

applicant's race, religion, nationality, membership in a particular social group, or political opinion. In cases involving a persecutor with mixed motivations, the applicant must establish that the applicant's protected characteristic is central to the persecutor's motivation to act against the applicant. Both direct and circumstantial evidence may be relevant to the inquiry. Evidence that the persecutor seeks to act against other individuals who share the applicant's protected characteristic is relevant and may be considered but shall not be required.

(c) *Membership in a particular social group.*

(1) A particular social group is composed of members who share a common, immutable characteristic, such as sex, color, kinship ties, or past experience, that a member either cannot change or that is so fundamental to the identity or conscience of the member that he or she should not be required to change it. The group must exist independently of the fact of persecution. In determining whether an applicant cannot change, or should not be expected to change, the shared characteristic, all relevant evidence should be considered, including the applicant's individual circumstances and information country conditions information about the applicant's society.

(2) When past experience defines a particular social group, the past experience must be an experience that, at the time it occurred, the member either could not have changed or was so fundamental to his or her identity or conscience that he or she should not have been required to change it.

(3) Factors that may be considered in addition to the required factors set forth in paragraph (b)(2)(i) of this section, but are not necessarily determinative, in deciding whether a particular social group exists include whether:

- (i) The members of the group are closely affiliated with each other;
- (ii) The members are driven by a common motive or interest;
- (iii) A voluntary associational relationship exists among the members;
- (iv) The group is recognized to be a societal faction or is otherwise a recognized segment of the population in the country in question;
- (v) Members view themselves as members of the group; and
- (vi) The society in which the group exists distinguishes members of the group for different treatment or status than is accorded to other members of the society.

(d) *Firm resettlement.* An alien is considered to be firmly resettled if, prior

to arrival in the United States, he or she entered into another country with, or while in that country received, an offer of permanent resident status, citizenship, or some other type of permanent resettlement unless he or she establishes:

(1) That his or her entry into that country was a necessary consequence of his or her flight from persecution, that he or she remained in that country only as long as was necessary to arrange onward travel, and that he or she did not establish significant ties in that country; or

(2) That the conditions of his or her residence in that country were so substantially and consciously restricted by the authority of the country of refuge that he or she was not in fact resettled. In making his or her determination, the asylum officer or immigration judge shall consider the conditions under which other residents of the country live, the type of housing made available to the refugee, whether permanent or temporary, the types and extent of employment available to the refugee, and the extent to which the refugee received permission to hold property and to enjoy other rights and privileges, such as travel documentation including a right of entry or reentry, education, public relief, or naturalization, ordinarily available to others resident in the country.

4. Section 208.16 is amended by revising paragraphs (b)(1) and (b)(1)(ii)(B) to read as follows:

**§ 208.16 Withholding of removal under section 241(b)(3) of the Act and withholding of removal under the Convention Against Torture.**

\* \* \* \* \*

(b) \* \* \*  
(1) *Past threat to life or freedom.* (i) If the applicant is determined to have suffered past persecution in the proposed country of removal on account of race, religion, nationality, membership in a particular social group, or political opinion, it shall be presumed that the applicant's life or freedom would be threatened in the future in the country of removal on the basis of the original claim. This presumption may be rebutted if an asylum officer or immigration judge finds by a preponderance of the evidence that paragraph (b)(1)(i)(A) or (B) of this section applies. If the applicant's fear of future threat to life or freedom is unrelated to the past persecution, the applicant bears the burden of establishing that it is more likely than not that he or she would suffer such harm. Although a presumption of future persecution is

raised by a finding of past persecution, this does not relieve the applicant of the burden of producing testimonial evidence, or where reasonably available to the applicant, documentary evidence, relating to future persecution, including to a fundamental change in circumstances or the reasonableness of internal relocation.

- (i) \* \* \*
- (ii) \* \* \*

(B) When the immigration judge or Board finds that the applicant has failed to establish past persecution, the questions of fundamental change in circumstances and reasonable internal relocation shall be deemed reserved and the Service shall not be required to present evidence to preserve the issues. If that finding is set aside, the Service and the applicant shall be permitted on remand to submit evidence and argument on the questions of fundamental change in circumstances and reasonable internal relocation before any ruling on these matters is issued.

\* \* \* \* \*

Dated: November 22, 2000.

**Janet Reno,**

*Attorney General.*

[FR Doc. 00-30602 Filed 12-6-00; 8:45 am]

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1910**

[Docket No. H-052G]

**Occupational Exposure to Cotton Dust**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** OSHA is proposing to amend the Cotton Dust Standard to add batch kler washed cotton to the types of washed cotton granted partial exemption from the Cotton Dust Standard, because those methods greatly reduce the risk of byssinosis when that cotton is spun and woven. This amendment is based on the recommendation of the industry/government/union Task Force for Byssinosis Prevention and supported by published studies and government, union, and industry experts.

