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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–044–1]

Oriental Fruit Fly; Designation of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by quarantining a portion of Hillsborough County, FL, and restricting the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: This interim rule was effective June 9, 1999. We invite you to comment on this docket. We will consider all comments that we receive by August 16, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–044–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–044–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1236; (301) 734–8247; or e-mail: michael.b.stefan@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of citrus and other types of fruit, nuts, and vegetables. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks, which can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93–10 (referred to below as the regulations), were established to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. Section 301.93–3(a) provides that the Administrator will list as a quarantined area each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. The regulations impose restrictions on the interstate movement of regulated articles from the quarantined areas. Quarantined areas are listed in § 301.93–3(c).

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles, and the designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

Recent trapping surveys by inspectors of Florida State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) reveal that a portion of Hillsborough County, FL, is infested with the Oriental fruit fly. The Oriental fruit fly is not known to exist anywhere else in the continental United States.

State agencies in Florida have begun an intensive Oriental fruit fly eradication program in the quarantined area in Hillsborough County. Also, Florida has taken action to restrict the intrastate movement of regulated articles from the quarantined area.

Accordingly, to prevent the spread of the Oriental fruit fly to other States, we are amending the regulations in § 301.93–3 by designating as a quarantined area a portion of Hillsborough County, FL. The resulting quarantined area is described in the rule portion of this document.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the Oriental fruit fly regulations by adding a portion of Hillsborough County, FL, to the list of quarantined areas. The regulations

restrict the interstate movement of regulated articles from the quarantined areas.

Within the quarantined portion of Hillsborough County, there are approximately 125 entities that will be affected by this rule. All would be considered small entities. These include 1 transportation terminal, 75 fruit stands, 15 mobile vendors, 20 food stores, 1 common carrier, and 13 nurseries. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of Florida. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The site specific environmental assessment provides a basis for the conclusion that implementation of integrated pest management to achieve eradication of the Oriental fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 am. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas:

Florida

Hillsborough County. That portion of the county beginning at the point where the Hillsborough River meets Hillsborough Bay; then north along the Hillsborough River to Interstate Highway 275; then west along Interstate Highway 275 to the point where the Howard Franklin Bridge meets the shoreline of Old Tampa Bay; then south along the shoreline of Old Tampa Bay to the shoreline of Hillsborough Bay; then north along the shoreline of Hillsborough Bay, including Davis Islands and the Seddon Channel, to the point of beginning.

Done in Washington, DC, this 9th day of June 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–15109 Filed 6–14–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 98–082–4]

Mexican Fruit Fly Regulations; Removal of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mexican fruit fly regulations by removing the quarantined portion of the El Cajon area in San Diego County, CA, from the list of regulated areas. We have determined that the Mexican fruit fly has been eradicated from the El Cajon area of San Diego County, CA, and that restrictions on the interstate movement of regulated articles from the El Cajon area of San Diego County, CA, are no longer necessary to prevent the spread of the Mexican fruit fly into noninfested areas of the United States. This action relieves unnecessary restrictions on the interstate movement of regulated articles from the previously regulated area.

DATES: This interim rule was effective June 9, 1999. We invite you to comment on this docket. We will consider all comments that we receive by August 16, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–082–4, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238, Please state that your comment refers to Docket No. 98–082–4.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building,

14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247; or e-mail: michael.b.stefan@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas. The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64–10 (referred to below as the regulations), quarantine infested States, designate regulated areas, and restrict the interstate movement of specified fruits and other regulated articles from regulated areas in order to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. Quarantined States are listed in—301.64(a) and regulated areas are listed in—301.64–3(c).

In an interim rule effective August 10, 1998, and published in the **Federal Register** on August 14, 1998 (63 FR 43603–43604, Docket No. 98–082–1), we amended the Mexican fruit fly regulations by designating a portion of the El Cajon area of San Diego County, CA, as a regulated area. In a second interim rule effective October 16, 1998, and published in the **Federal Register** on October 22, 1998 (63 FR 56537–56539, Docket No. 98–082–2), we designated a portion of the San Diego area of San Diego County, CA, as a regulated area. In a third interim rule effective November 16, 1998, and published in the **Federal Register** on November 20, 1998 (63 FR 64409–64411, Docket No. 98–082–3), we expanded the regulated area in the San Diego area of San Diego County, CA.

Based on insect trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Mexican fruit fly has been eradicated from the El Cajon area of San Diego County, CA. The last finding of Mexican fruit fly thought to be associated with the infestation in this area was made on September 8, 1998.

Since then no evidence of Mexican fruit fly infestations has been found in this area. Therefore, we are removing this area from the list of areas in § 301.64–3(c) that are regulated because of the Mexican fruit fly.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the public. The area in California affected by this document was regulated due to the possibility that the Mexican fruit fly could be spread to noninfested areas of the United States. Since this situation no longer exists, the continued regulated status of this area would impose unnecessary restrictions.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective on June 9, 1999. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule removes restrictions on the interstate movement of regulated articles from the El Cajon area of San Diego County, CA. Within this regulated area, there are approximately 183 small entities that may be affected by this rule. These include 67 fruit sellers, 1 swapmeet, 71 nurseries, 43 growers, and 1 farmer's market. These 183 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated articles primarily for local intrastate, not interstate, movement, and the distribution of these articles was not affected by the regulatory provisions we are removing. Many of these entities also handle other items in addition to the previously regulated articles. The effect on those few entities that move regulated articles interstate was minimized by the availability of various treatments that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost. Therefore, the effect, if any, of this rule on these entities appears to be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.64–3 [Amended]

2. In—301.64–3, paragraph (c), the entry for California is amended by

removing the entry for the El Cajon area of San Diego County.

Done in Washington, DC, this 9th day of June 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–15108 Filed 6–14–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 98–069–2]

Horses From Australia and New Zealand; Quarantine Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations regarding the importation of horses to exempt horses imported from Australia and New Zealand from testing for dourine and glanders during the quarantine period. This action is warranted because neither country has ever had a reported case of dourine, New Zealand has never had a reported case of glanders, and Australia has not had a reported case of glanders since 1891. It appears that horses imported from Australia and New Zealand will pose a negligible risk of introducing dourine and glanders into the United States.

EFFECTIVE DATE: June 30, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garris, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD, 20737–1231; (301)734–8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including dourine and glanders. Dourine and glanders are potentially fatal equine diseases that are not known to exist in the United States.

Under § 93.308(a)(3) of the regulations, horses imported from any part of the world must, in order to qualify for release from quarantine, test negative to official tests for dourine, glanders, equine piroplasmosis, equine infectious anemia, and any other tests and procedures that may be required by the Administrator of the Animal and Plant Health Inspection Service (APHIS) to determine their freedom from communicable diseases.

On November 30, 1998, we published in the **Federal Register** (63 FR 65712–65714, Docket No. 98–069–1) a proposal to amend the regulations to exempt horses imported from Australia and New Zealand from testing for dourine and glanders during the quarantine period. This proposed action was based on information received from the Governments of Australia and New Zealand.

We solicited comments concerning our proposal for 60 days ending January 29, 1999. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule relieves restrictions that require the testing of horses imported from Australia and New Zealand for dourine and glanders. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective 15 days after the date of publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This final rule will exempt horses imported into the United States from Australia and New Zealand from the requirement for testing for dourine and glanders during the quarantine period. We believe that there is a negligible risk of horses imported from Australia and New Zealand introducing dourine and glanders into the United States.

U.S. importers of horses from Australia and New Zealand will be affected by this rule. These importers will no longer be required to have horses that are imported from Australia and New Zealand tested for dourine and glanders during the quarantine period. As a consequence, U.S. importers will save $18 for the cost of both tests. However, horses imported from Australia and New Zealand will still have to be tested for equine piroplasmosis, equine infectious anemia, and undergo any other tests and procedures that may be required by APHIS to determine their freedom from communicable diseases.

According to the 1992 Census of Agriculture, the United States had a total population of at least 2,049,522 horses. The United States is a net exporter of horses. In 1997, the United States exported 56,953 horses valued at $271 million, and imported 23,794 horses valued at $134 million. However, only 45 of the horses were imported from Australia, and 130 of the horses were imported from New Zealand. The total number of horses imported into the United States from Australia and New Zealand is small due to the distances the horses must travel and the high transportation costs, which are reflected in the prices of the horses. For example, horses imported from Canada have an average price of $1,490, while horses imported from Australia and New Zealand have an average price of $20,682, and $13,781, respectively. Given these relatively high prices and the rather small expected savings of $18 per horse imported, we do not expect this action will result in an increase in the number of horses imported into the United States from Australia and New Zealand, nor do we expect this action will have a significant economic impact on U.S. importers of horses from Australia and New Zealand, regardless of their size.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products,

Quarantine, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 93.308, paragraph (a)(3) is revised to read as follows:

§ 93.308 Quarantine requirements.

(a) * * *

(3) To qualify for release from quarantine, all horses must test negative to official tests for dourine, glanders, equine piroplasmosis, and equine infectious anemia.[14] However, horses imported from Australia and New Zealand are exempt from testing for dourine and glanders. In addition, all horses must undergo any other tests, inspections, disinfections, and precautionary treatments that may be required by the Administrator to determine their freedom from communicable diseases.

* * * * *

Done in Washington, DC, this 8th day of June 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–15107 Filed 6–14–99; 8:45 am]

BILLING CODE 3410–34–P

[14] Because the official tests for dourine and glanders are performed only at the National Veterinary Services Laboratories in Ames, IA, the protocols for those tests have not been published and are, therefore, not available; however, copies of ''Protocol for the Complement-Fixation Test for Equine Piroplasmosis'' and ''Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia'' may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20737–1231.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–37–AD; Amendment 39–11194; AD 99–13–01]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG V2500–A1 and V2500–A5 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain International Aero Engines AG (IAE) V2500–A1 and V2500–A5 series turbofan engines. This action requires determining the need for a special borescope inspection of the high pressure turbine (HPT) stage 1 inner rotating airseal (TOBI ID seal) for oil wetting after an in-flight shutdown (IFSD). It also requires, if necessary, the tear down and inspection of HPT hardware. This amendment is prompted by reports of overheat damage to the HPT hardware caused by ignition of oil that leaked into the HPT from the No. 4 bearing compartment during an IFSD. The actions specified in this AD are intended to prevent failure of the HPT hardware due to ignition of oil trapped by the HPT TOBI ID seal, which could result in an uncontained engine failure and damage to the airplane.

DATES: Effective June 25, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 25, 1999.

Comments for inclusion in the Rules Docket must be received on or before August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–37–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov.'' Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from International Aero Engines, 400 Main Street, East Hartford, CT 06108; telephone (860) 565–5515; fax (860) 565–5510. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Diane Cook, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7133, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) has received reports of overheat damage to the high pressure turbine (HPT) hardware from two International Aero Engines AG (IAE) V2500–A1 series turbofan engines. The investigation of these engines revealed overheat damage to the HPT hardware was caused by ignition of oil that leaked from the No. 4 bearing compartment during an IFSD into the HPT and became trapped by the stage 1 inner rotating airseal (TOBI ID seal). The oil ignited during subsequent operation. The results of the investigation show that the probable cause of oil entering the TOBI ID seal is due to insufficient oil scavenging capability of the No. 4 bearing compartment during windmilling. The investigation has also concluded that V2500 engines that incorporate a redesigned scavenge tube and a redesigned or reworked TOBI ID seal have sufficient No. 4 bearing compartment oil scavenging capability and do not require any special actions following an IFSD. This condition, if not corrected, could result in failure of the HPT hardware due to ignition of oil trapped by the HPT TOBI ID seal, which could result in an uncontained engine failure and damage to the airplane.

The FAA has reviewed and approved the technical contents of IAE All Operator Wire (AOW) 1046, Issue 2, dated May 21, 1999, that describes procedures for determining which actions must be accomplished within five cycles after the IFSD. The actions are determined in AOW Attachments I, II, and III by the engine model, engine serial number, and whether the scavenge tube and TOBI ID seal have been replaced by new or reworked designs. The FAA has also reviewed and approved the technical contents of IAE service bulletins (SB's) V2500–ENG–72–0120, revision 2, dated October 30, 1992 or revision 3, dated May 14, 1999, that describe the requirements for replacing the No. 4 bearing scavenge tube assembly; and V2500–ENG–72–0190, revision 2, dated September 26, 1996, and V2500–ENG–72–0351, dated May

31, 1999, that describe requirements for replacing or reworking the TOBI ID seal.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent failure of the HPT hardware due to ignition of oil trapped by the HPT TOBI ID seal, which could result in an uncontained engine failure and damage to the airplane. This AD requires determining the need for a special borescope inspection of the TOBI ID seal for oil wetting or overheat damage within five cycles after an IFSD, and if necessary, tear down and inspection of the HPT module. Because of the complex nature of the borescope inspection, only IAE is currently authorized to perform the borescope inspection. IAE will provide training to perform the borescope inspections for those operators who want to perform the borescope inspections themselves. In the event of HPT damage, this AD requires removing affected parts from service and replacing with serviceable parts. Accomplish the actions in accordance with the AOW and SB's described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NE–37–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–13–01 International Aero Engines AG: Amendment 39–11194. Docket 99–NE–37–AD.

Applicability: International Aero Engines AG (IAE) V2500–A1 turbofan engines, all serial numbers (S/Ns), and V2500–A5 turbofan engines, with S/Ns V10079 and below, installed on, but not limited to, Airbus Industries A319, A320, and A321 series airplanes.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the high pressure turbine (HPT) hardware due to ignition of oil trapped by the HPT stage 1 inner rotating airseal (TOBI ID seal), which could result in an uncontained engine failure and damage to the airplane, accomplish the following:

(a) Within five cycles after an in-flight shutdown (IFSD), accomplish the actions specified in the following Attachments of IAE All Operators Wire (AOW) 1046, Issue 2, dated May 21, 1999:

(1) For V2500–A1 engines with S/N's below V0313, accomplish the actions specified in Attachment III, V2500 No.4 Compartment Oil Loss Risk Elimination Flow Chart; or

(2) For V2500–A1 engines with S/N's V0313 and above, accomplish the actions specified in Attachment II, V2500 No.4 Compartment Oil Loss Risk Elimination Flow Chart; or

(3) For V2500–A5 engines with S/N's V10079 or below, accomplish the actions specified in Attachment I, V2500 No.4 Compartment Oil Loss Risk Elimination Flow Chart.

(4) For the purpose of this AD, engines that have been restarted in flight using normal procedures following an IFSD have used 1 cycle since the IFSD.

(b) This AD has no further requirements if no special actions are identified in accordance with the instructions given in IAE AOW 1046, Issue 2, dated May 21, 1999.

(c) If a borescope inspection of the HPT TOBI ID seal is required, have IAE inspect in accordance with IAE AOW 1046, Issue 2, dated May 21, 1999.

(d) If any evidence of oil wetness or overheat damage is seen with the borescope, disassemble the HPT module, remove from

service any part with overheat damage, and replace with a serviceable part.

(e) For V2500–A1 engines with S/N's below V0313, incorporation of service bulletins (SB's) V2500–ENG–72–0120, revision 2, dated October 30, 1992 or revision 3, dated May 14, 1999, and V2500–ENG–72–0351, dated May 31, 1999, constitute terminating action for the requirements specified in paragraph (a) and paragraph (c) of this AD.

