

interstate commerce of each such public utility in the immediately preceding reporting year (either a calendar year or fiscal year, depending on which accounting convention is used by the public utility to be charged) to the sum of the megawatt-hours of transmission of electric energy in interstate commerce in the immediately preceding reporting year of all such public utilities.

(c) *Reporting requirement.* (1) For purposes of computing annual charges, as of January 1, 2002, a public utility, as defined in § 382.102(b), that provides transmission service must submit under oath to the Office of the Secretary by April 30 of each year an original and conformed copies of the following information (designated as FERC Reporting Requirement No. 582 (FERC-582)): The total megawatt-hours of transmission of electric energy in interstate commerce, which for purposes of computing the annual charges and for purposes of this reporting requirement, will be measured by the sum of the megawatt-hours of all unbundled transmission (including MWh delivered in wheeling transactions and MWh delivered in exchange transactions) and the megawatt-hours of all bundled wholesale power sales (to the extent these latter megawatt-hours were not separately reported as unbundled transmission). This information must be reported to 3 decimal places; e.g., 3,105 KWh will be reported as 3.105 MWh.

(2) Corrections to the information reported on FERC-582, as of January 1, 2002, must be submitted under oath to the Office of the Secretary on or before the end of each calendar year in which the information was originally reported (i.e., on or before the last day of the year that the Commission is open to accept such filings).

(d) *Determination of annual charges to be assessed to power marketing agencies.* The adjusted costs of administration of the electric regulatory program as it applies to Power Marketing Agencies will be assessed against each power marketing agency based on the proportion of the megawatt-hours of sales of each power marketing agency in the immediately preceding reporting year (either a calendar year or fiscal year, depending on which accounting convention is used by the power marketing agency to be charged) to the sum of the megawatt-hours of sales in the immediately preceding reporting year of all power marketing agencies being assessed annual charges.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Preamble—List of Commenters

Abbreviation—Commenter

1. AEP—Operating Companies of the American Electric Power System
2. Allegheny Power—Monongahela Power Company, Potomac Edison Company, and West Penn Power Company
3. APS—Arizona Public Service Company
4. APX—Automated Power Exchange
5. APX Companies—Automated Power Exchange (APX), Coral Power, L.L.C. (Coral), Dynegy Power Marketing, Inc. (Dynegy), Enron Power Marketing, Inc. (EPMI), Koch Energy Trading, Inc. (Koch) and Merchant Energy Group of the Americas (MEGA)
6. Atlantic City—Atlantic City Electric Company, Delmarva Power & Light Company, Potomac Electric Power Company, PPL Electric Utilities Corporation, and Public Service Electric & Gas
7. Avista—Avista Corporation
8. Cal ISO—California Independent System Operator Corporation
9. ComEd—Commonwealth Edison Company
10. Consumers—Consumers Energy Company
11. EEI—Edison Electric Institute
12. EPSA—Electric Power Supply Association
13. FirstEnergy—FirstEnergy Corp.
14. GPU Energy—Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company
15. ISO—NE—ISO New England Inc.
16. LIPA and NYPA—Long Island Power Authority and the Power Authority of the State of New York
17. Member Systems—Members of the Transmission Owners Committee of the Energy Association of New York State (formerly known as the Member Systems of the New York Power Pool)
18. Midwest ISO—Midwest Independent Transmission System Operator, Inc.
19. Midwest ISO Participants—Alliant Utilities, Ameren (on behalf of Central Illinois Public Service Company and Union Electric Company), Central Illinois Light Company, Cinergy Corp. (on behalf of Cincinnati Gas & Electric Company, PSI Energy Inc., and Union Light, Heat & Power), Commonwealth Edison Company (including Commonwealth Edison Company of Indiana), Hoosier Energy Rural Electric Cooperative, Inc., Illinois Power Company, Kentucky Utilities Company, Louisville Gas & Electric Company, Northern States Power Company, Southern Indiana Gas & Electric Corp., Wabash Valley Power Association, Inc., and Wisconsin Electric Power Company.
20. MLCS—Merrill Lynch Capital Services, Inc.
21. NEM—National Energy Marketers Association
22. NEP—New England Power Company
23. NUSCO—Northeast Utilities Service Company
24. NYISO—New York Independent System Operator, Inc.
25. NYMEX—New York Mercantile Exchange

26. PECO—PECO Energy Company
27. PJM—PJM Interconnection, L.L.C.
28. PNGC—Pacific Northwest Generating Cooperative
29. SDG&E—San Diego Gas & Electric Company
30. SoCal Edison—Southern California Edison Company
31. SPP—Southwest Power Pool, Inc.
32. TXU Electric—TXU Electric Company
33. Williams EM&T—Williams Energy Marketing & Trading Company

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR 10, 12, 18, 24, 111, 113, 114, 125, 134, 145, 162, 171, and 172

[T.D. 00-57]

RIN 1515-AC01

Petitions for Relief: Seizures, Penalties, and Liquidated Damages; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: Customs published in the **Federal Register** of September 5, 2000, a document that revised the Customs Regulations relating to the filing of petitions in penalty, liquidated damages, and seizure cases. Inadvertently, Appendix C to Part 171 was incorrectly amended. This document corrects the amendment of that Appendix.

EFFECTIVE DATE: November 2, 2000.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings, (202) 927-2344.