Because OSHA believes the amendment is not controversial, the Agency is issuing it as a direct final rule published in the Final Rules section of

today's **Federal Register**. If no significant adverse comment is received on the direct final rule, OSHA will confirm the effective date of the final rule. If significant adverse comment is received, OSHA will withdraw the direct final rule and proceed with rulemaking on this proposal. A subsequent **Federal Register** document will be published to announce OSHA's action.

**DATES:** Written comments and requests for a hearing on this proposed rule must be submitted or sent electronically by February 5, 2001.

**ADDRESSES:** Comments and requests for a hearing may be sent in quadruplicate to Docket No. H-052G, Docket Office, Room N2625; Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington D.C. 20210 (202-693-2350).

Alternatively, one paper copy and one disc (3½ inch floppy in WordPerfect 6.0, 8.0 or ASCII) may be sent to the Docket mailing address; or one copy faxed to 202-693-1648 and 3 paper copies mailed to the Docket mailing address; or one copy E-mailed to [ecomments.osha.gov](mailto:ecomments.osha.gov) and one paper copy mailed to the Docket mailing address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Steven Bayard, Director of Office Risk Assessment, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3718, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone: (202) 693-2275.

#### SUPPLEMENTARY INFORMATION:

##### Background

OSHA is today publishing a Direct Final Rule (DFR) adding batch kier washing to the types of washed cotton receiving partial exemption from the Cotton Dust Standard. A complete discussion of that amendment is published in the preamble to the DFR. The DFR is published in the Final Rules section of today's **Federal Register**. That discussion includes the scientific basis for the amendment, the regulatory text, and other supporting information. That discussion is incorporated as part of this proposal.

##### Public Participation

Any persons with significant adverse comments must submit those comments to the DFR by the dates specified in that document published in the Final Rules section of today's **Federal Register**.

Interested persons are requested to submit written data, views and arguments concerning this proposal. These comments must be received by

February 5, 2001 and submitted in quadruplicate to the Docket No. H-052G, Docket Office; Room N2625; Occupational Safety and Health Administration; U.S. Department of Labor, 200 Constitution Ave., N.W., Washington DC 20210.

Alternatively, one paper copy and one disc (3½ inch floppy in WordPerfect 6.0, 8.0 or ASCII) may be sent to that address, or one copy faxed to (202) 693-1648 and 3 paper copies mailed to the Docket mail address or one copy E-mailed to [ecomments.osha.gov](mailto:ecomments.osha.gov) and one paper copy mailed to the Docket mail address.

All written comments received within the specified comment period will be made a part of the record and will be available for public inspection and copying at the above Docket Office address.

OSHA requests comments on all issues related to granting cotton mildly washed in the batch kier system partial exemption from OSHA's cotton dust standard and findings that there are no negative economic, environmental or other regulatory impacts. OSHA is not requesting comment on any other issues nor opening the record for any other issues except for this amendment to paragraph (n)(4).

Additionally, under section 6(b)(3) of the OSH Act and 29 CFR 1911.11, interested persons may file objections to the proposal and request an informal hearing. The objections and hearing requests should be submitted in the same manner as comments to the Docket Office at the above address and must comply with the following conditions:

1. The objection must include the name and address of the objector;
2. The objections must be mailed by January 22, 2001;
3. The objections must specify with particularity the grounds upon which the objection is based;
4. Each objection must be separately numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

Interested persons who object to the proposed amendment or have changes to recommend may, of course, make those objections and their recommendations in their written comments and OSHA will fully consider them. There is no need to file formal "objections" separately unless the interested person requests a public hearing.

OSHA recognizes that there may be interested persons who through their knowledge of health or their experience in the operations involved, would wish

to endorse or support the amendment. OSHA welcomes such supportive comments, in order that the record of this rulemaking may present a balanced picture of the public response on the issues involved.

#### List of Subjects in 29 CFR Part 1910

Cotton dust, Hazardous substances, Occupational safety and health, Reporting and recordkeeping requirements.

#### Authority and Signature

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

This action is taken pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 4 of the Administrative Procedure Act (5 U.S.C. 553), Secretary of Labor's Order No. 3-2000 (65 FR 50017) and 29 CFR part 1911. Part 1910, Title 29, Code of Federal Regulations, is proposed to be amended as set forth below.

Signed at Washington, DC, this 4th day of December, 2000.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

Part 1910 of Title 29 of the Code of Federal Regulations is hereby proposed to be amended as set forth below:

#### PART 1910—[AMENDED]

1. The authority citation for Subpart Z of Part 1910 is proposed to be amended to read as follows:

**Authority:** Sections 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 6-96 (62 FR 111), or 3-2000 (65 FR 50017), as applicable; and 29 CFR part 1911.

All of subpart Z issued under sec. 6 (b) of the Occupational Safety and Health Act, except those substances that have exposure limits listed in Tables Z-1, Z-2, and Z-3 of 29 CFR 1910.1000. The latter were issued under sec. 6(a) (29 U.S.C. 655(a)).