(f) For V2500–A1 engines with S/N's V0313 and above, incorporation of SB V2500–ENG–72–0351, dated May 31, 1999, constitutes terminating action for the requirements specified in paragraph (a) and paragraph (c) of this AD.

(g) For V2500–A5 engines with S/N's V10079 and below, incorporation of SB V2500–ENG–72–0190, revision 2, dated September 26, 1996, constitutes terminating action for the requirements specified in paragraph (a) and paragraph (c) of this AD.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(i) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection requirements of this AD can be accomplished.

(j) The inspection and optional terminating actions must be done in accordance with the following International Aero Engines AG AOW and SB's:

Document No.	Pages	Revision	Date
AOW 1046	All	Issue 2	May 21, 1999.
Total pages: 6.			
SB V2500–ENG–72–0120	All	2	October 30, 1992.
Total pages: 10.			
SB V2500–ENG–72–0120	1	3	May 14, 1999.
	2	2	October 30, 1992.
	3	3	May 14, 1999.
	4 to 7	2	October 30, 1992.
	8 to 9	3	May 14, 1999.
	10	2	October 30, 1992.
Total pages: 10.			
SB V2500–ENG–72–0190	1	2	September 26, 1996.
	2 to 18	1	April 30, 1994.
	19	2	September 26, 1996.
	20 to 21	1	April 30, 1994.
Total pages: 21.			
SB V2500–ENG–72–0351	All	Original	May 31, 1999.
Total pages: 14.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from International Aero Engines, 400 Main Street, East Hartford, CT 06108; telephone (860) 565–5515; fax (860) 565–5510. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(k) This amendment becomes effective on June 25, 1999.

Issued in Burlington, Massachusetts, on June 4, 1999.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–14933 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AE71

Effective Date of Application for Supplemental Security Income (SSI) Benefits

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: These final rules revise our regulations to reflect and implement section 204 of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 204 changed the date an SSI application is effective so that the earliest month for which benefits can be paid is the month following the month in which the application is filed. Section 204 also made related changes concerning emergency advance payments (EAPs), interim assistance reimbursements (IARs) and in the definition of ''eligible spouse.''

EFFECTIVE DATE: These final regulations are effective August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Loretta Tabacca, Social Insurance Specialist, Social Security Administration, Office of Program Benefits, 3–R–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–9881 or TTY (410) 966–5609. For information on eligibility, claiming benefits, or coverage of earnings, call our national toll-free number 1–800–772–1213 or TTY 1–800–325–0778.

SUPPLEMENTARY INFORMATION:

Background

These final regulations reflect and implement section 204 of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which applies to applications for SSI benefits filed on or after August 22, 1996.

Section 204(a), which amended section 1611(c)(7)(A) and (B) of the Social Security Act (the Act), changed the effective date of a SSI application. For applications for SSI benefits filed on or after August 22, 1996, the effective date of an SSI application is the first day of the month following the later of: the date the application is filed; or, the date the individual becomes eligible for such

benefits with respect to such application. The change in law affects the point at which SSI benefits can begin. Before the change in law, an individual could receive SSI benefits for the month in which an application for benefits was filed, and the amount of benefits for that month was prorated based on the number of days in that month the individual met all factors of eligibility. Under section 204(a), the first month for which benefits can be paid is the month following the month that all eligibility requirements, including filing an application, are met. In view of this era of heightened fiscal responsibility, Congress enacted the change to the SSI application effective date, which has a minimal (less than 30 days of benefits) effect on an individual's benefit amount.

Effective August 22, 1996, section 204(b) of Public Law 104–193, which amended section 1631(a)(4)(A) of the Act, made some changes to the EAP process. It added the authority to make EAPs in the month of application to individuals who would be at least presumptively eligible for benefits the month following the date that the application is filed. Section 204(b) also provided that these EAPs are to be repaid through proportional deductions in SSI benefit payments over a period of not more than 6 months.

Since January 1974, when it first became effective, title XVI of the Act has authorized issuance of EAPs in situations of marked financial need among new claimants. These EAPs are expedited payments of funds based upon an applicant's status as presumptively meeting all of the requirements for eligibility. These EAPs will continue to be recovered from any retroactive SSI benefit payments.

Section 204(c)(1) of Public Law 104–193, which amended section 1614(b) of the Act, made a conforming change in the definition of an ''eligible spouse'' to conform to the change made by section 204(a) with respect to the effective date of an application. Under this change, in order for couple computation rules to apply in determining the amount of benefits to be paid in the first month that both members of a couple are eligible for payment of SSI benefits, the couple must be living in the same household on the first day of the month following the date the application for benefits was filed. Prior to this change, the couple had to be living in the same household on the date the application was filed in order for the couple computation rules to apply to the first month both members of the couple were eligible for payment.

Section 204(c)(2) also made a conforming amendment to section 1631(g)(3) of the Act concerning reimbursement of States under IAR agreements. Consistent with the change made by section 204(a) in the effective date of an application for SSI benefits, States may continue to be reimbursed for interim assistance furnished for meeting basic needs during the period beginning with the month the individual becomes eligible for payment of SSI benefits.

Explanation of Revisions

To reflect and implement section 204(a), we are amending §§ 416.200, 416.203, 416.211, 416.262, 416.305, 416.315, 416.330, 416.335, 416.420, 416.421, 416.501, 416.502, 416.1160, 416.1163, 416.1165, 416.1245 and 416.1335 as follows:

We are revising §§ 416.200 and 416.203 to reflect the statutory change made by section 204(a) under which the first month for which an individual who meets all the basic eligibility requirements listed in § 416.202 may receive SSI benefits is the month after the month he or she meets these eligibility requirements (see § 416.501). An individual cannot become eligible for payment of SSI benefits until the month after the month in which the individual first becomes eligible for SSI benefits. We also are amending the last sentence of § 416.200 to update a cross-reference.

We also are making conforming amendments to paragraph (a)(1) of § 416.211. As a result of the statutory change, an individual who is a resident of a public institution at the time he or she first applies for and meets all other eligibility factors for SSI benefits, will be ineligible for payment of SSI benefits until the first day of the month following the day of the individual's release from the institution.

We are revising § 416.262 to clarify, consistent with section 1619 of the Act, that in order for an individual to be eligible for special SSI cash benefits, the individual must have been eligible for payment of a regular SSI benefit in a prior month. As noted previously, the earliest month in which an individual can become eligible for payment of SSI benefits is the month after the month in which the application for benefits was filed.

We are revising § 416.305(a) to clarify that filing an application assures that the individual receives benefits for any months that individual is determined eligible to receive payment. This clarification reflects the statutory change that ended payment of benefits for the first month in which an individual becomes eligible for benefits.

We also are revising the example in paragraph (c) of § 416.315 to illustrate that the earliest month for which benefits can be paid is the month following the month in which the individual first becomes eligible for benefits.

We also are amending our regulations at § 416.330(a) to reflect the statutory change affecting the first month for which benefits can be paid. We are revising § 416.330(a) to state that when an individual files an application before all the requirements for eligibility are met, the earliest month for which the application can be effective for payment is the month following the month that all requirements are met. We also are deleting the language describing proration of benefits in the first month of eligibility to reflect the fact that section 204 ended such proration. In addition, we also are amending § 416.330(b) to state that if an individual meets all the requirements for eligibility after the period for which the application was in effect and a new application is filed, the earliest month for which benefits can be paid is the first month following the month that all the eligibility requirements are met based on the filing of the new application.

We are revising § 416.335 to state that when an individual files an application in or after the month all the other requirements for eligibility are met, the application cannot be the basis for payment before the first day of the month following the month that the application was filed. We also are deleting the language that pertains to proration of benefits in the first month of eligibility.

We also are amending §§ 416.420 and 416.421 to clearly state the different policies on when SSI benefits can be paid based on the filing of an application and a resumption of benefits after at least one month of ineligibility. The change in law that is effective for applications filed on or after August 22, 1996, effectively ends the proration of SSI benefits based on the day of the month that an application was filed. Proration of benefits continues to apply to resumption of benefits in posteligibility situations.

Additionally, we are revising §§ 416.501 and 416.502 to clarify that when an individual files an application for SSI benefits, the earliest month for which payment can be made is the month following the month of initial eligibility. When eligibility is reestablished after at least one month of ineligibility, benefits can be prorated for the first month of reeligibility.

We are revising §§ 416.1160(b)(2), 416.1163(e), and 416.1165(f) to clarify that, in initial claims situations, the first month in which deeming applies for purposes of determining the amount of a benefit is the month an individual is first eligible for payment. These revisions conform to the legislative change affecting the date a SSI application is effective for payment. We also are correcting the cross-references in § 416.1166(d) to accurately reflect the current reference in the regulations.

We are revising § 416.1245(b) to conform to the legislative change affecting the date an individual can receive SSI payments, specifically conditional benefits, following the application effective date. As a result of the legislative change, the months of payment eligibility may not coincide with the months of the conditional benefits disposal period. Additionally, the payment period, and thus the resulting overpayment, may be different for initial claims and posteligibility situations. Therefore, we are eliminating references to 9 months of conditional benefit payments and are revising the regulations to refer only to benefits received during the conditional benefits period.

Finally, in order to implement section 204(a), we are amending § 416.1335 to reflect the fact that, as a result of the statutory change, a period of benefit suspension can begin when an individual is no longer eligible for SSI benefits even though that person had not received any SSI benefits because the person's only month of eligibility was prior to the effective date of the application.

To reflect the provisions of section 204(b) which expanded the authority of SSA to issue EAPs, we are amending § 416.520(a), (b), and (c) to clarify that we have the authority to issue an EAP in the month that an application is filed even though that month is prior to the effective date of the application and prior to when the individual can be eligible to receive SSI benefits. We also are revising § 416.520(d) to reflect the amendment made by section 204(b) providing that an EAP shall be repaid through proportional reduction in benefits payable over a period of not more than 6 months. Consistent with our longstanding policy and this new statutory provision, if past-due SSI benefits awarded to the individual exceed the amount of the EAP, the entire amount of the EAP will be deducted from the past-due benefits. Finally, we are amending the definition of ''presumptively eligible'' in § 416.520(b)(4) to clarify that all of the requirements for eligibility are involved.

To reflect the changes made by section 204(c)(1), we are revising the definition of ''eligible spouse'' in § 416.1801(c). The law changed the point at which SSA determines whether an eligible individual and eligible spouse are an eligible couple. Eligible couple determinations in these situations previously were made when an application was filed but now are made as of the first day of the month following the date the application is filed. In addition, we are amending § 416.1801(c) to correct an erroneous cross-reference in the definition of ''spouse.''

To reflect the conforming amendment made by section 204(c)(2), we are amending the definition of interim assistance in § 416.1902 to state that interim assistance begins with the first month of eligibility for payment of SSI benefits.

These regulatory provisions were published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 10, 1998 (63 FR 42601). We provided a 60-day period for interested individuals and organizations to comment. We did not receive any comments. Therefore, we are publishing the text of these final rules substantively unchanged from the proposed rules.

Regulatory Procedures

Regulatory Flexibility Act

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Executive Order 12866

These final rules reflect and implement the provisions of sections 204(a), (b) and (c) of Pubic Law 104–193. The Office of Management and Budget (OMB) has reviewed these rules and determined that they meet the criteria for an economically significant regulatory action under Executive Order 12866. These regulations also meet the definition of a ''major rule'' under 5 U.S.C. 801 ff., and the following cost and benefit assessment fulfills the requirements of those provisions as well. In addition, SSA has determined, as required under the aforementioned statute, that these regulations do not create any unfunded mandates for State or local entities pursuant to sections 202–205 of the Unfunded Mandates Act of 1995.

Projected Costs

Under the statutory change, individuals who file a SSI application on or after August 22, 1996 cannot receive SSI benefits for the first month of eligibility; therefore, benefits will begin later. The cost to individuals is illustrated in the following example: Assuming section 204(a) had not been enacted, an individual who filed an SSI application on August 22, 1996, having met all the requirements for eligibility in that month, could have received an August 1996 SSI benefit amount of $121.80. (The SSI benefit amount was computed using the national average SSI monthly payment amount for the total SSI population for August 1996 of $377.58 and prorating that amount for 10 days (August 22 through August 31).) Since section 204(a) was enacted, the same individual receives no payment for August 1996, the first month of eligibility. The cost to this individual is $121.80.

Potential Benefits

Since these final rules reflect statutory changes which delay the effective date of payment of SSI benefits, we project that there will be reduced outlays from general revenues.

Program Costs

There are no program costs associated with these final rules.

Program Savings

It is estimated that due to the legislation there will be reduced program outlays resulting in the following savings (in millions of dollars) to the SSI program ($785 million in a 6 year period):

FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	Total
$125	$125	$130	$130	$135	$140	$785

The NPRM stated, based on information provided by the Health Care Financing Administration (HCFA), that there would be no cost or savings to the Medicaid program as a result of the change to the application effective date.

In discussing this projection, the NPRM explained that, although HCFA had initially projected Medicaid savings from this provision due to the loss of coverage resulting from the elimination of payment of SSI benefits for the month in which the SSI application is filed, subsequent manual guidance from HCFA allowed States to provide Medicaid coverage during this month (as well as the usual 3-month retroactive period).

HCFA has determined that there is a need to clarify this statement in the NPRM. While in most States the change to the SSI application effective date will not affect Medicaid eligibility, there are a few States where there could be a potential loss to individuals of no more than one month of Medicaid eligibility. HCFA now believes that, even with this effect in these States, the overall Medicaid program savings will be negligible.

Administrative Costs

We anticipate negligible administrative costs (i.e., less than $1 million and 30 workyears). The administrative costs are the additional workyears related to systems changes to reflect the point at which benefits can now begin.

Administrative Savings

We do not anticipate any administrative savings to result from these final regulations since eligibility must be determined from the filing date as was the case before the effective date of these rules.

Policy Alternatives

There are no discretionary policies involved in implementing section 204(a), (b) and (c). Therefore, we find no need to consider alternative policies.

Paperwork Reduction Act

These final regulations impose no reporting/recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program No. 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income.

Dated: March 1, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set forth in the preamble, we are amending subparts B, C, D, E, K, L, M, R, and S of part 416 of chapter III of title 20 of the Code of Federal Regulations as set forth below.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart B—[Amended]

1. The authority citation for subpart B of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act (42 U.S.C. 902(a)(5), 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c); secs. 211 and 212, Pub. L. 93–66, 87 Stat. 154 and 155 (42 U.S.C. 1382 note); sec. 502(a), Pub. L. 94–241, 90 Stat. 268 (48 U.S.C. 1681 note); sec. 2, Pub. L. 99–643, 100 Stat. 3574 (42 U.S.C. 1382h note).

2. Section 416.200 is revised to read as follows:

§ 416.200 Introduction.

You are eligible for SSI benefits if you meet all the basic requirements listed in § 416.202. However, the first month for which you may receive SSI benefits is the month after the month in which you meet these eligibility requirements. (See § 416.501.) You must give us any information we request and show us necessary documents or other evidence to prove that you meet these requirements. We determine your eligibility for each month on the basis of your countable income in that month. You continue to be eligible unless you lose your eligibility because you no longer meet the basic requirements or because of one of the reasons given in §§ 416.210 through 416.216.