SUPPLEMENTARY INFORMATION:

Background

On September 5, 2000, Customs published in the **Federal Register** (65 FR 53565) T.D. 00-57 that revised the Customs Regulations relating to the filing of petitions in penalty, liquidated damages, and seizure cases. Parts 171 and 172 of the Customs Regulations were recrafted in that document to include petition processing in seizure and unsecured penalty cases under part 171 and liquidated damages and secured penalty petition processing under part 172. It has come to Customs attention that the amendatory instructions regarding appendix C to part 171 set forth in that document inadvertently failed to remove a section and a note in the Appendix which were

intended to be removed. Not removing the section resulted in the next section being redesignated incorrectly. Section I.H. and the note following section I.H. were intended to be removed, but were not, and section I.H. was incorrectly designated as section I.F. This document corrects these errors by removing section I.H. and the note following section I.H., and redesignating section I.I. as section I.F.

Correction of Publication

Accordingly, the publication on September 5, 2000, of the final rule (T.D. 00-57, 65 FR 53565) is corrected as follows:

1. On page 53578, in the third column, the fifth amending instruction is revised to read as follows:

Appendix C to Part 171 [Amended]

5. Appendix C to Part 171 is amended by removing the Note following section I.D., removing section I.E., redesignating section I.F. as section I.E., removing sections I.G. and I.H. and the NOTE following section I.H., and redesignating section I.I. as section I.F.

Dated: October 30, 2000.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

[NM-040-FOR]

New Mexico Regulatory Program

AGENCY: Office of the Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the New Mexico regulatory program (hereinafter, the "New Mexico program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). New Mexico proposed new rules and revisions to rules concerning a guidance document, Coal Mine Reclamation Program Vegetation Standards (including success standards, sampling techniques, and normal husbandry practices); definitions; time frames within the liability period for demonstrating success of revegetation;

and annual report requirements. New Mexico revised its program to be consistent with the corresponding Federal regulations and clarify ambiguities.

EFFECTIVE DATE: November 2, 2000.

FOR FURTHER INFORMATION CONTACT: Willis L. Gainer, Telephone: (505) 248-5096, Internet address: WGAINER@OSMRE.GOV.

SUPPLEMENTARY INFORMATION:

- I. Background on the New Mexico Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments
- V. Director's Decision
- VI. Procedural Determinations

I. Background on the New Mexico Program

On December 31, 1980, the Secretary of the Interior conditionally approved the New Mexico program. You can find background information on the New Mexico program, including the Secretary's findings, the disposition of comments, and conditions of approval in the December 31, 1980, **Federal Register** (45 FR 86459). You can also find later actions concerning New Mexico's program and program amendments at 30 CFR 931.11, 931.15, 931.16, and 931.30.

II. Submission of the Proposed Amendment

By letter dated December 1, 1999 (administrative record No. NM-816), New Mexico sent to us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). New Mexico submitted the proposed amendment at its own initiative and in response to the required program amendments at 30 CFR 931.16(m), (n), and (z).

We announced receipt of the proposed amendment in the December 22, 1999 **Federal Register** (64 FR 71700). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (administrative record No. 819). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on January 21, 2000.

During our review of the amendment, we identified concerns and notified New Mexico of the concerns by letter dated February 17, 2000 (administrative record no. NM-825). New Mexico responded in two letters dated April 26, 2000, by submitting (1) rule revisions never before submitted (administrative record No. NM-828) and (2) additional revisions to the December 1, 1999,

amendment (administrative record No. NM-830).

Based upon New Mexico's revisions to and additional explanatory information for its amendment, we reopened the public comment period in the June 7, 2000, **Federal Register** (65 FR 36104; administrative record No. 834) and provided an opportunity for a public hearing or meeting on the adequacy of the revised amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on July 7, 2000.

III. Director's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment.

1. Revisions to New Mexico's Rules That Respond to Required Amendments

A. General Revegetation Requirements, Required Amendment at 30 CFR 931.16(m)(1)

OSM required at 30 CFR 931.16(m)(1) that New Mexico revise 19 NMAC 8.2 2065.A to require that revegetation success be based on the general revegetation requirements at 19 NMAC 8.2 2060 and 2061 (See finding No. 16(a), 58 FR 65907, 65918, December 17, 1993; administrative record no. NM-706).

New Mexico (1) proposed to revise 19 NMAC 8.2 2065.A to require that success of revegetation shall be measured by techniques identified in the Director's Coal Mine Reclamation Program Vegetation Standards, as approved by the Directors of the New Mexico Mining and Minerals Division (MMD) and OSM after consultation with appropriate State and Federal agencies, and (2) submitted for OSM's approval the Coal Mine Reclamation Program Vegetation Standards guidance document.

The introductory sentence in section I. D., Establishment and Monitoring of Revegetation Success Standards, in the Coal Mine Reclamation Program Vegetation Standards guidance document, requires that "[t]he success of revegetation on reclaimed lands is measured against either an unmined reference area or technical (numeric) standards, and the general revegetation requirements of 19 NMAC 8.2, Subpart 2060." Because proposed 19 NMAC 8.2 2065.A states that revegetation success shall be measured in accordance with the Coal Mine Reclamation Program Vegetation Standards, the requirement to determine success based in part on