

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>11</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 99-24502 Filed 9-20-99; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

**DATES:** Submit comments on or before November 22, 1999.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Gayle Baker, Program Analyst, Office of the ADA/Entrepreneurial Development, Small Business Administration, 409 3rd Street, SW, Suite 6200, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Gayle Baker, Program Analyst, 202-205-6706 or Curtis B. Rich, Management Analyst, 202-205-7030.

#### SUPPLEMENTARY INFORMATION:

*Title:* "ED/MIS".

*Form No:* N/A.

*Description of Respondents:* Clients served by SBA resource partners in the Score, OSCS, BIC, Tribal BIC, WBC and Veterans Programs.

*Annual Responses:* 500,000.

*Annual Burden:* 33,500.

Dated: 9/13/99.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 99-24538 Filed 9-20-99; 8:45 am]

BILLING CODE 4410-18-P

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3208]

#### State of Texas; (Amendment #1)

In accordance with notices from the Federal Emergency Management Agency dated September 3 and 7, 1999, the

above-numbered Declaration is hereby amended to include Jim Hogg and San Patricio Counties in the State of Texas as a disaster area due to damages from severe storms and flooding caused by Hurricane Bret that occurred August 21-26, 1999.

In addition, applications for economic injury loans from small businesses located in Bee County, Texas, a contiguous county, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is October 20, 1999, and for economic injury the deadline is May 30, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 99-24536 Filed 9-20-99; 8:45 am]

BILLING CODE 8025-01-P

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3210]

#### Commonwealth of Virginia

As a result of the President's major disaster declaration on September 6, 1999, I find that the Independent City of Hampton, Virginia constitutes a disaster area due to damages caused by Tropical Storm Dennis and tornadoes beginning on August 27, 1999, and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on November 4, 1999, and for loans for economic injury until the close of business on June 6, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303

In addition, applications for economic injury loans from small businesses located in the contiguous Independent Cities of Newport News and Poquoson, and the contiguous county of York in the Commonwealth of Virginia may be filed until the specified date at the above location.

The interest rates are—	
For Physical Damage:	Percent
Homeowners With Credit Available Elsewhere .....	7.250

The interest rates are—	
Homeowners Without Credit Available Elsewhere .....	3.625
Businesses With Credit Available Elsewhere .....	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere .....	7.000
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000

The numbers assigned to this disaster are 321012 for physical damage and 9E4600 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 9, 1999.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 99-24537 Filed 9-20-99; 8:45 am]

BILLING CODE 8025-01-P

## DEPARTMENT OF STATE

### Office of Mexican Affairs; Notice of Issuance of a Finding of No Significant Impact With Regard to the Issuance of a Presidential Permit for the Cox Communications Underground Fiber-Optic Link, San Diego, California

#### [Public Notice No. 3124]

**AGENCY:** Department of State.

**SUMMARY:** Notice is hereby given that the Department of State has issued a Finding of No Significant Impact on the human environment within the United States for the underground fiber-optic link project sponsored by Cox Communications, Inc. of San Diego, California. A draft Environmental Assessment of the proposed underground fiber-optic link was prepared by Tetra Tech, Inc. for the sponsor, Cox Communications, Inc. of San Diego, California.

The draft Final Environmental Assessment was then reviewed by numerous federal and state agencies. Each such "cooperating agency" has approved or accepted the draft Final Environmental Assessment.

Based upon the Department's independent review of the draft Final Environmental Assessment, comments received during its preparation and comments received by the Department from federal and state agencies including measures which are proposed to be taken to prevent and/or mitigate

<sup>11</sup> 17 CFR 200.30-3(a)(12).

potentially adverse environmental impacts which the Sponsors intend to take, the Department has concluded that issuance of a Presidential Permit authorizing construction of the proposed Cox Communications underground fiber-optic link would not have a significant impact on the quality of the human environment within the United States. Accordingly, a finding of no significant impact is adopted and an EIS will not be prepared.