3. Section 416.203 is amended by revising paragraph (b) to read as follows:

§ 416.203 Initial determinations of SSI eligibility.

* * * * *

(b) *How we determine your eligibility for SSI benefits.* We determine that you are eligible for SSI benefits for a given month if you meet the requirements in § 416.202 in that month. However, you cannot become eligible for payment of SSI benefits until the month after the month in which you first become eligible for SSI benefits (see § 416.501). In addition, we usually determine the amount of your SSI benefits for a month based on your income in an earlier month (see § 416.420). Thus, it is possible for you to meet the eligibility requirements in a given month but receive no benefit payment for that month.

4. Section 416.211 is amended by revising paragraph (a)(1) to read as follows:

§ 416.211 You are a resident of a public institution.

(a) *General rule.* (1) Subject to the exceptions described in paragraphs (b), (c), and (d) of this section and § 416.212, you are not eligible for SSI benefits for any month throughout which you are a resident of a public institution as defined in § 416.201. In addition, if you are a resident of a public institution when you apply for SSI benefits and meet all other eligibility requirements, you cannot be eligible for payment of benefits until the first day of the month following the day of your release from the institution.

* * * * *

5. Section 416.262 is amended by revising paragraph (a) to read as follows:

§ 416.262 Eligibility requirements for special SSI cash benefits.

* * * * *

(a) You were eligible to receive a regular SSI benefit or a federally administered State supplementary payment (see § 416.2001) in a month before the month for which we are determining your eligibility for special SSI cash benefits as long as that month was not in a prior period of eligibility which has terminated according to §§ 416.1331 through 416.1335;

* * * * *

Subpart C—[Amended]

6. The authority citation for subpart C of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1611, and 1631(a), (d), and (e) of the Social Security Act (42 U.S.C. 902(a)(5), 1382, and 1383(a), (d), and (e)).

7. Section 416.305 is amended by revising paragraph (a) (2) to read as follows:

§ 416.305 You must file an application to receive supplemental security income benefits.

(a) * * *

(2) Assure that you receive benefits for any months you are eligible to receive payment; and

* * * * *

8. Section 416.315 is amended by revising the example in paragraph (c) to read as follows:

§ 416.315 Who may sign an application.

* * * * *

(c) * * *

Example: Mr. Smith comes to a Social Security office to file an application for SSI disability benefits for Mr. Jones. Mr. Jones, who lives alone, just suffered a heart attack and is in the hospital. He asked Mr. Smith, whose only relationship is that of a neighbor and friend, to file the application for him. We

will accept an application signed by Mr. Smith since it would not be possible to have Mr. Jones sign and file the application at this time. SSI benefits can be paid starting with the first day of the month following the month the individual first meets all eligibility requirements for such benefits, including having filed an application. If Mr. Smith could not sign an application for Mr. Jones, a loss of benefits would result if it is later determined that Mr. Jones is in fact disabled.

9. Section 416.330 is revised to read as follows:

§ 416.330 Filing before the first month you meet the requirements for eligibility.

If you file an application for SSI benefits before the first month you meet all the other requirements for eligibility, the application will remain in effect from the date it is filed until we make a final determination on your application, unless there is a hearing decision on your application. If there is a hearing decision, your application will remain in effect until the hearing decision is issued.

(a) If you meet all the requirements for eligibility while your application is in effect, the earliest month for which we can pay you benefits is the month following the month that you first meet all the requirements.

(b) If you first meet all the requirements for eligibility after the period for which your application was in effect, you must file a new application for benefits. In this case, we can pay you benefits only from the first day of the month following the month that you meet all the requirements based on the new application.

10. Section 416.335 is revised to read as follows:

§ 416.335 Filing in or after the month you meet the requirements for eligibility.

When you file an application in the month that you meet all the other requirements for eligibility, the earliest month for which we can pay you benefits is the month following the month you filed the application. If you file an application after the month you first meet all the other requirements for eligibility, we cannot pay you for the month in which your application is filed or any months before that month. See §§ 416.340, 416.345 and 416.350 on how a written statement or an oral inquiry made before the filing of the application form may affect the filing date of the application.

Subpart D—[Amended]

11. The authority citation for subpart D of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1611(a), (b), (c), and (e), 1612, 1617, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382(a), (b), (c), and (e), 1382a, 1382f, and 1383).

12. Section 416.420 is amended by revising paragraphs (b)(1) through (3) to read as follows:

§ 416.420 Determination of benefits; general.

* * * * *

(b) *Exceptions to the general rule*—(1) *First month of initial eligibility for payment or the first month of eligibility after a month of ineligibility.* We use your countable income in the current month to determine your benefit amount for the first month you are initially eligible for payment of SSI benefits (see § 416.501) or for the first month you again become eligible for SSI benefits after at least a month of ineligibility. Your payment for a first month of reeligibility after at least one-month of ineligibility will be prorated according to the number of days in the month that you are eligible beginning with the date on which you reattain eligibility.

Example: Mrs. Y applies for SSI benefits in September and meets the requirements for eligibility in that month. (We use Mrs. Y's countable income in September to determine if she is eligible for SSI in September.) The first month for which she can receive payment is October (see § 416.501). We use Mrs. Y's countable income in October to determine the amount of her benefit for October. If Mrs. Y had been receiving SSI benefits through July, became ineligible for SSI benefits in August, and again became eligible for such benefits in September, we would use Mrs. Y's countable income in September to determine the amount of her benefit for September. In addition, the proration rules discussed above would also apply to determine the amount of benefits in September in this second situation.

(2) *Second month of initial eligibility for payment or second month of eligibility after a month of ineligibility.* We use your countable income in the first month prior to the current month to determine how much your benefit amount will be for the current month when the current month is the second month of initial eligibility for payment or the second month of reeligibility following at least a month of ineligibility. However, if you have been receiving both an SSI benefit and a Social Security insurance benefit and the latter is increased on the basis of the cost-of-living adjustment or because your benefit is recomputed, we will compute the amount of your SSI benefit for January, the month of an SSI benefit increase, by including in your income the amount by which your Social Security benefit in January exceeds the amount of your Social Security benefit in December.

Example: Mrs. Y was initially eligible for payment of SSI benefits in October. Her benefit amount for November will be based on her countable income in October (first prior month).

(3) *Third month of initial eligibility for payment or third month of eligibility after a month of ineligibility.* We use your countable income according to the rule set out in paragraph (a) of this section to determine how much your benefit amount will be for the third month of initial eligibility for payment or the third month of reeligibility after at least a month of ineligibility.

Example: Mrs. Y was initially eligible for payment of SSI benefits in October. Her benefit amount for December will be based on her countable income in October (second prior month).

* * * * *

§ 416.421 [Amended]

13. Section 416.421 is amended by removing the first sentence of paragraph (a) and by removing the example at the end of paragraph b.

Subpart E—[Amended]

14. The authority citation for subpart E of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1601, 1602, 1611(c) and (e), and 1631(a)–(d) and (g) of the Social Security Act (42 U.S.C. 902(a)(5), 1381, 1381a, 1382(c) and (e), and 1383(a)–(d) and (g)); 31 U.S.C. 372OA.

15. Section 416.501 is revised to read as follows:

§ 416.501 Payment of benefits: General.

Payment of SSI benefits will be made for the month after the month of initial eligibility and for each subsequent month provided all requirements for eligibility (see § 416.202) and payment (see § 416.420) are met. In the month the individual re-establishes eligibility after at least a month of ineligibility, benefits are paid for such a month beginning with the date in the month on which the individual meets all eligibility requirements. In some months, while the factors of eligibility based on the current month may be established, it is possible to receive no payment for that month if the factors of eligibility for payment are not met. Payment of benefits may not be made for any period that precedes the first month following the date on which an application is filed or, if later, the first month following the date all conditions for eligibility are met.

16. Section 416.502 is amended by revising the first sentence to read as follows:

§ 416.502 Manner of payment.

For the month an individual reestablishes eligibility after a month of ineligibility, an SSI payment will be made on or after the day of the month on which the individual becomes reeligible to receive benefits. * * *

17. Section 416.520 is amended by revising the first two sentences in paragraph (a) and by revising paragraphs (b)(1) and (b)(4), (c) introductory text, (c)(1) and (d) to read as follows:

§ 416.520 Emergency advance payments.

(a) *General.* We may pay a one-time emergency advance payment to an individual initially applying for benefits who is presumptively eligible for SSI benefits and who has a financial emergency. The amount of this payment cannot exceed the Federal benefit rate (see §§ 416.410 through 416.414) plus the federally administered State supplementary payment, if any (see § 416.2020), which apply for the month for which the payment is made. * * *

(b) * * *

(1) *Emergency advance payment* means a direct, expedited payment by a Social Security Administration field office to an individual or spouse who is initially applying (see paragraph (b)(3) of this section), who is at least presumptively eligible (see paragraph (b)(4) of this section), and who has a financial emergency (see paragraph (b)(2) of this section). * * *

* * * * *

(4) *Presumptively eligible* is the status of an individual or spouse who presents strong evidence of the likelihood of meeting all of the requirements for eligibility including the income and resources tests of eligibility (see subparts K and L of this part), categorical eligibility (age, disability, or blindness), and technical eligibility (United States residency and citizenship or alien status—see subpart P of this part).

(c) *Computation of payment amount.* To compute the emergency advance payment amount, the maximum amount described in paragraph (a) of this section is compared to both the expected amount payable for the month for which the payment is made (see paragraph (c)(1) of this section) and the amount the applicant requested to meet the emergency. The actual payment amount is no more than the least of these three amounts.

(1) In computing the emergency advance payment amount, we apply the monthly income counting rules appropriate for the month for which the advance is paid, as explained in § 416.420. Generally, the month for which the advance is paid is the month in which it is paid. However, if the advance is paid in the month the application is filed, the month for which the advance is paid is considered to be the first month of expected eligibility for payment of benefits.

* * * * *

(d) *Recovery of emergency advance payment where eligibility is established.* When an individual or spouse is determined to be eligible and retroactive payments are due, any emergency advance payment amounts are recovered in full from the first payment(s) certified to the United States Treasury. However, if no retroactive payments are due and benefits are only due in future months, any emergency advance payment amounts are recovered through proportionate reductions in those benefits over a period of not more than 6 months. (See paragraph (e) of this section if the individual or spouse is determined to be ineligible.)

* * * * *

Subpart K—[Amended]

18. The authority citation for subpart K of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

19. Section 416.1160 is amended by revising paragraph (b)(2)(i), and redesignating paragraphs (b)(2)(ii) and (b)(2)(iii) as paragraphs (b)(2)(iii) and (b)(2)(iv), respectively, and adding a new paragraph (b)(2)(ii) to read as follows:

§ 416.1160 What is deeming of income.

* * * * *

(b) * * *

(2) * * *

(i) We use the income from the first month you are initially eligible for payment of SSI benefits (see § 416.501) to determine your benefit amount for that month. In the following month (the second month you are eligible for payment), we use the same countable income that we used in the preceding month to determine your benefit amount.

(ii) To determine your benefit amount for the first month you again become eligible after you have been ineligible for at least a month, we use the same countable income that we use to determine your eligibility for that month. In the following month (the second month of reeligibility), we use the same countable income that we used in the preceding month to determine your benefit amount.

* * * * *

20. Section 416.1163 is amended by revising paragraph (e)(1) to read as follows:

§ 416.1163 How we deem income to you from your ineligible spouse.

* * * * *

(e) *Determining your SSI benefit.* (1) In determining your SSI benefit amount, we follow the procedure in paragraphs (a) through (d) of this section. However, we use your ineligible spouse's income in the second month prior to the current month. We vary this rule if any of the exceptions in § 416.1160(b)(2) applies (for example, if this is the first month you are eligible for payment of an SSI benefit or if you are again eligible after at least a month of being ineligible). In the first month of your eligibility for payment (or re-eligibility), we deem your ineligible spouse's income in the current month to determine both whether you are eligible for a benefit and the amount of your benefit. In the second month, we deem your ineligible spouse's income in that month to determine whether you are eligible for a benefit but we deem your ineligible spouse's income in the first month to determine the amount of your benefit.

* * * * *

21. Section 416.1165 is amended by revising paragraph (f) to read as follows:

§ 416.1165 How we deem income to you from your ineligible parent(s).

* * * * *

(f) *Determining your SSI benefit.* In determining your SSI benefit amount, we follow the procedure in paragraphs (a) through (d) of this section. However, we use your ineligible parents' income in the second month prior to the current month. We vary this rule if any of the exceptions in § 416.1160(b)(2) applies (for example, if this is the first month you are eligible for payment of an SSI benefit or if you are again eligible after at least a month of being ineligible). In the first month of your eligibility for payment (or re-eligibility) we deem your ineligible parents' income in the current month to determine both whether you are eligible for a benefit and the amount of your benefit. In the second month we deem your ineligible parents' income in that month to determine whether you are eligible for a benefit but we again use your countable income (including any that was deemed to you) in the first

month to determine the amount of your benefit.

* * * * *

22. Section 416.1166 is amended by revising paragraph (d) to read as follows:

§ 416.1166 How we deem income to you and your eligible child from your ineligible spouse.

* * * * *

(d) *Determining your eligibility for SSI benefits and benefit amount.* We then follow the rules in § 416.1163(c) to find out if any of your ineligible spouse's current monthly income is deemed to you and, if so, to determine countable income for a couple. Next, we follow paragraph (e) of this section to determine your child's eligibility. However, if none of your spouse's income is deemed to you, none is deemed to your child. Whether or not your spouse's income is deemed to you in determining your eligibility, we determine your benefit amount as explained in § 416.1163(e).

* * * * *

Subpart L—[Amended]

23. The authority citation for subpart L of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383); sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note).

24. Section 416.1245 is amended by revising paragraphs (b)(1), (b)(2)(v) and (b)(5) to read as follows:

§ 416.1245 Exceptions to required disposition of real property.

* * * * *

(b) *Reasonable efforts to sell.* (1) Excess real property is not included in countable resources for so long as the individual's reasonable efforts to sell it have been unsuccessful. The basis for determining whether efforts to sell are reasonable, as well as unsuccessful, will be a 9-month disposal period described in § 416.1242. If it is determined that reasonable efforts to sell have been unsuccessful, further SSI payments will not be conditioned on the disposition of the property and only the benefits paid during the 9-month disposal period will be subject to recovery. In order to be eligible for payments after the conditional benefits period, the individual must continue to make reasonable efforts to sell.

(2) * * *

(v) The 9-month disposal period has expired.

* * * * *

(5) An individual who has received conditional benefits through the expiration of the 9 month disposal period and whose benefits have been suspended as described at § 416.1321 for reasons unrelated to the property excluded under the conditional benefits agreement, but whose eligibility has not been terminated as defined at §§ 416.1331 through 416.1335, can continue to have the excess real property not included in countable resources upon reinstatement of SSI payments if reasonable efforts to sell the property resume within 1 week of reinstatement. Such an individual will not have to go through a subsequent conditional benefits period. However, the individual whose eligibility has been terminated as defined at §§ 416.1331 through 416.1335 and who subsequently reapplies would be subject to a new conditional benefits period if there is still excess real property.

Subpart M—[Amended]

25. The authority citation for subpart M of part 416 continues to read as follows:

Authority: Secs. 702(a)(5), 1611–1615, 1619, and 1631 of the Social Security Act (42 U.S.C. 902(a)(5), 1382–1382d, 1382h, and 1383).