Section 1910.1000 Z-1, Z-2, Z-3, and 1910.1043(n) also issued under 5 U.S.C. 553, Section 1910.1000 Tables Z-1, Z-2, and Z-3 not issued under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, and cotton dust listings.

Section 1910.1001 also issued under section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and 5 U.S.C. 553.

Section 1910.1002 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

Sections 1910.1018, 1910.1029 and 1910.1200 are also issued under 29 U.S.C. 653.

2. OSHA proposes to amend § 1910.1043 by revising paragraph (n) (4) as follows:

**§ 1910.1043 Cotton dust.**

\* \* \* \* \*  
(n) \* \* \*  
\* \* \* \* \*

(4) *Higher grade washed cotton.* The handling or processing of cotton classed as “low middling light spotted or better” (color grade 52 or better and leaf grade code 5 or better according to the 1993 USDA classification system) shall be exempt from all provisions of the standard except the requirements of paragraphs (h) medical surveillance, (k) (2) through (4) recordkeeping—medical records, and Appendices B, C, and D of this section, if they have been washed on the following systems.

(i) On a continuous batt system or a rayon rinse system including the following conditions:

(A) With water;

(B) At a temperature of no less than 60° C;

(C) With a water-to-fiber ratio of no less than 40:1; and

(D) With the bacterial levels in the wash water controlled to limit bacterial contamination of the cotton.

(ii) On a batch kier washing system including the following conditions:

(A) With water;

(B) With cotton fiber mechanically opened and thoroughly pretreated before forming the cake;

(C) For low-temperature processing, at a temperature of no less than 60° C with a water-to-fiber ratio of no less than 40:1; or, for high-temperature processing at a temperature of no less than 93° C with a water-to-fiber ratio of no less than 15:1;

(D) With a minimum of one wash cycle followed by two rinse cycles for each batch, using fresh water in each cycle, and

(E) With bacteria levels in the wash water controlled to limit bacterial contamination of the cotton.

\* \* \* \* \*

[FR Doc. 00–31187 Filed 12–6–00; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1842 and 1852**

**Emergency Medical Services and Evacuation**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the NASA FAR Supplement (NFS) by adding a prescription and clause requiring contractors to make all arrangements for emergency medical services and evacuation for its employees when performing a NASA contract outside the United States or in remote locations in the United States. The clause also requires the contractor to reimburse the Government for costs that are incurred in cases where the Government is requested by the contractor, and the Government agrees to provide the medical services or evacuation.

**DATES:** Comments should be submitted on or before February 5, 2001.

**ADDRESSES:** Interested parties should submit written comments to Joseph Le Cren, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments also may be submitted by e-mail to: [jlecren@hq.nasa.gov](mailto:jlecren@hq.nasa.gov).

**FOR FURTHER INFORMATION CONTACT:** Joseph Le Cren, (202) 358–0444, or [jlecren@hq.nasa.gov](mailto:jlecren@hq.nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

There have been some cases where contractor employees were required to receive emergency medical services and be evacuated while performing on NASA contracts outside the United States. Although not responsible for providing the emergency medical or evacuation services, NASA believed that the interests of the contractor employees were paramount. However, this resulted in situations where NASA incurred significant costs, which ultimately were reimbursed by the contractor, but possibly could have been disputed. NASA desires to eliminate such situations which could have a significant adverse financial impact on the agency. The proposed clause notifies offerors and contractors that they are responsible for making all arrangements for providing emergency medical services and evacuation, if necessary, for their employees when performing NASA contracts outside the United States. The proposed clause also recognizes that similar situations may occur in remote locations in the United States. In addition, the clause recognizes that certain situations could arise where the Government would be requested to provide emergency medical services or evacuate contractor employees. The clause makes it clear that, if the Government provides such services or evacuation, the contractor will

reimburse the Government for the costs incurred.

**B. Regulatory Flexibility Act**

This proposed rule is not expected to have a significant economic impact on a substantial number of small businesses within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because of the small number of contracts awarded to small businesses involving contract performance outside the United States or in remote locations in the United States.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Parts 42 and 52**

Government procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1842 and 1852 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 1842 and 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

**PART 1842—CONTRACT ADMINISTRATION AND AUDIT PROCEDURES**

2. Amend Part 1842 by adding section 1842.7003 to read as follows:

**1842.7003 Emergency medical services and evacuation.**

The contracting officer must insert the clause at 1852.242–78, Emergency Medical Services and Evacuation, in all solicitations and contracts when employees of the contractor are required to travel outside the United States or to remote locations in the United States.

3. Amend Part 1852 by adding section 1852.242–78 to read as follows:

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**1852.242–78 Emergency Medical Services and Evacuation.**

As prescribed in 1842.7003, insert the following clause: