program by submitting a request to a staff member (ordinarily, a member of the inmate's unit team or the drug abuse treatment coordinator). The decision on placement is made by the drug abuse treatment coordinator. While participation in the residential drug abuse treatment program is voluntary, an inmate who refuses to participate after the decision on placement is made is subject to the provisions of paragraph (e) of this section.

\* \* \* \*

(d) \* \* \*

(3) An inmate who withdraws or is removed from the residential program may be returned to his/her prior institution (when the inmate had been specifically transferred for the purpose of program participation).

(e) *Effects of non-participation.* An inmate who refuses to participate after being selected by the drug abuse treatment coordinator for treatment at an institution that authorizes enhanced incentives (see § 550.57(a)(2)), or who withdraws from or is otherwise removed is subject to the following:

(1) Where applicable, staff are to notify the United States Parole Commission of the inmate's need for treatment and the inmate's failure to participate in the residential drug abuse treatment program.

(2) The inmate is not eligible for furlough (other than possibly an emergency furlough).

(3) The inmate is not eligible for more than 90 days community-based program placement.

(4) The inmate is not eligible for performance pay above maintenance pay level, or for bonus pay, or vacation pay.

(5) The inmate is not eligible for a Federal Prison Industries work program assignment (unless the Warden makes exception on the basis of work program labor needs).

4. In § 550.57, paragraph (a) is revised to read as follows:

**§ 550.57 Incentives for residential drug abuse treatment program participation.**

(a) An inmate may receive incentives for his or her satisfactory participation in the residential program. In addition to the basic incentives listed in paragraph (a)(1) of this section, an institution may offer enhanced

incentives as listed in paragraph (a)(2) of this section.

(1) *Basic incentives.* (i) Limited financial awards, based upon the inmate's achievement/completion of program phases.

(ii) Consideration for the maximum period of time (currently 180 days) in a Community Corrections Center placement, provided the inmate is otherwise eligible for this designation.

(iii) Local institution incentives such as preferred living quarters or special recognition privileges.

(iv) If eligible under § 550.58, consideration for early release.

(2) *Enhanced incentives.* (i) Tangible achievement awards as permitted by the Warden and allowed by the regulations governing personal property (see 28 CFR part 553).

(ii) Photographs of treatment ceremonies may be sent to the inmate's family.

(iii) Formal consideration for a nearer release transfer for medium and low security inmates.

\* \* \* \*

**PART 545—WORK AND COMPENSATION**

5. The authority citation for part 545 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

6. In § 545.25, paragraph (d) is revised to read as follows:

**§ 545.25 Eligibility for performance pay.**

\* \* \* \*

(d) An inmate who refuses participation, withdraws, is expelled, or otherwise fails attendance requirements of the drug abuse education course or the residential drug abuse treatment program is subject to the limitations specified in § 550.54(e) or § 550.56(e) of this chapter.

[FR Doc. 00–24052 Filed 9–19–00; 8:45 am]

BILLING CODE 4410–05–P

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Parts 26, 161, and 165**

[USCG–1998–4399]

RIN 2115–AF75

**Vessel Traffic Service Lower Mississippi River**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rulemaking; notice of public meeting.

**SUMMARY:** The Coast Guard announces a public meeting on October 24, 2000, to receive comments on a proposed rulemaking establishing a Vessel Traffic Service (VTS) on the Lower Mississippi River. The meeting will be held at the Marine Safety Office in New Orleans, LA.

**DATES:** This public meeting will be held on Tuesday, October 24, 2000, from 9 a.m. to 5 p.m. The meeting may close early if all business is finished.

**ADDRESSES:** The public meeting will be held in the hearing room of the Marine Safety Office, 1615 Poydras Street, New Orleans, LA 70112–1254.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the meeting location, contact Lieutenant Junior Grade Ken Mills, Vessel Traffic Service, telephone 504–589–2780. For questions regarding the proposed rulemaking, contact Mr. Jorge Arroyo, Office of Vessel Traffic Management, (G–MWV), Coast Guard, telephone 202–267–6277.

**SUPPLEMENTARY INFORMATION:** The notice of proposed rulemaking (NPRM) on a Vessel Traffic Service (VTS) on the Lower Mississippi River, published on April 26, 2000 (65 FR 24616), encouraged interested persons to participate in this rulemaking by submitting written data, views, or arguments by July 25, 2000. In response to several requests for additional time, the Coast Guard extended the comment period on the NPRM until December 1, 2000 (65 FR 50479). The NPRM and comments already received may be viewed at <http://dms.dot.gov>. The Coast Guard also received several requests for a public meeting at which interested parties could present their comments. This meeting is in response to those requests.

**Information on Service for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Lieutenant

Junior Grade Ken Mills at the phone number under **FOR FURTHER INFORMATION CONTACT**.

#### Public Meeting

The Coast Guard will hold a public meeting regarding this proposed rulemaking on Tuesday, October 24, 2000, from 9 a.m. to 5 p.m. The meeting will be held at the address under **ADDRESSES**.

Dated: September 15, 2000.

**Joseph J. Angelo,**

*Acting Assistant Commandant for Marine Safety and Environmental Protection.*

[FR Doc. 00-24180 Filed 9-19-00; 8:45 am]

**BILLING CODE 4910-15-U**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51 and 85

[FRL-6871-4]

**RIN 2060-AJ03**

#### Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes both substantive and minor revisions to the Motor Vehicle Inspection/Maintenance (I/M) requirements to provide additional flexibility to state I/M programs by allowing such programs to replace traditional I/M tests on model year 1996 and newer vehicles so equipped with a check of the onboard diagnostic (OBD) system. Additionally, the proposed amendments would: extend the deadline for beginning OBD inspections from January 1, 2001 to January 1, 2002; revise and simplify the failure criteria for the OBD check; address State Implementation Plan (SIP) credit modeling for the OBD check; allow for limited exemptions from some OBD check failure and/or rejection criteria for certain model year vehicles; and correct a typographical error in the current basic I/M performance standard regarding OBD-I/M vehicle coverage. Lastly, this document solicits public comment on how to address the issue of repair waivers for OBD-equipped vehicles and the possibility of extending the deadline for implementing OBD-I/M checks even further.

**DATES:** Written comments on this proposal must be received no later than October 20, 2000.

**ADDRESSES:** Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A-2000-16. It is requested that a duplicate copy be submitted to David Sosnowski at the address in the **FOR FURTHER INFORMATION CONTACT** section. The docket is located at the Air Docket, Room M-1500 (6102), Waterside Mall S.W., Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. until 3:30 p.m. on weekdays. A reasonable fee may be charged for copying docket material.

**FOR FURTHER INFORMATION CONTACT:** David Sosnowski, Office of Transportation and Air Quality, Transportation and Regional Programs Division, 2000 Traverwood, Ann Arbor, Michigan, 48105. Telephone (734) 214-4823.

#### SUPPLEMENTARY INFORMATION:

- I. Table of Contents
- II. Summary of Proposal
- III. Authority
- IV. Background of the Proposed Amendments
  - A. Amendments to Extend the Implementation Deadline
  - B. Amendments to Reduce Testing Burden
  - C. SIP Credit Modeling Amendments
  - D. OBD-I/M Failure Criteria Amendments
  - E. OBD-I/M Rejection Criteria Amendments
  - F. Technical Amendment
- V. Discussion of Major Issues
  - A. Emission Impact of the Proposed Amendments
  - B. Impact on Existing and Future I/M Programs
- VI. Economic Costs and Benefits
- VII. Public Participation
- VIII. Administrative Requirements
  - A. Administrative Designation
  - B. Reporting and Recordkeeping Requirement
  - C. Regulatory Flexibility Act
  - D. Unfunded Mandates Act
  - E. Executive Order 13132: Federalism
  - F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments
  - G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
  - H. National Technology Transfer and Advancement Act

#### II. Summary of Proposal

Under the Clean Air Act as amended in 1990, 42 U.S.C. 7401 *et seq.*, states required to implement vehicle inspection and maintenance (I/M) programs were further required to incorporate a check of the onboard diagnostic (OBD) computer as part of those programs. On November 5, 1992, the U.S. Environmental Protection Agency (EPA) published in the **Federal Register** (40 CFR part 51, subpart S) a rule related to state air quality

implementation plans for I/M programs (hereafter referred to as the I/M rule; see 57 FR 52950). At the time the 1992 rule was published, certification regulations for OBD had not been finalized, and so EPA reserved space in the I/M rule to address OBD-I/M requirements at some later date. Since 1992, EPA has twice amended the I/M rule to address various aspects of the OBD-I/M check—first, on August 6, 1996, and again on May 4, 1998. EPA is proposing today to further amend the I/M rule and OBD testing requirements to provide states with the greater flexibility they need to better meet local needs, to update requirements based upon technological advances, and to optimize program efficiency and cost effectiveness.

With today's document EPA proposes to: (1) Extend the current deadline for mandatory implementation of the OBD-I/M inspection from January 1, 2001 to January 1, 2002; (2) clarify that I/M programs may use periodic checks of the OBD system on model year (MY) 1996 and newer OBD-equipped vehicles in lieu of (as opposed to in addition to) existing exhaust and evaporative system purge and fill-neck pressure tests on those same vehicles; (3) establish the modeling methodology to be used by states in their State Implementation Plans (SIPs) to account for the replacement of traditional I/M tests by OBD-I/M testing and repair, prior to release of MOBILE6 and subsequent iterations of EPA's mobile source emission factor model; (4) revise and simplify the current list of Diagnostic Trouble Codes (DTCs) that constitute the OBD-I/M failure criteria to include any DTC that leads to the dashboard Malfunction Indicator Light (MIL) being commanded on; (5) provide for exemptions from specific readiness code rejection criteria on OBD-equipped vehicles based upon vehicle model year; and (6) correct a typographical error in the basic I/M performance standard's OBD coverage (which currently applies OBD-I/M testing to both light-duty vehicles and light-duty trucks) to limit such testing coverage to light-duty vehicles only, for the purpose of establishing the minimum, basic I/M performance standard.

The goal of these proposed amendments is to update and streamline requirements and to remove regulatory obstacles that would impede the effective implementation of the OBD-I/M testing required of all I/M programs under the Clean Air Act as amended in 1990. By extending the deadline by which states must begin implementation of OBD-I/M inspections, EPA hopes to provide states the time necessary to better educate the public and the testing