26. Section 416.1335 is amended by revising the second sentence to read as follows:

§ 416.1335 Termination due to continuous suspension.

* * * We will count the 12-month suspension period from the start of the first month that you are no longer eligible for SSI benefits (see § 416.1321(a)) or the start of the month after the month your special SSI eligibility status described in § 416.265 ended. * * *

Subpart R—[Amended]

27. The authority citation for subpart R of part 416 continues to read as follows:

Authority: Secs 702(a)(5), 1614(b), (c), and (d), and 1631(d)(1) and (e) of the Social Security Act (42 U.S.C. 902(a)(5), 1382c(b), (c), and (d), and 1383(d)(1) and (e)).

28. Section 416.1801(c) is amended in the definition of ''spouse'' by removing the words ''and 416.1811'' and by revising paragraph (3)(i) in the definition of ''eligible spouse'' to read as follows:

§ 416.1801 Introduction.

* * * * *

(c) * * *

Eligible spouse * * *

(3) * * *

(i) The first day of the month following the date the application is filed (for the initial month of eligibility for payment based on that application);

* * * * *

Subpart S—[Amended]

29. The authority citation for subpart S of part 416 continues to read as follows:

Authority: Secs. 702(a)(5) and 1631 of the Social Security Act (42 U.S.C. 902(a)(5) and 1383).

30. Section 416.1902 is amended by revising the definition of ''interim assistance'' to read as follows:

§ 416.1902 Definitions.

* * * * *

Interim assistance means assistance the State gives you, including payments made on your behalf to providers of goods or services, to meet your basic needs, beginning with the first month for which you are eligible for payment of SSI benefits and ending with, and including, the month your SSI payments begin, or assistance the State gives you beginning with the day for which your eligibility for SSI benefits is reinstated after a period of suspension or termination and ending with, and including, the month the Commissioner makes the first payment of benefits following the suspension or termination if it is determined subsequently that you were eligible for benefits during that period. It does not include assistance the State gives to or for any other person. If the State has prepared and cannot stop delivery of its last assistance payment to you when it receives your SSI benefit payment from us, that assistance payment is included as interim assistance to be reimbursed. Interim assistance does not include assistance payments financed wholly or partly with Federal funds.

* * * * *

[FR Doc. 99–15055 Filed 6–14–99; 8:45 am]

BILLING CODE 4190–29–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in July 1999. Interest assumptions are also published on the PBGC's web site (http://www.pbgc.gov).

EFFECTIVE DATE: July 1, 1999.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during July 1999.

For annuity benefits, the interest assumptions will be 6.00 percent for the first 20 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions represent an increase (from those in effect for June 1999) of 0.30 percent for the first 20 years following the valuation date and are otherwise unchanged. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.50 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. The lump sum interest assumptions represent an increase (from those in effect for June 1999) of 0.25 percent for the period during which a benefit is in pay status and are otherwise unchanged.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during July 1999, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE–EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 69 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used To Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, * * * , and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
July 1999	.0600	1–20	.0525	>20	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y—n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
69	07–1–99	08–1–99	4.50	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 7th day of June 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–14995 Filed 6–14–99; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–99–037]

RIN 2115–AE46

Special Local Regulations for Marine Events; Sharptown Outboard Regatta, Nanticoke River, Sharptown, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Temporary special local regulations are being adopted for the Sharptown Outboard Regatta, to be held on the waters of the Naticoke River between Maryland S.R. 313 bridge at Sharptown, Maryland and Nanticoke River Light 43 (LLN–24175). These regulations are needed to protect spectator craft and other vessels transiting the event area from the dangers associated with the event. This action is intended to enhance the safety of life and property during the event.

DATES: This temporary final rule is effective from 12 p.m. EDT (Eastern Daylight Time) to 6 p.m. EDT on June 26 and 27, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6204.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer R. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland, 21226–1791, telephone number (410) 576–2674.

SUPPLEMENTARY INFORMATION:

Regulatory History

A notice of proposed rulemaking (NRPM) was not published for this regulation. In keeping with requirements of 5 U.S.C. 553(B), the Coast Guard finds that good cause exists for not publishing a NRPM. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**. Following normal rulemaking procedures would have been impractical since there is not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date. Immediate action is needed to protect vessel traffic from the potential hazards associated with this event.

Background and Purpose

The North-South Racing Association will sponsor the Sharptown Outboard Regatta on June 26 and 27, 1999. The event will consist of 150 hydroplane and runabout outboard powerboats conducting a high speed competitive race on the waters of the Nanticoke River between Maryland S.R. 313 bridge at Sharptown, Maryland and Nanticoke River Light 43 (LLN–24175). A fleet of spectator vessels is anticipated for the event. Due to the need for vessel control during the races, vessel traffic will be temporarily restricted to provide for the safety of spectators and transiting vessels.

Discussion of Regulations

The Coast Guard is establishing temporary special local Regulations on specified waters of the Nanticoke River. The temporary special local regulations will be in effect from 12 p.m. EDT to 6 p.m. EDT on June 26 and 27, 1999 and will restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of spectators and transiting vessels.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has been exempted from review by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this temporary final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the regulated area will only be in effect for a short period of time and extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard

considers whether this temporary final rule will have a significant economic impact on a substantial number of small entities. ''Small Entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Because this temporary rule will only be in effect for a short period of time and extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly, the Coast Guard expects the impact of this temporary rule to be minimal.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this temporary final rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this temporary rule will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this temporary final rule so that they can better evaluate its effects on them and participate in the rulemaking process. If you believe your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please submit a comment (see **ADDRESSES**) explaining your concerns.

Unfunded Mandates

Under section 201 of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531), the Coast Guard assessed the effects of this temporary final rule on State, local and tribal governments, in the aggregate, and the private sector. The Coast Guard determined that this regulatory action requires no written statement under section 202 of the UMRA (2 U.S.C. 1531) because it will not result in the expenditure of $100,000,000 in any one year by State, local and tribal governments, in the aggregate, or the private sector.

Collection of Information

This temporary rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this temporary rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that, under figure 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a marine event are excluded under that authority.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section, § 100.35–T05–037 is added to read as follows:

§ 100.35–T05–037 Sharptown Outboard Regatta, Nanticoke River, Sharptown, Maryland

(a) *Definitions.* (1) *Regulated area.* All waters of the Nanticoke River, Sharptown, Maryland, between Maryland S.R. 313 bridge and Nanticoke River Light 43 (LLN–14175), bounded by a line drawn southeasterly from latitude 38° 32′ 47″ N, longitude 075° 43′ 15″ W, to latitude 38° 32′ 42″ N, longitude 075° 43′ 09″ W, thence northeasterly to latitude 38° 33′ 07″ N, longitude 075° 42′ 27″ W, thence northwesterly to latitude 38° 33′ 10″ N, longitude 075° 42′ 46″ W, thence southwesterly to latitude 38° 32′ 47″ N, longitude 075° 43′ 15″ W. All coordinates reference Datum NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(b) *Special local regulations.* (1) All persons and/or vessels not authorized as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state, county or local law enforcement vessels assigned and/or approved by Commander, Coast Guard Activities Baltimore.

(2) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain the regulated area.

(3) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective dates.* The regulated area is effective from 12 p.m. EDT (Eastern Daylight Time) to 6 p.m. EDT on June 26 and 27, 1999.

Thomas E. Bernard,

Captain, U.S. Coast Guard Acting Commander, Fifth Coast Guard District.

[FR Doc. 99–15048 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08–99–036]

RIN 2115–AE46

Special Local Regulations: Independence Day Celebration, Cumberland River Mile 190.0–191.0, Nashville, TN

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Independence Day Celebration on the Cumberland River. This event will be held on July 4, 1999 from 12:00 noon until 11:00 p.m. at the riverfront in Nashville, TN. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 12:00 noon until 11:00 p.m. on July 4, 1999.

FOR FURTHER INFORMATION CONTACT: MST3 Christine Mow, Marine Safety Detachment Nashville, TN. Tel: (615) 736–5421.

SUPPLEMENTARY INFORMATION:

Drafting information. The drafters of this regulation are MST3 Christine Mow, Project Officer, Marine Safety Detachment Nashville, and LTJG Michele Woodruff, Project Attorney, Eighth Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rule making for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The details of the event were not finalized until May 19, 1999 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is a fireworks display. The Metropolitan Board of Parks and Recreation sponsors the event. Event activities include a fireworks display and various waterside concerts and exhibits. Spectators will be able to view the event from areas designated by the sponsor.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and record keeping requirements.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T08–036 is added to read as follows:

§ 100.35–T08–036 Cumberland River at Nashville, Tennessee

(a) *Regulated area.* Cumberland River Mile 190.0–191.0.

(b) *Special local regulation.* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given: failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(c) Effective date. These regulations will be effective from 12:00 noon until 11:00 p.m. on July 4, 1999.

Dated: May 24, 1999.

A.L. Gerein, Jr.,

Captain, U.S. Coast Guard Acting Commander, 8th Coast Guard District.

[FR Doc. 99–15047 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08–99–038]

RIN 2115–AE46

Special Local Regulations: Riverfest '99, Tennessee River, Mile Market 140.0–141.0, Parsons, TN

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Riverfest '99 on the Tennessee River. This event will be held on June 20, 1999 from 2:00 p.m. until 5:00 p.m. at the Gumdale Marina in Parsons, TN. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 2:00 p.m. until 5:00 p.m. on June 20, 1999.

FOR FURTHER INFORMATION CONTACT: MST3 Christine Mow, Marine Safety Detachment, Nashville, TN. Tel: (615) 736–5421.

SUPPLEMENTARY INFORMATION:

Drafting information. The drafters of this regulation are MST3 Christine Mow, Project Officer, Marine Safety Detachment, Nashville, and LTJG Michele Woodruff, Project Attorney, Eighth Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rule making for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The details of the event were not finalized until April 30, 1999 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is the Riverfest '99. The event is sponsored by the Decatur County Education Foundation. Event activities include a timed obstacle course race to be run on Jet Skis. Approximately 100 participants will take part in the race. Spectators will be able to view the event from areas designated by the sponsor.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and Record Keeping requirements.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T08–038 is added to read as follows:

§ 100.35–T08–038 Tennessee River at Parsons, Tennessee

(a) *Regulated area.* Tennessee River Mile 140.0–141.0.

(b) *Special local regulation.* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given: failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(c) Effective date. These regulations will be effective from 2:00 p.m. until 5:00 p.m. on June 20, 1999.

Dated: May 24, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard Acting Commander, 8th Coast Guard Dist.

[FR Doc. 99–15046 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08–99–037]

RIN 2115–AE46

Special Local Regulations: Riverbend Festival, Tennessee River Mile 463.5 to 464.5, Chattanooga, TN

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Riverbend Festival on the Tennessee River. This event will be held from 5:30 p.m. on June 19, 1999 until 12:00 midnight on June 20, 1999, at the riverfront in Chattanooga, TN. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 5:30 p.m. on June 19, 1999 until 12:00 midnight on June 20, 1999.

FOR FURTHER INFORMATION CONTACT: MST3 Christine Mow, Marine Safety Detachment Nashville, TN. Tel: (615) 736–5421.

SUPPLEMENTARY INFORMATION:

Drafting information. The drafters of this regulation are MST3 Christine Mow, Project Officer, Marine Safety Detachment Nashville, and LTJG Michele Woodruff, Project Attorney, Eighth Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rule making for these regulations has not been published, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The details of the event were not finalized until April 30, 1999 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Background and Purpose

The marine event requiring this regulation is the Riverbend Festival. The Friends of the Festival sponsor the event. Event activities include a fireworks display and concerts on a floating stage. Spectators will be able to view the event from areas designated by the sponsor.

Regulatory Evaluation

This rule is not a signficiant regulatory action under section 3(f) of

Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Small Entities

The Coast Guard finds that the impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary rule will not have a significant economic impact on a substantial number of small entities because of the event's short duration.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T08–037 is added to read as follows:

§ 100.35–T08–037 Tennessee River at Chattanooga, Tennessee.

(a) *Regulated area.* Tennessee River Mile 463.5 to 464.5.

(b) *Special local regulation.* All persons and/or vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given: failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sing ''PATCOM''.

(c) Effective date. These regulations will be effective from 5:30 p.m. on June 19, 1999 until 12:00 midnight on June 20, 1999.

Dated: May 21, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.

[FR Doc. 99–15043 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8–96–049]

RIN 2115–AE47

Drawbridge Operations Regulation; Back Bay of Biloxi, MS

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: On February 9, 1999, the Coast Guard published an interim rule to change the drawbridge operating regulation for the Popps Ferry Road bascule span bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. The interim rule permitted the draw of the bridge to remain closed to navigation from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays. This schedule facilitates the movement of vehicular traffic crossing the bridge during peak rush hour traffic periods. The Coast Guard is adopting the interim rule as final without change.

DATES: This final rule becomes effective on July 15, 1999.

ADDRESSES: Documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130–3396, room 1313 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 9, 1999, the Coast Guard published an interim rule in (64 FR 6220) to change the drawbridge operating regulation for the Popps Ferry Road bascule span bridge across the Back Bay of Biloxi, mile 8.0, at Biloxi, Harrison County, Mississippi. The interim rule permitted the draw of the bridge to remain closed to navigation from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

The schedule in the interim rule facilitates the movement of vehicular traffic crossing the bridge during peak rush hour traffic periods which has increased significantly during recent years. Because the Popps Ferry Road Bridge bisects the City of Biloxi, openings of the draw span, during rush hour traffic periods, paralyze vehicular traffic movement. This is the only route available to mid-city commuters without taking a 15-mile detour. This rule allows the free flow of vehicular traffic while still meeting the reasonable needs of navigation.

The Coast Guard published a notice of proposed rulemaking on November 20, 1996 (61 FR 59047). The proposed rule would have permitted the draw to remain closed to navigation from 7:30 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m. and from 4:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays.

Comments prompted the Coast Guard to reevaluate the proposal. Objections to

the proposal were primarily based on the previous poor condition of the bridge that resulted in only one bascule leaf being operable, thereby restricting navigation to daytime transits only. After the bridge had been restored to its fully operable condition, the Coast Guard published a supplemental notice of proposed rulemaking on September 23, 1998 (63 FR 50821). The supplemental notice of proposed rulemaking proposed the same schedule, but was published so that interested parties could have another opportunity to comment on the proposed change before a final decision was made.

Four letters were received in response to the supplemental notice of proposed rulemaking. Some of the comments objected to the mid-day closed period because it would interfere with coal deliveries to the Power Company.

The Coast Guard agreed that the change would be less disruptive to coal deliveries to the power plant and that the two remaining closure periods in the morning and afternoon will provide relief for vehicular traffic during rush hours. This change was published as an interim rule to allow the public to comment on the change before the final rule was issued.

One letter was received in response to the interim rule. An individual motorist suggested that the draw of the bridge remain closed to navigation weekdays from 7 a.m. to 8:30 a.m. and from 3:30 p.m. until 5 p.m. instead of from 7:30 a.m. to 9 a.m. and from 4:30 to 6 p.m. as proposed. Based on data originally provided by the Harrison County Board of Supervisors, the Coast Guard does not feel that this suggested change would enhance the movement of vehicular traffic to any greater degree than the change as proposed. Since no other comments or objections to the interim rule or the initial implementation of the new schedule were received, the Coast Guard is adopting the interim rule without change.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because the number of vessels impaired during the proposed closed-to-navigation periods is minimal. Commercial fishing vessels and tugs with tows still have ample opportunity to transit this waterway before and after the peak vehicular traffic periods as is their customary practice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields and governmental jurisdictions with populations of less than 50,000.