**ADDRESSES:** Copies of the Presidential Permit may be obtained from Mr. David E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, Room 4258, Department of State, Washington, D.C. 20520, telephone (202) 647-8529. A copy of the Department's Final Environmental Assessment is available for inspection in Room 4258 of the Department of State during normal business hours.

**SUPPLEMENTARY INFORMATION:** The proposed action is to grant a Presidential Permit to Cox Communications of San Diego, California (hereinafter referred to as "permittee"), for the construction of an underground fiber-optic link from San Diego, California, to Tijuana, Baja California, Mexico. A draft Environmental Assessment of the proposed fiber-optic tunnel which permits the cable to run beneath the U.S.-Mexico boundary was prepared by Tetra Tech, Inc. of San Diego, California, on behalf of the permittee, under the guidance and supervision of the Department of State. The Department of State placed a notice in the **Federal Register** (November 13, 1998, 63 FR 63520) regarding the availability for inspection of Cox's Permit application and the draft Environmental Assessment. No public comments were received.

Seventeen federal and state agencies independently reviewed the draft Environmental Assessment. They were: the Immigration and Naturalization Service, the United States Customs Service, the Food and Drug Administration, the Animal and Plant Health Inspection Service (of the Department of Agriculture), the General Services Administration, the International Boundary and Water Commission (United States Section), the Department of Defense, the Federal Highway Administration and the United States Coast Guard (of the Department of Transportation), the Federal Emergency Management Agency, the Department of the Interior, the Department of Commerce, the Environmental Protection Agency, the Department of Justice, the Council on Environmental

Quality, the Department of State and the California Department of Transportation. Because the land where construction is proposed to take place is owned by a federal government agency (the United States Section of the International Boundary and Water Commission), the draft Environmental Assessment was not subject to review under the California Environmental Quality Act. All comments received from these agencies were responded to directly or by expanding the analysis contained in this assessment.

This draft Final Environmental Assessment, the comments submitted by the agencies, the responses to these comments, and all correspondence between the agencies and the permittee addressing the agencies' concerns, together constitute the Final Environmental Assessment of the proposed action by the Department of State.

The Department of State (the Department) is charged with issuance of Presidential Permits for the construction of international bridges between the United States and Mexico under the International Bridge Act of 1972, 86 Stat. 731; 33 U.S.C. § 535 *et seq.*, and Executive Order 11423, 33 Fed. Reg. 11741 (1968), as amended by Executive Order 12847 of May 17, 1993, 58 Fed. Reg. 29511 (1993). On January 22, 1998, the Undersecretary of State for Economic, Business and Agricultural Affairs determined that international fiber-optic links, the construction of which involve tunnels under the United States-Mexico border, require Presidential Permits. Based on the Final Environmental Assessment, including measures which are proposed to be taken to prevent or mitigate potentially adverse environmental impacts and which the permittee intends to take, and information developed during the review of the permittee's application, the Department of State has concluded that issuance of the Presidential Permit authorizing construction of the fiber-optic link will not have a significant impact on the quality of the human environment within the United States.

#### **Summary of The Environmental Assessment**

Cox Communications of San Diego, California, has applied to the Department for a Presidential Permit to build an underground tunnel carrying fiber optic cables in the San Ysidro-Tijuana area, just north of the U.S.-Mexico International Border Fence and just south of a secondary concrete pillar fence. The boundary crossing site is located in an area that is not open to the public and is used by the United States

Border Patrol, owned by the United States Section of the International Boundary and Water Commission and located within the corporate boundaries of the City of San Diego.

The fiber optic line will extend a cable overhead to the U.S.-Mexican border by placing the cable on the existing utility poles owned by San Diego Gas and Electric. Cox will place an additional 45-foot long pole at a point 12 feet north of the border wall and at a depth in the ground of 10 feet. Cox will place an anchor rod six feet south of the new pole; at the new pole, Cox will use a backhoe to dig a trench 32 feet east with the dimensions of one foot wide by five feet deep. At the end of the trench, Cox will shoot an eight-inch diameter directional bore south under the border wall at a depth of ten feet for a distance of 130 feet to the pole on the Mexican side at Martinez Street. Conduit will be placed in the trench. The cable will be pulled through the conduit to the Mexican side.