This final rule considers the needs of local commercial fishing vessels, as the study of vessels passing the bridge included such commercial vessels. These local commercial fishing vessels will still have the ability to pass the bridge in the early morning, early afternoon and evening hours. Thus, the economic impact is expected to be minimal. Additionally, there is no indication that other waterway users would suffer any type of economic hardship if they are precluded from transiting the waterway during the hours that the draw is scheduled to remain in the closed-to-navigation position. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this final rule will have a significant impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this final rule will economically affect it.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and have determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. The authority to regulate the permits of bridges over the navigable waters of the U.S. belongs to the Coast Guard by Federal statutes.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2–1, paragraph 32(e) of Commandant Instruction M16475.1C, this final rule is categorical excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Accordingly, the interim rule amending 33 CFR Part 117 which was published in 64 FR 6220 on February 9, 1999, is adopted as a final rule without change.

Dated: May 25, 1999.

A.L. Gerfin, Jr.,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard Dist.

[FR Doc. 99–15049 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–98–175]

RIN 2115–AA97

Safety Zone: New York Super Boat Race, Hudson River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone that will be enacted annually for the New York Super Boat Race. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in the lower Hudson River, New York.

DATES: This final rule is effective July 15, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 12, 1999, the Coast Guard published a notice of proposed rulemaking entitled Safety Zone: New York Super Boat Race, Hudson River, New York in the **Federal Register** (64 FR 7147). The Coast Guard received one comment on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

Super Boat International Productions sponsors this annual high-speed powerboat race with approximately 40 powerboats, 24 to 50 feet in length, racing on an 8-mile oval course at speeds in excess of 100 mph. An average of 100 spectator craft view this event each year. The safety zone encompasses all waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point in Weehawken, New Jersey at approximate position 40°45′52″N 074°01′01″W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42′16.0″N	074°01′09.0″W, then south to
40°41′55.0″N	074°01′16.0″W, then southwest to
40°41′47.0″N	074°01′36.0″W, then northwest to
40°41′55.0″N	074°01′59.0″W, then to shore at
40°42′20.5″N	074°02′06.0″W.

The safety zone area encompasses approximately four nautical miles of the Lower Hudson River from Pier 76, Manhattan to approximately 650 yards northwest of the Governors Island Light (LLNR 35010) in approximate position 40°42′20.5″N, 074°01′11″W (NAD 1983).

The final rule is effective annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day. The race boats will be competing at high speeds with numerous spectator crafts in the area, creating an extra or unusual hazard in the navigable waterway. The final rule prohibits all vessels not participating in the event, swimmers, and personal watercraft from transiting this portion of the Lower Hudson River during the race. It is needed to protect the waterway users from the hazards associated with high-speed powerboats racing in confined waters.

Discussion of Comments and Changes

The Coast Guard received one comment on the proposed rule. This final rule is the same as the proposed rule except that the starting time for the event has been moved from 11:30 a.m. to 10 a.m. This change was made to provide for a Super Boat Limited race beginning at 11 a.m. This will be followed by the Super Boat Race beginning at 1 p.m. The Coast Guard is not publishing a Supplemental NPRM (SNPRM) for this change. A SNPRM is not necessary because the final rule is not materially different from the proposed rule, therefore the notice provided for the NPRM was sufficient for this final rule. This conclusion is based upon the following factors: the minimal extra time requested, the minimal amount of commercial traffic affected, pleasure craft can take an alternate route through the East River and the Harlem River, and commercial ferry traffic will be authorized to transit around the perimeter of the safety zone for their scheduled operations at the direction of the Patrol Commander.

The Coast Guard received one comment regarding the location of spectator craft at the southwest corner of the safety zone during 1998's event. This location is in the vicinity of Liberty State Parks, Jersey City, New Jersey and Ellis Island. Commercial charters, which were authorized to transit between Liberty State Park and Ellis Island during the event, experienced difficulty navigating safely through this area due to spectator craft infringing on the safety zone. The charter boats experienced difficulty when entering and departing from their berth at Liberty State Park. The charter boats were also forced to transit further into the safety zone than had originally been planned. The Coast Guard will maintain a clear lane at the southwest corner of the safety zone for the charter boats to transit through. There is still sufficient room around the remaining southern boundary of the safety zone for the expected spectator craft to view this event.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting a portion of the lower Hudson River Hudson River during the race, the effect of this regulation will not be significant for several reasons: it is an annual event with local support, the volume of commercial vessel traffic transiting the Lower Hudson River on a Sunday is less than half of the normal daily traffic volume; pleasure craft desiring to view the event will be directed to designated spectator viewing areas outside the safety zone; pleasure craft can take an alternate route through the East River and the Harlem River; the duration of the event is limited to six hours; the extensive advisories which will be made to the affected maritime community by Local Notice to Mariners, Safety Voice Broadcast, and facsimile notification. Additionally, commercial ferry traffic will be authorized to transit around the perimeter of the safety zone for their scheduled operations at the direction of the Patrol Commander.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal

agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates.* A Federal mandate is a new or additional enforceable jury imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in a aggregate, $100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Other Executive Orders on the Regulatory Process

In addition to the statues and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal Government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern and environmental risk to safety disproportionately affecting children.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–6, 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of sec. 311, Pub. L. 105–383.

2. Add § 165.162 to read as follows:

§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.

(a) *Regulated area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45′52″N 074°01′01″W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42′16.0″N	074°01′09.0″W, then south to
40°41′55.0″N	074°01′16.0″W, then west to
40°41′47.0″N	074°01′36.0″W, then northwest to
40°41′55.0″N	074°01′59.0″W, then to shore at
40°42′20.5″N	074°02′06.0″W.

(b) *Regulations.*

(1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designed on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99–15045 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–057]

RIN 2115–AA97

Safety Zone: 4th of July Fireworks, Charles River Esplanade, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the 4th of July Fireworks on the Esplanade, Boston, MA. This regulation establishes a two-stage safety zone on waters of the Charles River, around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 a.m. on 3 July 1999 and establishes a safety zone one hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. This safety zone prevents entry into or movement within this portion of the Charles River, and it is needed to protect the boating public viewing this display from the dangers posed by the loading of the fireworks and the fireworks display. The two-stage approach is needed due to the risks posed first by the loading of the fireworks, then the expanded risks posed by the firework display event.

DATES: This rule is effective from 12:01 a.m., Monday, 28 June 1999 until 11:00 p.m., Monday, 5 July 1999 unless canceled earlier by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: ENS Rebecca Montleon, Waterways Management Division, Coast Guard Marine Safety Office Boston, (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Conclusive information

about this event was not provided to the Coast Guard until March 9, 1999, making it impossible to publish a NPRM or a final rule 30 days in advance. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

Background and Purpose

On March 9, 1999 the organization Boston's Fourth of July, Boston, Massachusetts filed a marine event permit with the Coast Guard to hold a fireworks program on the waters of the Charles River, Boston, MA. This regulation establishes a two-stage safety zone on all waters of the Charles River around the fireworks barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 on 3 July 1999 and establishes a safety zone one hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored in the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. This safety zone prevents entry into or movement within this portion of the Charles River, and it is needed to protect the boating public viewing this display from the dangers posed by the loading of the fireworks and the fireworks display. The two-stage approach is needed due to the risks posed first by the loading of the fireworks, then the expanded risks posed by the firework display event.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Due to the limited duration of the safety zone, the fact that the safety zone will not restrict the entire harbor, allowing traffic to continue without obstruction, and the advance maritime advisories that will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that, under Figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination;; is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Add temporary section 165.T01–057 to read as follows:

§ 165.T01–057 Safety Zone: 4th of July Fireworks, Charles River Esplanade, Boston, MA.

(a) *Location.* The following area is a safety zone: this regulation establishes a two-stage safety zone on all waters of the Charles River around the fireworks barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge. The first stage is in effect from 12:01 a.m. on 28 June 1999 until 12:01 a.m. on 3 July 1999 and establishes a safety zone hundred (100) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA. The second stage is in effect from 12:01 a.m. on 3 July 1999 until 11:00 p.m. on 5 July 1999 unless canceled earlier by the Captain of the Port; and establishes a safety zone four hundred (400) yards around the firework barges moored on the Charles River between the Longfellow Bridge and the Harvard Bridge, Boston, MA

(b) *Effectuve date.* This section is effective from 12:01 a.m. Monday, 28 June 1999 until 11:00 p.m., Monday, 5 July 1999 unless canceled earlier by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: May 27, 1999.

J.L. Grenier,

Captain, U.S. Coast Guard Captain of the Port Boston, Massachusetts.

[FR Doc. 99–15044 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW–FRL–6359–6]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Technical Amendment

AGENCY: Environmental Protection Agency.

ACTION: Technical amendment.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is amending 40 CFR part 261, appendix IX to delete two facilities that were granted exclusions for their wastes and no longer produce these wastes. The following facilities have been deleted: Tricil Environmental Systems, Inc., Hilliard, Ohio; and Tricil Environmental Systems, Inc., Muskegon, Michigan. Today's amendment documents these changes.

EFFECTIVE DATE: June 15, 1999.

ADDRESSES: The regulatory docket for this rule is located at U.S. EPA, Crystal Gateway I, 1235 Jefferson Davis Highway, ground floor outside main lobby, Arlington, VA 22202, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. The Docket Office can be reached at (703) 603–9230. The reference number for this docket is F–86–TRFE–FFFFF. The public may copy material from the regulatory docket free for the first 100 pages and $0.15 for additional pages.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346 or at (703) 412–9810. For technical information contact Mr. Jim Kent, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (703) 308–0461.

SUPPLEMENTARY INFORMATION:

I. The Technical Amendment

On February 8, 1994, EPA published a final rule (59 FR 5725, February 8, 1994) to delete Tricil Environmental Systems, Inc., Hilliard, Ohio; and Tricil Environmental Systems, Inc., Muskegon, Michigan from 40 CFR part 261, appendix IX. EPA inadvertently did not include deleting the two Tricil Environmental Systems, Inc. facilities from Table 2 of appendix IX of 40 CFR part 261; EPA corrects this omission in today's technical amendment by promulgating the appropriate regulatory text.

II. Background

Under 40 CFR 260.20 and 260.22 a person may petition EPA to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste specific information provided by petitioner, EPA granted exclusions to Tricil Environmental Systems, Inc., Hilliard, Ohio (51 FR 41494, November 17, 1986); and Tricil Environmental Systems, Inc., Muskegon, Michigan (51 FR 41494, November 17, 1986).

EPA decided to delete these two facilities from Appendix IX because these facilities notified EPA that they had ceased operations that generate the excluded waste. Tricil Environmental Systems, Inc., Hilliard, Ohio, ceased generation of the excluded waste on June 30, 1991; and Tricil Environmental Systems, Inc., Muskegon, Michigan, ceased generation of the excluded waste on September 1, 1992.

In 1993, the above generators confirmed in writing that they no longer generate the delisted waste at their facilities. On October 15, 1993, the Agency notified these facilities of the proposed action and solicited their comments. No comments were received disputing the Agency's intended action. These changes to appendix IX of 40 CFR part 261 are effective June 15, 1999. These facilities would need to submit new delisting petitions if they wish to generate the excluded waste at any time in the future.

III. Effective Date

This technical amendment is effective June 15, 1999. EPA has determined that there is good cause for making today's technical amendment final without prior proposal and opportunity for comment because EPA is merely correcting a technical omission in a previously issued rule to delete two facilities from appendix IX, Table 2 that have stopped production of the excluded waste. Thus, notice and public comment are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This action also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

IV. Submission to Congress and General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States. The EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability, etc. Section 804 exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedures, or practice that do not substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3). This rule will become effective on June 15, 1999.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, and Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921 (f).

Dated: June 2, 1999

Elizabeth Cotsworth,

Acting Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6922, and 6938.

Appendix IX to Part 261 [Amended]

2. Table 2 of Appendix IX of Part 261 is amended by removing the entries for ''Tricil Environmental Systems, Inc., Hilliard, Ohio'; and ''Tricil Environmental Systems, Inc., Muskegon Michigan.''

[FR Doc. 99–15170 Filed 6–14–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 723

[OPPT–50636; FRL–6068–5]

Recordkeeping Requirements for Low Volume Exemption and Low Release and Exposure Exemption; Technical Correction

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final Rule; technical correction.

SUMMARY: This technical correction re-establishes recordkeeping requirements that were previously inadvertently deleted from the Low Volume Exemption (LVE) and Low Release and Exposure Exemption (LOREX) rule codified at 40 CFR § 723.50, that authorizes exemption from the pre-manufacture notice (PMN) requirement of section 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2604. The deletion resulted from a mistake in a ''non-substantive procedural change'' to update addresses in several TSCA regulations.

DATES: This technical correction is effective June 15, 1999.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Roy Seidenstein, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: 202–260–2252, fax: 202–260–0118, e-mail: seidenstein.roy@epa.gov. For general information contact: Joseph S. Carra, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: 202–554–1404, TDD: 202–554–0551, e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You are governed by this rule if you submit or have submitted, on or after May 30, 1995, a LVE or LOREX notice to EPA pursuant to 40 CFR 723.50. Thus, you may be affected by this action if you manufacture (defined by statute to include import) chemical substances. Entities potentially affected by this action may include, but are not limited to:

Type of Entity	SIC	NAICS	Examples of Potentially Affected Entities
Chemical Manufacturers or Importers.	28 2911	325 32411	Persons who manufacture (defined by statute to include import) one or more of the subject chemical substances.

The chart above is not intended to be exhaustive, but rather provides a guide for readers regarding entities that may be affected by this action. Other types of entities not listed could also be affected. The Standard Industrial Classification (SIC) codes or the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the provisions in 40 CFR 723.50. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. How Can I Get Additional Information or Copies of this or Other Support Documents?

A. Electronically

You may obtain electronic copies of this document and various support documents from the EPA internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register** - Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at http://www.epa.gov/homepage/fedrgstr/.

B. In person or by phone

If you have any questions or need additional information about this action, you may contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official record for this notice, including the public version, has been established under docket control number [OPP–50636]. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as CBI, is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE-B607, Waterside Mall, 401 M St., SW., Washington, DC, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Nonconfidential Information Center telephone number is 202–260–7099.

III. Why is this Technical Correction Necessary?

This notice re-establishes recordkeeping requirements at 40 CFR 723.50(n) that were previously deleted inadvertently. The deletion resulted from a mistake in a ''non-substantive procedural change'' to update addresses in several TSCA rules. The details of how this error occured are as follows:

On April 26, 1985, EPA published a final rule entitled ''Exemption for Chemical Substances Manufactured in Quantities of 1,000 Kg or Less Per Year'' (50 FR 16477). That rule was promulgated under section 5(h)(4) of the Toxic Substances Control Act (TSCA) and creates an exemption from the premanufacture notice (PMN) requirement of TSCA section 5(a)(1)(A) and 40 CFR part 720. The exemption is based on a determination by EPA that those chemical substances that satisfy the requirements of the exemption will not present an unreasonable risk of injury to human health or the environment. The exemption, commonly called the Low Volume Exemption (LVE) Rule, was codified at 40 CFR 723.50. The original LVE rule contained ''Submission of information'' requirements at 723.50(n) and ''Recordkeeping'' requirements at 723.50(o).