The fiber optic line, the first of its kind in a tunnel across the U.S.-Mexican border, will provide a communication link between San Diego and Tijuana. Initially, the connection will allow an interactive/broadcast quality/live, video connection to be activated between San Diego State University and a university in Tijuana.

Other uses for the connection could include: Video connectivity between the offices of the Mayors of San Diego and Tijuana; Transporting network television programming between cable systems; Linking together television stations to provide connections for late-breaking news stories such as storms, traffic congestion, etc.; Transporting high speed Internet access across the border; Providing telephony traffic back and forth across the border; Linking "sister" factories on both sides of the border with data connections.

#### **The Alternatives**

The Department considered four alternatives:

1. The "No Action" alternative;
2. Constructing the fiber optic cable line underground along the entire alignment;
3. Constructing the fiber optic cable line above-ground along the entire alignment;
4. Constructing the fiber optic cable line both aboveground and underground using primarily existing facilities.

The First Alternative, the "No Action" alternative, would eliminate any potential adverse environmental impacts associated with the proposed construction, but would not achieve the objective of providing a high-tech fiber

optic link between San Diego and Tijuana.

The Second Alternative, constructing the fiber optic cable line underground along the entire alignment, would involve constructing underground facilities where no facilities currently exist.

The Third Alternative, constructing the fiber optic cable line above-ground along the entire alignment, would involve constructing aboveground facilities where no facilities currently exist.

The Fourth Alternative, constructing the fiber optic cable line both aboveground and underground using primarily existing facilities, is the permittee's preferred alternative. Temporarily, potentially significant noise impacts, minor, temporary impacts to air quality and temporary, local impacts on recreation (temporary disruption of use of a bike lane), and traffic and socioeconomic effects (temporary partial disruption of access to businesses) have been identified for the Second, Third and Fourth Alternatives. Because the Fourth Alternative would use the greatest amount of existing infrastructure to contain the new cable line, resulting in less construction time than the other two alternatives, environmental impacts would likely be less under the Fourth Alternative than under the Second and Third Alternatives.

The draft Environmental Assessment submitted by the permittee in support of its application provides information on the environmental effects of the construction of the underground tunnel. On the basis of the Environmental Assessment and information developed by the Department and other federal and state agencies in the process of reviewing the draft Environmental Assessment, the Department arrived at the following conclusions on the likely impact of construction at the proposed location:

#### *Wetlands*

The permittee apprised the U.S. Army Corps of Engineers (Corps) of the proposed project in a letter dated February 10, 1997. This letter contained a project description and project map. The Corps responded on May 7, 1997, setting forth its determination that the proposed project would not discharge dredged or fill material into waters of the United States or an adjacent wetland. The Corps further indicated that the proposed project is not subject to Corps jurisdiction under Section 404 of the Clean Water Act, and a Section 404 permit would not be required. The

Corps response letter is included in the Environmental Assessment.

#### *Threatened and Endangered Species*

The Department considered possible impacts of the project on federally protected species. Cox accessed the California Natural Diversity Data Base (CNDDB) for the Imperial Beach USGS 7.5 minute quad mapping area. The CNDDB contains historic records of occurrence of sensitive biological resources. These computer records, dated December 12, 1997, revealed a number of sensitive species that could be present in the Tijuana River Valley area. A biological field survey was conducted at the project site on June 9, 1998 to characterize the habitat present and evaluate the potential occurrence of sensitive species and sensitive habitat types. An additional survey was conducted on July 4, 1998. Based on the lack of habitat, the sensitive species identified during the CNDDB search are not expected to be present at the project site.