On March 29, 1995, at 60 FR 16336, EPA published a final rule which amended the LVE rule at 40 CFR 723.50, effective May 30, 1995. The new title of § 723.50 became ''Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures.'' Among

other things, the March 1995 amendment increased the low volume limit from 1,000 kilograms per year to 10,000 kilograms per year (see § 723.50(c)(1)) and added a new exemption (at § 723.50(c)(2)) for chemicals with low environmental release and low human exposure, commonly called the LOREX exemption. The March 1995 amendment did not contain a separate ''Submission of information'' paragraph, and moved the ''Recordkeeping'' requirements to § 723.50(n). (In the amended LVE/LOREX rule, § 723.50(e) includes directions on the address to which notices must be submitted.)

On July 3, 1995, at 60 FR 34462, EPA published an immediately effective final rule entitled ''Technical Amendments to TSCA Regulations to Update Addresses.'' That amendment was intended to revise address information in several different TSCA regulations, including § 723.50. The preamble to the July 3, 1995 technical amendment states ''Because these changes are non-substantive procedural changes, notice and public comment are not necessary. These changes are effective immediately.''

It is quite clear from the text of the July 3, 1995 technical amendment that it contained a significant error. In particular, it appears that the July 3, 1995 technical amendment was written without knowledge or consideration of the March 1995 LVE/LOREX amendments, which had changed the title and text of the paragraph at § 723.50(n) from a provision entitled ''Submission of information'' to a provision entitled ''Recordkeeping.'' The July 3, 1995 technical amendment incorrectly refers to the title of the rule at § 723.50 as ''Chemical substances manufactured in quantities of 1,000 kilograms or less per year,'' rather than the title that became legally effective on May 30, 1995, i.e., ''Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures.'' Moreover, the supposedly updated address inserted at § 723.50(n) by the July 3, 1995 technical amendment is virtually identical to the address that was already present in the LVE/LOREX rule at § 723.50(e) at that time. The only difference in address is that the July 3, 1995 amendment included ''Room G–099'' and the LVE/LOREX rule at § 723.50(e) does not state a room number. Today's technical correction retains the room number provided in the July 3, 1995 technical amendment, but relocates the address information to § 723.50(e).

More importantly, because the July 3, 1995 technical amendment accidentally inserted provisions entitled ''Submission of information'' in the wrong place in the LVE/LOREX rule, i.e., at § 723.50(n), the July 3, 1995 rulemaking unintentionally deleted the recordkeeping requirements then-existing at § 723.50(n). Today's technical correction restores the LVE/LOREX recordkeeping requirements at § 723.50(n) that were unintentionally deleted.

IV. Why Is this Technical Correction Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary and would be contrary to the public interest. As explained above, the corrections contained in this action will simply reverse an inadvertent deletion that occurred when a previous technical amendment that purported merely to correct a submission address failed to consider a recent amendment that relocated that address provision. EPA therefore finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) to make this amendment without prior notice and comment.

V. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This final rule does not impose any new requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

VI. Will EPA Submit this Final Rule to Congress and the Comptroller General?

Yes. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. EPA has made such a good cause finding for this final rule, and established an effective date of June 15, 1999. Pursuant to 5 U.S.C 808(2), this determination is supported by the brief statement in Unit IV. of this preamble. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 723

Chemicals, Environmental protection, Premanufacture notification, Hazardous materials, Reporting and recordkeeping requirements.

Dated: May 21, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, part 723 is amended as follows:

PART 723—[AMENDED]

1. The authority citation for part 723 continues to read as follows:

Authority: 15 U.S.C. 2604.

2. In § 723.50, revise the second sentence of paragraph (e)(1) and revise paragraph (n) to read as follows:

§ 723.50 Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures.

* * * * *

(e) * * * (1) * * * The notice must be sent in writing to: TSCA Document Control Officer (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, Room G–099, 401 M St., SW., Washington, DC 20460. * * *

* * * * *

(n) *Recordkeeping.* (1) A manufacturer of a new chemical substance under paragraph (c) of this section must maintain the records described in this paragraph at the manufacturing site or site of importation for a period of 5 years after their preparation.

(2) The records must include the following to demonstrate compliance with this section:

(i) Records of annual production volume and import volume.

(ii) Records documenting compliance with the applicable requirements and restrictions of paragraphs (c), (e), (f), (h), (i), (j), and (k) of this section.

(3) Any person who manufactures a new chemical substance under the terms of this section must, upon request of a duly designated representative of EPA, permit such person at all reasonable times to have access to and to copy records kept under paragraph (n)(2) of this section.

(4) The manufacturer must submit the records listed in paragraph (n)(2) of this section to EPA upon request. Manufacturers must provide these records within 15 working days of receipt of such request.

* * * * *

[FR Doc. 99–15174 Filed 6–14–99; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 16

[USCG–1988–4469]

RIN 2115–AF67

Management Information System (MIS) Requirements

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the final rule (USCG–1998–4469) which was published April 27, 1999. The rule changed the Management Information System (MIS) annual reporting requirements for chemical drug testing.

EFFECTIVE DATE: This correction notice is effective June 15, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG–1998–4469), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001. You may also access docket materials over the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Lieutenant Jennifer Ledbetter, Coast Guard, telephone 202–267–0684. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background

The Office of Management and Budget (OMB) requested that the Coast Guard reduce the amount of information collected under the Management Information System (MIS) annual reporting requirements for chemical testing data. The required reports provide drug and alcohol testing information from marine employer chemical testing programs. The Coast Guard and OMB discussed how to reduce the annual reporting requirements for chemical drug testing information. The reductions discussed with OMB were set out in the final rule.

Need for Correction

As published, the final rule contains an inaccurate website address that may prove to be misleading and therefore needs to be corrected.

Correction of Publication

Accordingly, the publication on April 27, 1999 of the final rule (USCG–1998–4469), which is the subject of (FR Doc. 99–10553) is corrected as follows:

§ 16.500 [Corrected]

1. On page 22559, in the second column, line 10, the website address ''http://www.uscg.mil/hq/g-m.html'' is corrected to read ''http://www.uscg.mil/hq/g-m/nmc/genpub.htm''.

Dated: June 4, 1999.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–15042 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018–AF58

Amendment by Mexico to Appendix III Listing of Bigleaf Mahogany Under the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule announces an amendment to the Appendix III listing of bigleaf mahogany (Swietenia macrophylla) under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention). The species in the Americas and its logs, sawn wood, and veneer sheets have been included in Appendix III since November 1995, based on an action by the Government of Costa Rica. The Government of Mexico has supplied information to the CITES Secretariat to independently include the species in Appendix III to support its national legislation for the species and the need for cooperation of other CITES countries in controlling the international trade. We will consider any comments received on whether to enter a reservation on Mexico's action for this species.

DATES: This rule is effective on June 15, 1999. The change to the Appendix III listing for the Mexican population of the species as set forth in this rule entered into force on April 29, 1999, under the terms of the Convention.

ADDRESSES: Please send correspondence concerning the amendment announced in this rule to Chief, Office of Scientific

Authority, ARLSQ 750; U.S. Fish and Wildlife Service; Washington, DC 20240; fax number 703–358–2276. Express and messenger deliveries should be addressed to Chief, Office of Scientific Authority, Room 750; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Arlington, Virginia 22203.

You may obtain the text of the Appendix III Notification from the Convention's Secretariat on request, and related materials are available for public inspection by appointment from 8 a.m. to 4 p.m. Monday through Friday, at the above address in Arlington, Virginia.

Please send certificate/permit questions or any applications concerning this regulation to Chief, Office of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Room 700; Arlington, Virginia 22203; fax number 703–358–2281. Express and messenger deliveries should be addressed to Chief, Office of Management Authority, at that Arlington address.

FOR FURTHER INFORMATION CONTACT: Dr. Susan Lieberman, Chief, Office of Scientific Authority, phone 703–358–1708, fax 703–358–2276, E-mail: r9osa@mail.fws.gov; or the Office of Management Authority, telephone 800–358–2104, E-mail: r9oma__cites@mail.fws.gov.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249) regulates international trade in certain animal and plant species. The species for which trade in particular specimens is controlled are listed in one of three appendices. Appendix III is comprised of species that any Party country informs the CITES Secretariat are subject to regulation within its jurisdiction for purposes of restricting or preventing exploitation, and for which it needs the cooperation of other Parties to regulate international trade in specimens of the species. Resolution Conf. 9.25 (Rev.) provides guidance to assist Party countries in determining individually whether a species would qualify for inclusion in Appendix III.

Appendix I includes species threatened with extinction that are or may be affected by international trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless the trade in specimens is strictly controlled. Appendix II also can include species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other traded species). Resolution Conf. 9.24 provides criteria and guidance to assist the Parties in determining together (usually at a Conference of the Parties or COP) whether a species would qualify for inclusion in Appendix I or Appendix II. Under CITES, only those species included in Appendix I are banned from international trade for primarily commercial purposes in specimens from the wild.

This rule updates the list of CITES species that is reproduced in the U.S. Code of Federal Regulations (CFR) at 50 CFR 23.23(f). We published the current information regarding CITES-listed species following COP10 (see below) in the **Federal Register** of August 22, 1997 (62 FR 44627). As advanced by the Government of Mexico pursuant to Article XVI paragraph 1 of the Convention, this notice acknowledges that now Mexico, Brazil, Bolivia, and Costa Rica have added Swietenia macrophylla (bigleaf mahogany (also respectively called mogno, mara, or caoba)) to Appendix III in support of their domestic conservation measures and need for cooperation of other Parties.

Therefore, bigleaf mahogany populations in the Americas (i.e., South America, Central America, the Caribbean, and North America) continue to be included in CITES Appendix III, including only logs, sawn wood, and veneer sheets of the species as the parts or derivatives covered by the provisions of the Convention. Thus, products such as finished furniture are excluded. Moreover, export of specimens from plantations located outside the Americas is not regulated. (At COP10 in June 1997, the categories saw-logs, sawn wood, and veneers were revised slightly to the above for several such listings; 62 FR 44627.)

The CITES Secretariat notified the Party countries on January 29, 1999 (in an unnumbered Notification), of this addition to Appendix III by Mexico of this species. In accordance with Article XVI paragraph 2, such an amendment becomes effective 90 days after notification, in this case on April 29, 1999. Appropriate documentation as required by CITES (usually an export permit) must accompany all the shipments of bigleaf mahogany originating from Mexico that are exported on or after that date. The importer must present the documentation upon import to the Party countries.

International trade in Appendix III species and their parts and derivatives that are specified as being included requires the issuance of either an export permit, a certificate of origin, a re-export certificate, or a pre-Convention certificate, by the exporting or the re-exporting Party. An export permit, which signifies that the specimens were not obtained in contravention of the laws of that country for conservation, is required if the shipment originates from the Party that added the species to Appendix III. In the case of bigleaf mahogany, the effective dates for countries including the species in Appendix III are: Mexico—April 29, 1999; Brazil—July 26, 1998 (see **Federal Register** October 30, 1998, 63 FR 58325–58327); Bolivia—March 19, 1998 (see **Federal Register** of May 14, 1998, 63 FR 26739–26741); and Costa Rica—November 16, 1995 (see **Federal Register** of February 22, 1996, 61 FR 6793–6795).

Export from the other countries in the Americas requires the issuance of either a certificate of origin that verifies the specimens originated in a non-listing country, or a pre-Convention certificate that verifies the specimens were acquired before the provisions of the Convention applied to them (i.e., November 16, 1995). Re-export—the export of specimens that originated in the Americas that were previously imported—requires the issuance of a re-export certificate by all countries. All the countries of South America, Central America, and North America and some countries in the Caribbean are Parties to the Convention and must issue CITES documents that contain standard information (Resolution Conf. 10.2). Countries not party to the treaty must issue comparable documentation as specified in Article X of CITES and Resolution Conf. 9.5.

The Convention's Secretariat and the U.S. Office of Management Authority in 1995 (and other times since) have inquired about certificates of origin or permits that exporting range countries issue for shipments of the specimens of this species (i.e., logs, sawn wood, and veneer sheets). We received responses from Guatemala, Belize, Honduras, Nicaragua, Venezuela, and Peru (cf. Secretariat's April 27, 1998, Notification No. 1998/15). Costa Rica, Bolivia, Brazil, and Mexico, as Parties listing the species in Appendix III, use their regular documents (e.g., permits). Importation or exportation of CITES-regulated plant specimens must be through particular designated U.S. Department of Agriculture ports (50 CFR 24.12), which includes additional ports designated for logs and lumber. For

information on the types of documents required for such mahogany importation into the United States, as well as requests for any documents needed for such re-export or export from the United States, you should contact the Office of Management Authority (address and phone number above).

Any Party country may at any time enter a reservation on a species (or pertinent population) added to Appendix III. A Party that has entered a reservation is treated as a country that is not party to the Convention with respect to the trade in the species concerned (until such time as that Party withdraws its reservation). We thoroughly discussed the limited effects of a reservation in alleviating importers and exporters from documentation requirements with the other CITES Parties in a **Federal Register** notice on November 17, 1987 (52 FR 43924). In a subsequent **Federal Register** notice of March 28, 1988 (53 FR 9945; see also 53 FR 12497, April 14, 1988), we made a procedural change in requesting comments about such reservations for species added to Appendix III. Because the effects of such a reservation are limited, and there is also no time limit for reserving on a species or a population added to Appendix III, a proposed rule is not published at the time the list in § 23.23 is amended. Regardless of any U.S. decision to enter a reservation, this particular amendment to Appendix III enters into force on April 29, 1999, under the terms of the Convention. We publish this document to inform the public of this international action, while still affording those interested the opportunity and time to assess the merits of entering a reservation. Therefore, this document is not a rule under 5 U.S.C. 553, and good cause exists to omit the proposed-rule notice and public-comment process since it is unnecessary and contrary to the public interest (5 U.S.C. 553(b)). Because bigleaf mahogany in the Americas was added to Appendix III of the Convention effective on November 16, 1995, and because of the April 29, 1999 effective date of Mexico's action and other reasons stated in this notice, the Service finds that good cause exists for making this rule effective upon its date of publication (5 U.S.C. 553(d)).

The Department of the Interior has determined that changes to the Convention Appendices, which result from actions of the Parties to the treaty, do not require preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321–4347). This notice recognizes Mexico's decision to include one of their native species in CITES Appendix III and serves as public notice of their decision to potential importers and exporters, as well as other persons who may have a need to know of this Appendix III amendment. Because this amendment to 50 CFR § 23.23 is simply a notification to the public on an action that has been taken by Mexico under the terms of CITES, this notice does not constitute a ''rule'' for purposes of the Administrative Procedure Act (5 U.S.C. 551). Accordingly, the provisions of Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and the Small Business Regulatory Enforcement Fairness Act of 1966 do not apply to this notice.

No information collection requirements requiring Office of Management and Budget approval is contained in this action. For any permits or certificates required for re-export from the United States of this or any other CITES-listed species (see 50 CFR 23), the Office of Management and Budget has approved the collection of information under 44 U.S.C. 3501 et seq. and assigned clearance numbers 1018–0093 and 1018–0012.

At the tenth meeting of the Conference of the Parties to the Convention (COP10) in June 1997, the United States was among 67 of 112 Parties that voted to include this species in Appendix II; this 60 percent of the Parties in favor, however, fell short of the two-thirds majority needed for adoption of the proposal (see the **Federal Register** notice of August 22, 1997 (62 FR 44627)). After the vote, Mexico in Plenary stated its intention to include the species in Appendix III. We do not recommend entering a reservation on this enhanced status in Appendix III for the Mexican population of the species. We could consider doing so only if valid and compelling reasons are shown that implementation of this listing would be contrary to the interests or laws of the United States. We now solicit comments on whether to enter a reservation, and we are seeking any new information that becomes available.

This document was prepared by Ms. Julie Lyke, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

Regulation Promulgation

Accordingly, for the reasons set out above in this document, the Service amends part 23 of title 50 (chapter I, subchapter B) of the Code of Federal Regulations as set forth below:

PART 23—ENDANGERED SPECIES CONVENTION

1. The authority citation for part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

2. Section 23.23(f) is amended by revising the entry for *Swietenia macrophylla* under the plant family Meliaceae to read as follows:

§ 23.23 Species listed in Appendices I, II, and III.

* * * * *

(f) * * *

Species	Common name	Appendix	First listing date (month/day/year)
* *	* *	* *	*
PLANT KINGDOM:	PLANTS:		
* *	* *	* *	*
Family Meliaceae:	Mahogany family:		

Species	Common name	Appendix	First listing date (month/day/year)
* *	* *	* * *	*
Swietenia macrophylla populations in the Americas (including logs, sawn wood, and veneer sheets, but no other parts or derivatives, e.g., products).	Bigleaf mahogany	III (Bolivia, Brazil, Costa Rica, Mexico) ...	11/16/95
* *	* *	* * *	*

Dated: June 3, 1999.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 99–14928 Filed 6–14–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 285 and 635

[I.D. 060399A]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Retention limit adjustment.

SUMMARY: NMFS adjusts the daily retention limit for the Angling category fishery for Atlantic bluefin tuna (BFT) in all areas to two school BFT (measuring 27 to less than 47 inches curved fork length) and one large school or small medium BFT (measuring 47 to less than 73 inches curved fork length) per vessel. This daily retention limit adjustment is effective June 25 through July 25, 1999, after which it will revert to one large school or small medium BFT per vessel. This action is being taken to provide increased fishing opportunities in all areas without risking overharvest of this category.

DATES: The daily retention limit adjustment is effective 1 a.m., local time, June 25, 1999, until 11:30 p.m., local time, July 25, 1999.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Sarah McLaughlin, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*), governing the harvest of Atlantic highly migratory species by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285 and are to be replaced by consolidated regulations at 50 CFR part 635 effective July 1, 1999 (64 FR 29090, May 28, 1999).

Implementing regulations for the Atlantic tuna fisheries at § 285.24 (consolidated at 50 CFR 635.23 effective July 1, 1999) allow for adjustments to the daily retention limits in order to provide for maximum utilization of the quota spread over the longest possible period of time. NMFS may increase or reduce the per angler retention limit for any size class BFT or may change the per angler limit to a per boat limit or the per boat limit to a per angler limit.

NMFS is responsible for implementing a recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) to limit the catch of school BFT to no more than 8 percent by weight of the total domestic quota over each 4-consecutive-year period. NMFS is implementing this ICCAT recommendation through annual and inseason adjustments to the school BFT landings and school BFT reserve categories, as necessary, and through the establishment of a school BFT reserve (64 FR 29090, May 28, 1999; 64 FR 29806, June 3, 1999). The recent ICCAT recommendation allows NMFS more flexibility to make interannual adjustments for overharvests and underharvests, provided that the 8-percent landings limit is not exceeded over the applicable 4-consecutive-year-period. This approach provides NMFS with the flexibility to enhance fishing opportunities and the collection of information on a broad range of BFT size classes and responds to requests from the recreational fishing community for more advance notice of retention limit adjustments and greater certainty in planning for the fishing season.

This daily retention limit adjustment is effective June 25 through July 25, 1999, after which it will revert to one large school or small medium BFT per vessel. NMFS will consider adjusting the daily retention limit once again during late summer and early fall season if BFT have moved father north to the waters off Rhode Island, New York, and northern New Jersey, provided that BFT Angling category quota remains available.

The daily retention limit and the duration of daily retention limit adjustment have been selected based on an examination of past catch and effort rates. NMFS will continue to monitor the Angling category fishery closely through the Automated Catch Reporting System, the state harvest tagging programs in North Carolina and Maryland, and the Large Pelagic Survey. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that an interim closure or an additional retention limit adjustment is necessary to enhance scientific data collection from, and fishing opportunities in, all geographic areas. Additionally, NMFS may determine that an allocation from the school BFT reserve is warranted to further fishery management objectives.

Closures or subsequent adjustments to the daily retention limit, if any, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Atlantic Tunas Information Line at 888–USA–TUNA (888–872–8862) or 978–281–9305 for updates on quota monitoring and retention limit adjustments. Anglers aboard Charter/Headboat category vessels, when engaged in recreational fishing for school, large school, and small medium BFT, are subject to the same rules as anglers aboard Angling category vessels. All BFT landed under the Angling category quota must be reported within 24 hours of landing to the NMFS Automated Catch Reporting System by calling 888–USA–TUNA (888–872–8862) or, if landed in the states of North Carolina or Maryland, to a reporting station prior to offloading. Information about these state harvest tagging programs, including reporting station locations, can be obtained in North Carolina by calling (800) 338–7804, and in Maryland by calling (410) 213–1531.

Classification

This action is taken under 50 CFR 285.24(d)(3), and, after June 30, 1999, shall continue in effect under 50 CFR 635.23(b)(3). This action is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: June 10, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–15132 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 64, No. 114
Tuesday, June 15, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 10

Regulations Governing Practice Before the Internal Revenue Service

AGENCY: Office of the Secretary, Treasury.

ACTION: Advance notice of proposed rulemaking; invitation to submit comments.

SUMMARY: This document gives advance notice of proposed rulemaking to amend the Regulations of the Secretary of the Treasury governing practice before the IRS, which appear in the Code of Federal Regulations and in pamphlet form as Treasury Department Circular No. 230, Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, Enrolled Actuaries, and Appraisers Before the Internal Revenue Service. This document also invites individuals and organizations to submit comments regarding necessary amendments.

DATES: Submit comments on or before July 15, 1999.

ADDRESSES: Mail comments to: Internal Revenue Service; Office of Director of Practice, 1111 Constitution Ave., NW., Washington DC 20224; Attn: C:AP:P.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Director of Practice, 202–694–1891.

SUPPLEMENTARY INFORMATION:

Proposed Rulemaking

Section 330 of 31 U.S.C. authorizes the Secretary of the Treasury to regulate the practice of representatives before the Department and, after notice and an opportunity for a proceeding, to suspend or disbar from practice before the Department those representatives who are incompetent, disreputable, or dishonest. Pursuant to section 330, the Secretary has promulgated the regulations in Circular 230 (31 CFR part 10). Those regulations authorize the Director of Practice to act upon application for enrollment to practice before the IRS, to institute proceedings for suspension or disbarment from practice before the IRS, to make inquiries with respect to matters under his jurisdiction, and to perform such other duties as are necessary to carry out his functions.

The regulations have been amended from time to time to address various specific issues in need of resolution. For example, the impetus behind the most recent amendments, those promulgated in 1994, was to make the regulations reflect more closely the standards for tax return preparation under both section 6694 of the Internal Revenue Code and professional guidelines.

In contrast, the proposed rulemaking contemplates a general review of the regulations. The Director of Practice has established a working group, composed of Treasury Department and IRS officials, which will evaluate the regulations from several standpoints: legal developments; the integrity of the profession of IRS practitioner; service to taxpayers; fairness to practitioners; and efficient administration of the tax laws.

Invitation To Submit Comments

The Director of Practice invites individuals and organizations to submit comments regarding necessary amendments to Circular 230. Comments may be in any format and may address substantive matters as well as drafting changes that would improve the clarity and organization of the regulations.

Dated: May 27, 1999.

Patrick W. McDonough,

Director of Practice, Department of the Treasury.

[FR Doc. 99–13964 Filed 6–14–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

[USCG–1998–4354]

RIN 2115–AE88

Tank Vessel Response Plans for Hazardous Substances

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting and extension of comment period.

SUMMARY: The Coast Guard announces a public meeting on its proposed rules on Tank Vessel Response Plans for Hazardous Substances. The meeting will provide the public with an opportunity to comment on the proposed rule. We are also extending the comment period for the notice of proposed rulemaking (NPRM) for Tank Vessel Response Plans for Hazardous Substances to August 30, 1999, to allow additional time for public comment.

DATES: The meeting will be held on Thursday, August 12, 1999, from 1 p.m. to 5 p.m. and Friday, August 13, 1999, from 9 a.m. to 5 p.m. The meeting may close early if all business is finished. Written comments and related material must reach the Docket Management Facility on or before August 30, 1999.

ADDRESSES: The meeting will be held at The Hilton—University of Houston Hotel and Conference Center, 4800 Calhoun Street, Houston, TX 77204. The conference center is located at Entrance 1# to the Central University of Houston campus.

To make sure your written comments and related material are not entered more than once in the docket, please submit them by only one of the following methods:

(1) By mail to the Docket Management Facility, (USCG–1998–4354), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the

public docket for this notice on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: LT Michael Roldan, Office of Operating and Environmental Standards (G–MSO), telephone 202–267–0106: e-mail: *mroldan1@comdt.uscg.mil* or LT Claudia Gelzer, Office of Response, (G–MOR), telephone 202–267–1983; email: cgelzer@comdt.uscg.mil. These telephones are equipped to record messages on a 24-hour basis. For questions on viewing or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On March 22, 1999, we published an NPRM entitled ''Tank Vessel Response Plans for Hazardous Substances'' in the **Federal Register** (64 FR 13734). In response to requests, we will hold this public meeting to receive comments on the vessel response plan requirements as proposed in the NPRM.

Request for Comments

The Coast Guard encourage you to participate by attending this public meeting. The Coast Guard also encourage you to submit written comments on our NPRM entitled ''Tank Vessel Response Plans for Hazardous Substances.'' if you submit written comment or related material, please include your name and address, identify the docket number for this rulemaking (USCG–1998–4354), indicate the specific section of the NPRM to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES;** but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelop. We will consider all comments and material received during the comment period.

Information on Service for Individual With Disabilities

For information of facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact LT Michael Roldan at the address or phone number under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: June 9, 1999.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 99–15138 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1190 and 1191

Accessibility Guidelines for Outdoor Developed Areas; Meeting of Regulatory Negotiation Committee

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Regulatory negotiation committee meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered outdoor developed areas covered by the Americans with Disabilities Act and the Architectural Barriers Act. This document announces the dates, times, and location of the next meeting of the committee, which is open to the public.

DATES: The committee will meet from Thursday, July 15, 1999 to Friday, July 16, 1999, 8:30 a.m. to 5 p.m. each day.

ADDRESSES: The committee will meet at the National Highway Institute, Training and Conference Center, 4600 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Peggy Greenwell, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC, 20004–1111. Telephone number (202) 272–5434 extension 34 (Voice); (202) 272–5449 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disc) upon request. This document is also available on the Board's web site (http://www.access-board.gov/rules/outdoor.htm).

SUPPLEMENTARY INFORMATION: In June 1997, the Access Board established a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for newly constructed and altered outdoor developed areas covered by the Americans with Disabilities Act and the Architectural Barriers Act. (62 FR 30546, June 4, 1997). The committee will hold its next meeting on the dates and at the location announced above. The meeting is open to the public. The meeting site is accessible to individuals with disabilities. Individuals with hearing impairments who require sign language interpreters should contact Peggy Greenwell by July 2, 1999, by calling (202) 272–5434 extension 34 (voice) or (202) 272–5449 (TTY).

Lawrence W. Roffee,

Executive Director.

[FR Doc. 99–15135 Filed 6–14–99; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 412, 413, 483, and 485

[HCFA–1053–CN]

RIN 0938–AJ50

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2000 Rates; Corrections

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule; correction notice.

SUMMARY: In the May 7, 1999 issue of the **Federal Register** (64 FR 24716), we published a proposed rule to revise the Medicare hospital inpatient prospective payment systems for operating costs and capital-related costs to implement necessary changes arising from our continuing experience with the system. This document corrects errors made in that document.

FOR FURTHER INFORMATION CONTACT: Stephen Phillips (410) 786–4531.

SUPPLEMENTARY INFORMATION: In publishing Table 3C of the Addendum to the May 7, 1999 proposed rule (64 FR 24765 through 24793), which lists each hospital's case mix index and adjusted average hourly wage, we inadvertently omitted some hospitals and we listed other hospitals more than once with different data.