Examples of sensitive species known to occur in the region, but not expected to occur at the site due to a lack of appropriate habitat, include the Least Bell's Vireo and Arroyo Toad (on the federal endangered species list); the Coastal California Gnatcatcher (on the federal threatened species list); and the Western Spadefoot, San Diego Horned Lizard, Orange-Throated Whiptail, Coastal Cactus Wren, San Diego Desert Woodrat and Many-Stemmed Dudleya (on the federal species of concern list).

#### *Land Use*

The proposed site is located in an area that is not open to the public, and which is used by the United States Border Patrol. Border Patrol agents typically patrol the area between the two fences using sport utility vehicles, and often park their vehicles along the access road located just north of the border crossing site in order to discourage illegal border crossing attempts. The land at the border crossing site is owned by the United States Section of the International Boundary and Water Commission. The proposed fiber optic cable line alignment would be constructed along existing overhead transmission lines or existing underground transmission facilities that traverse existing residential and commercial land uses. There are an estimated 18 businesses and 586 residences located along the proposed fiber optic alignment, on both sides of the streets. Most residences are multi-family attached units and mobile homes. An elementary school that

serves about 700 students is located in the area.

The border crossing site is an area of disturbed land that is maintained in a cleared and graded condition, and sustains heavy off-road vehicle use. It is devoid of structures and vegetation. The project would add only one new utility pole. All other facilities would be placed in an underground trench or would be accommodated on an existing SDG&E utility pole. Construction duration is expected to be relatively short-term—less than one week. As such, no significant impacts to aesthetic resources at the border crossing site are anticipated.

#### *River Channel and Floodplains*

The Tijuana River is located approximately 100 meters to the north of the project area. Variable rainfall produces variable flow characteristics, and the river does shift widely across the valley floor. However, a high levee located south of the river overlooks the border crossing site and provides protection from flooding.

#### *Air Quality*

The San Diego Air Basin is designated as a non-attainment area with respect to ozone standards (a level of non-attainment is classified as being "serious"), carbon monoxide standards (west San Diego County only) and the California state suspended particulate matter standard. Land uses considered to be sensitive receptors relative to air pollutant emissions typically include health-related facilities, child-care facilities and facilities where occupants may have limited mobility and/or long-term exposure to emissions. Such uses typically include long-term health-care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools and playgrounds. No sensitive receptors are located at the border crossing site.

The nearest sensitive receptors relative to air pollutant emissions include Willow School located at 226 Willow Road, the South Bay Head Start facility located at 253 Willow Road, numerous residences along streets traversed by the existing overhead transmission lines and underground transmission facilities, and the Cesar Chavez Community Center-San Ysidro at Larsen Field, located approximately 0.1 miles west of the alignment at 455 Sycamore Road. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for air quality.

### *Historical and Archeological Resources*

A record search was conducted by the South Coast Information Center on February 24, 1997, at the request of the permittee. This search revealed that a portion of the project area had been previously inventoried, and that no cultural resources had been identified.

On June 9, 1998, a cultural resources and paleontological survey with limited subsurface testing was conducted at the border crossing site. The primary purpose of the survey and subsurface testing was to determine whether cultural and paleontological resources exist in the ground disturbance portion of the project area that could be adversely affected by the placement of the pole and associated buried fiber optic cable. The entire area subject to surface disturbance, as well as a buffer area, was examined for the presence of both prehistoric and historic archaeological resources, and paleontological resources. A total of eight 12-centimeter-diameter auger test holes were excavated. No archaeological, historic or paleontological resources have been identified at the border crossing site.

During the June 1998 survey, a spot check was made at a utility pole at the southeast corner of Willow Road and Camino de la Plaza where a small excavation immediately adjacent to the pole is proposed. No evidence of cultural or paleontological resources was observed at this location. No historical resources are located along the proposed fiber optic cable line alignment.

### *Noise*

The border crossing site is located within open space land that is used by the Border Patrol for control of illegal immigration. It is disturbed land with no structures. Like air quality pollutants, land uses considered to be sensitive receptors relative to noise typically include health-related facilities, child-care facilities and facilities where occupants may have limited mobility and/or long-term exposure to emissions. Such uses typically include long-term health-care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools and playgrounds. There are no sensitive noise receptors present in the vicinity of the border crossing site on the U.S. side of the international border.

The nearest sensitive receptors relative to noise include Willow School located at 226 Willow Road, the South Bay Head Start facility located at 253 Willow Road, numerous residences

along streets traversed by the existing overhead transmission lines and underground transmission facilities, and the Cesar Chavez Community Center-San Ysidro at Larsen Field, located approximately 0.1 miles west of the alignment at 455 Sycamore Road. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for noise.

### *Environmental Justice*

The border crossing site is located on vacant land. No businesses or residences exist on or near the site on the U.S. side of the border. The population of Census Tract 100.09, which contains all of the border crossing site and the majority of the proposed fiber optic cable line alignment, was 4,584 as of January 1, 1998. According to a population estimate of the census tract by ethnicity, the population of the census tract is 87.8% of Hispanic origin, 5.6% White, 5.4% Black and 1.2% Asian/Other.

The median household income for the census tract was \$14,495 as of January 1, 1998. The largest percentage of households (30.0%) consisted of those in the \$10,000-\$14,999 income range, while 1.5% of households earned \$50,000-\$74,999 and none earned over \$75,000.

The population of the City of San Diego as a whole was 1,224,848 as of January 1, 1998. According to a population estimate by ethnicity, the population of San Diego is 24.3% of Hispanic origin, 54.7% White, 8.7% Black and 13.2% Asian/Other.

The median household income for the City was \$40,974 as of January 1, 1998. The largest percentage of households (19.8%) consisted of those in the \$50,000-\$74,999 income range, while 6.1% of households earned \$10,000-\$14,999 and 8.2% earned under \$10,000.

The general make-up of the population of the census tract containing the border crossing site is low-income and of Hispanic origin. No disproportionately high and adverse human health or environmental impacts on minority populations, low-income populations, or Native American Indian tribes are likely to result from construction or operation of the proposed fiber optic project.

### *Cumulative Impacts*

Construction and operation of the proposed fiber optic cable project will not result in significant cumulative impacts. The proposed project would have no adverse impact on land use, recreation, biological resources, cultural

resources, geotechnical hazards or environmental justice. Temporary, unavoidable, local, construction-related, less-than-significant impacts are expected for air quality, traffic and socioeconomics (temporary partial disruption of access to local businesses). Temporary, unavoidable, local, construction-related, potentially significant impacts have been identified for noise, but these can be reduced to a level that is less-than-significant through successful application of the recommended mitigation measures. Mitigation is also recommended for air quality to further reduce the level of impact.

### *Conclusion*

On the basis of the Environmental Assessment, the Department's independent review of that Assessment, information developed during the review of the application and Environmental Assessment, and comments received, it appears that none of the alignment alternatives (i.e. alternatives 1-4, described above) would have a significant impact on the human environment within the United States. Accordingly, a Finding of No Significant Impact ("FONSI") is adopted and an environmental impact statement will not be prepared.

Dated: September 14, 1999.

**David E. Randolph,**

*Coordinator, U.S.-Mexico Border Affairs,  
Office of Mexican Affairs.*

[FR Doc. 99-24579 Filed 9-20-99; 8:45 am]

BILLING CODE 4710-29-P

## DEPARTMENT OF STATE

[Public Notice No. 3125]

### **Office of Mexican Affairs; Notice of Issuance of a Presidential Permit to Cox Communications, Incorporated To Construct, Operate and Maintain an International Underground Tunnel at the International Boundary Between the United States and Mexico**

**AGENCY:** Department of State.

**SUMMARY:** Notice is hereby given that the Department of State has issued a Presidential Permit to Cox Communications, Incorporated to construct, operate and maintain an international underground tunnel at the international boundary between the United States and Mexico. The permit was issued August 31, 1999, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993.

**ADDRESSES:** Copies of the Presidential Permit may be obtained from Mr. David