However, the table as published in the May 7,1999 **Federal Register** showed correct figures for the vast majority of hospitals. The corrected Table 3C is as follows. The average hourly wages shown in the corrected Table 3C reflect corrections only for a limited number of hospitals and are based on data on file at HCFA as of February 22, 1999. They do not reflect any changes processed after that date. Hospitals should review their final wage data (available on

HCFA's Internet home page http://www.hcfa.gov) to verify the data HCFA is using to calculate the Federal fiscal year (FY) 2000 wage index. The corrections in Table 3C do not affect the calculations of area average hourly wages.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX

Prov.	Case mix index	Avg. hour. wage
010001	1.4554	15.85
010004	0.9916	15.02
010005	1.1743	16.26
010006	1.4464	17.31
010007	1.1415	14.80
010008	1.1818	17.65
010009	1.0947	17.53
010010	1.0813	15.91
010011	1.5845	20.63
010012	1.2638	19.30
010015	1.0478	18.35
010016	1.2449	16.13
010018	0.9705	18.96
010019	1.2752	15.49
010021	1.2478	14.63
010022	0.9572	20.51
010023	1.6841	16.26
010024	1.4253	16.03
010025	1.3495	14.53
010027	0.8128	14.93
010029	1.5973	16.41
010031	1.4197	18.02
010032	0.8709	12.65
010033	1.9994	19.23
010034	1.0469	14.73
010035	1.2391	17.48
010036	1.0924	22.58
010038	1.2343	18.33
010039*	1.6327	18.81
010040	1.4992	19.10
010043	1.0500	16.20
010044	1.0251	17.02
010045	1.1784	15.01
010046	1.4732	17.18
010047	0.9281	16.38
010049	1.1802	14.48
010050	1.0767	15.42
010051	0.8974	9.94
010052	1.0154	13.86
010053	1.0510	13.18
010054	1.1343	17.12
010055	1.4214	18.19
010056	1.3310	19.08
010058	1.0341	12.78
010059	1.0571	18.19
010061	1.1108	15.92
010062	1.0103	13.57
010064	1.7507	20.90
010065	1.3275	15.64
010066	0.8966	12.07
010068	1.3058	18.74
010069	1.1341	13.57
010072	1.0767	14.35
010073	0.8779	12.83
010078	1.2917	17.71
010079	1.1849	16.87
010080	.....	13.85
010081	1.6352	10.92
010083	1.0573	16.21
010084	1.5014	18.78
010085	1.3174	23.43
010086	1.0101	14.93
010087	1.7240	18.39
010089	1.2016	16.61
010090	1.6543	18.11
010091	0.9852	16.36
010092	1.4229	16.25
010094	1.1553	18.56
010095	1.0478	11.90
010097	0.8658	12.90
010098	0.9903	14.28
010099	1.1704	15.93
010100	1.2946	15.48
010101	1.0189	15.42
010102	0.9304	12.73
010103	1.8373	19.09
010104	1.6940	17.84
010108	1.1487	8.43
010109	1.0505	14.09
010110	0.9677	15.91
010112	1.1430	15.11
010113	1.6124	17.24
010114	1.2547	17.26
010115	0.8486	13.75
010118	1.2460	17.93
010119	0.8454	18.17
010120	0.9887	17.03
010121	1.2837	15.18
010123	1.1677	18.16
010124	1.2293	16.27
010125	1.0592	14.42
010126	1.1226	17.64
010127	1.3140	19.61
010128	0.9181	12.57
010129	1.0657	14.43
010130	1.0438	16.35
010131	1.3316	17.91
010134	0.8091	10.78
010137	1.2679	15.93
010138	0.9201	12.13
010139	1.6352	19.95
010143	1.2331	15.67
010144	1.4122	17.12
010145	1.3320	19.99
010146	1.1893	18.86
010148	0.9793	14.64
010149	1.2499	17.08
010150	1.0444	16.87
010152	1.2458	15.08
010155	1.0820	16.70
020001	1.5225	27.97
020002	1.0518	26.91
020004	1.1822	26.40
020005	0.8955	29.01
020006	1.1279	26.77
020007	0.8238	24.96
020008	1.0784	30.51
020009	0.8160	23.18
020010	0.9401	18.64
020011	0.9160	29.47
020012	1.2784	23.92
020013	0.9595	26.82
020014	1.1175	24.09
020017	1.4913	24.97
020018	0.9175	
020019	0.7991	
020021	0.7833	
020024	1.1070	22.73
020025	0.8911	27.15
020026	1.2510	
020027	0.9446	
030001	1.2609	19.47
030002	1.8047	21.41
030003	2.2773	23.68
030004	0.9879	17.73
030006	1.5274	17.64
030007	1.2554	18.56
030008	2.1835	
030009	1.2480	17.93
030010	1.3865	18.80
030011	1.4370	20.08
030012	1.2400	19.28
030013	1.2707	21.02
030014	1.5090	19.47
030016	1.2344	20.56
030017	1.4184	19.80
030018	1.8588	18.91
030019	1.2360	19.91
030022	1.4920	15.79
030023	1.4956	22.44
030024*	1.7461	21.86
030025	0.9555	17.67
030027	0.9637	17.56
030030	1.6444	21.62
030033	1.2359	16.84
030034	0.9867	19.09
030035	1.1565	19.72
030036	1.2807	18.94
030037	2.0840	21.43
030038	1.6154	22.08
030040	1.0766	17.97
030041	0.8876	17.44
030043	1.2210	20.58
030044	0.8783	16.47
030047	0.8953	19.69
030049	0.8732	19.09
030054	0.8646	14.49
030055	1.2321	18.28
030059	1.2861	21.05
030060	1.1438	16.77
030061	1.6876	17.35
030062	1.1773	17.48
030064	1.7545	18.54
030065	1.8106	19.93
030067	1.0273	15.62
030068	1.0198	17.35
030069	1.3658	19.00
030071	0.9615	
030072	0.8749	
030073	1.0330	
030074	0.8723	
030075	0.8002	
030076	0.8839	
030077	0.8563	
030078	1.1466	
030079	0.9065	
030080	1.3765	19.99
030083	1.2782	23.64
030084	1.1334	
030085	1.4665	17.84
030086	1.4452	18.50
030087	1.6818	20.39

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
030088	1.3654	19.58
030089	1.6757	19.50
030092	1.5829	21.56
030093	1.4182	19.47
030094	1.2704	19.78
030095	1.1383	14.25
030099	0.9405	18.07
030100	2.0377	
030101	1.4091	
030102	2.6049	
040001	1.0898	15.57
040002	1.1548	14.09
040003	1.1009	14.00
040004	1.6240	17.29
040005	1.0392	12.88
040007	1.6923	19.52
040008	1.0369	12.70
040010	1.3439	17.62
040011	0.9437	12.27
040014	1.3239	15.39
040015	1.2153	14.60
040016	1.6757	17.54
040017	1.1681	14.95
040018	1.2213	17.56
040019	1.0343	25.71
040020	1.6155	14.81
040021	1.1803	16.28
040022	1.4732	16.00
040024	0.9967	15.73
040025	0.9089	10.95
040026	1.5803	18.24
040027	1.2533	14.54
040028	1.0058	12.84
040029	1.2994	17.78
040030	0.8774	14.15
040032	0.9640	13.33
040035	0.9449	11.21
040036	1.4553	17.91
040037	1.0573	13.48
040039	1.2280	13.84
040040	0.9016	17.43
040041	1.2600	13.36
040042	1.1970	14.66
040044	1.0388	11.44
040045	1.0120	18.77
040047	1.0272	16.39
040048	.....	15.82
040050	1.1538	11.79
040051	1.0863	16.28
040053	1.0741	15.82
040054	0.9793	15.04
040055	1.4239	16.10
040058	1.0515	15.67
040060	0.9756	11.47
040062	1.6588	17.28
040064	1.0572	12.40
040066	1.0456	17.64
040067	1.0993	13.49
040069	1.0282	16.11
040070	0.9322	15.48
040071	1.6635	16.12
040072	1.0381	15.84
040074	1.2312	17.38
040075	1.0116	12.75
040076	1.0811	18.55
040077	1.0517	12.46
040078	1.5208	17.86
040080	1.0062	15.74
040081	0.8665	10.68
040082	1.0845	16.51
040084	1.1071	17.25
040085	1.1521	15.78
040088	1.3888	15.67
040090	0.8936	17.55
040091	1.1718	17.04
040093	0.9205	12.90
040100	1.1466	14.97
040105	0.9914	14.24
040106	0.9670	15.40
040107	1.0684	19.62
040109	1.1501	13.98
040114	1.8323	18.31
040116	1.1343	19.57
040118	1.4187	17.43
040119	1.1546	14.62
040124	1.0493	17.25
040126	0.9485	11.68
040132	.....	13.18
040134	2.7108	
040135	2.3711	
050002	1.4958	27.60
050006	1.4137	19.53
050007	1.4826	29.54
050008	1.4218	25.86
050009	1.6817	26.25
050013	1.9898	24.85
050014	1.2086	24.53
050015	1.4488	25.38
050016	1.1530	20.15
050017*	2.0931	23.63
050018	1.3662	14.66
050021	.....	28.50
050022	1.6635	22.55
050024	1.3224	20.34
050025*	1.7835	20.30
050026*	1.5148	28.57
050028	1.3534	16.45
050029	1.4007	23.29
050030	1.3133	21.01
050032	1.3395	22.59
050033	1.4634	24.56
050036	1.7263	20.47
050038	1.3484	27.83
050039	1.6233	22.25
050040	1.1965	30.67
050042	1.2702	22.23
050043	1.4929	33.51
050045	1.2651	20.73
050046	1.1767	26.35
050047	1.5561	29.44
050051	1.1204	17.84
050054	1.1916	19.37
050055	1.2420	29.09
050056	1.3412	23.82
050057	1.6051	21.27
050058	1.4966	25.37
050060	1.5503	20.92
050061	1.4118	23.74
050063*	1.3493	23.07
050065	1.6823	21.18
050066	1.3020	21.42
050067	1.2472	21.30
050068	1.1039	28.48
050069	1.6089	29.30
050070	1.2353	32.60
050071	1.3248	33.14
050072	1.3875	32.97
050073	1.2629	34.61
050074	0.8073	
050075	1.3484	33.52
050076	2.0314	33.88
050077	1.5621	23.22
050078	1.2974	25.98
050079	1.4850	30.03
050082	1.6712	21.70
050084	1.6107	23.10
050088	0.9686	24.06
050089	1.3384	19.12
050090	1.2640	23.81
050091	1.0925	22.22
050092	0.8469	15.38
050093	1.5659	24.08
050095	.....	33.38
050096	1.1356	21.67
050097	1.5113	22.61
050099	1.4590	23.66
050100	1.6407	30.06
050101	1.3575	30.01
050102	1.3583	21.29
050103*	1.5762	25.38
050104	1.4490	25.44
050107	1.4605	21.76
050108	1.8355	26.46
050109	.....	26.48
050110	1.2159	20.18
050111	1.2944	21.74
050112	1.3623	26.31
050113	1.3163	27.73
050114	1.3788	25.91
050115	1.4961	20.94
050116	1.5241	24.81
050117	1.3978	20.44
050118	1.1846	23.94
050121	1.2928	18.94
050122	1.5685	
050124	1.2796	23.02
050125	1.3663	24.04
050126	1.4556	23.84
050127	1.2518	19.76
050128	1.6084	24.18
050129	1.7494	13.86
050131	1.2640	29.06
050132	1.3640	22.91
050133	1.2704	24.40
050135	1.4808	27.03
050136	1.3536	24.43
050137	1.2990	30.07
050138	2.0444	37.41
050139	1.2535	31.38
050140	1.3204	33.66
050144	1.4207	25.75
050145	1.3756	33.06
050146	1.5841	
050148	1.1044	21.06
050149	1.4969	21.91
050150	1.2679	23.48
050152	1.3293	28.42
050153	1.6402	29.59
050155	1.0988	22.94
050158	1.2998	27.67
050159	1.3323	25.21
050167	1.3726	21.68
050168	1.5375	24.56
050169	1.4739	24.64
050170	1.4500	22.20
050172	1.2520	17.70
050173	1.3744	23.33

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
050174	1.7008	31.21
050175	1.2719	27.38
050177	1.1869	20.25
050179	1.2306	19.29
050180	1.5813	32.19
050183	1.2743	19.98
050186	1.3455	21.91
050188	1.4391	27.44
050189	0.9661	23.24
050191	1.4683	19.96
050192	1.1474	17.81
050193	1.1582	23.73
050194	1.2312	28.27
050195	1.5639	34.54
050196	1.2815	16.69
050197	1.9562	31.26
050204	1.5299	24.39
050205	1.2841	24.02
050207	1.2602	20.86
050211	1.3183	31.15
050213	1.5713	20.73
050214	1.5448	20.87
050215	1.5700	29.63
050217	1.2876	19.89
050219	1.1425	25.47
050222	1.5157	27.04
050224	1.5832	23.79
050225	1.5625	20.93
050226	1.3274	24.24
050228	1.3089	30.16
050230	1.4112	25.30
050231	1.6440	25.63
050232	1.5636	23.38
050233	.....	31.40
050234	1.1512	27.98
050235	1.5544	25.86
050236	1.5146	26.27
050238	1.5288	24.00
050239*	1.5967	20.55
050240	1.5246	25.18
050241	1.1378	27.22
050242	1.4446	30.14
050243	1.5312	22.91
050245	1.5041	22.10
050248	1.2054	25.99
050251	1.1113	18.50
050253	1.4184	19.76
050254	1.1991	19.69
050256	1.7681	21.74
050257	0.9509	19.59
050260	0.9690	23.52
050261	1.2103	20.45
050262	1.8148	28.30
050264	1.3466	29.45
050267	1.6936	24.75
050270	1.3630	23.83
050272	1.3986	21.44
050274	0.9467	21.19
050276	1.1725	28.51
050277	1.4815	22.31
050278	1.5070	23.84
050279	1.2886	21.06
050280	1.6534	24.46
050281	1.3882	18.11
050282	1.3492	23.98
050283	1.5070	27.88
050286	0.9172	17.80
050289	1.7279	28.87
050290	1.6741	26.37
050291	1.1709	26.49
050292	1.1236	22.38
050293	1.0656	19.18
050295	1.4569	20.28
050296	1.2171	25.32
050298	1.3268	20.52
050299	1.3252	25.26
050300	1.4143	22.46
050301	1.2326	26.03
050302	.....	29.19
050305	1.5862	32.71
050307	1.2747	24.39
050308	1.5099	28.40
050309	1.2834	24.40
050310	.....	20.62
050312	1.9696	23.79
050313	1.1560	23.10
050315	1.3473	21.92
050317	.....	19.45
050320	1.2371	30.56
050324	2.0030	26.27
050325	1.2334	23.00
050327	1.6651	22.32
050328	.....	26.32
050329	1.2991	19.54
050331	1.3646	25.53
050333	1.0612	20.15
050334	1.7493	32.02
050335	1.4570	21.04
050336	1.3561	20.10
050342	1.2512	21.90
050343	0.9711	17.24
050348	1.7865	20.71
050349	0.8866	15.05
050350	1.4046	23.77
050351	1.4821	24.94
050352	1.3151	23.59
050353	1.6183	23.25
050355	0.8385	17.16
050357	1.3583	23.64
050359	1.2481	20.40
050360	1.4309	31.76
050366	1.3334	21.40
050367	1.2586	29.48
050369	1.3031	19.87
050373	1.4037	21.92
050376	1.4260	25.30
050377	1.0300	25.64
050378	1.0916	22.24
050379	1.0223	16.90
050380	1.6105	30.58
050382	1.3610	21.00
050385	1.3408	25.92
050388	0.8708	13.20
050390	1.1966	22.39
050391	1.3438	22.42
050392	0.9321	21.93
050393	1.4351	23.14
050394	1.5689	22.32
050396	1.6448	23.63
050397	0.9378	20.77
050401	1.1055	17.78
050404	1.0623	19.28
050406	1.0266	17.12
050407	1.2842	30.12
050410	1.0721	16.47
050411	1.3571	32.24
050414	1.3002	24.34
050417	1.3224	21.89
050419	1.3788	23.12
050420	1.3048	22.68
050421	1.2343	
050423	1.0115	22.33
050424	1.8351	23.78
050425	1.2290	33.69
050426	1.3912	23.71
050427	0.9378	20.07
050430	1.0036	21.14
050432	1.5223	21.50
050433	0.9711	16.80
050434	1.0630	15.63
050435	1.1647	32.99
050436	1.0075	16.36
050438	1.7365	24.08
050440	1.2718	30.82
050441	1.9387	29.05
050443	0.8693	16.43
050444	1.3199	24.67
050446	0.8088	20.54
050447	1.0794	18.34
050448	1.1060	20.08
050449	1.2885	22.13
050454*	1.7746	28.69
050455	1.7950	19.92
050456	1.2213	17.62
050457	1.9135	31.18
050459	1.5161	37.09
050464	1.7086	22.31
050468	1.5610	23.17
050469	1.1462	19.84
050470	1.1450	17.03
050471	1.8998	24.29
050476	1.3673	23.14
050477	1.4363	27.71
050478	0.9815	23.05
050481	1.3946	22.95
050482	1.0697	16.93
050483	2.2575	21.60
050485	1.6061	23.70
050486	.....	24.50
050488	1.3254	32.86
050491	1.1970	24.15
050492	1.4174	21.42
050494	1.2385	25.41
050496	1.7580	33.02
050497	0.8258	
050498	1.2265	24.87
050502	1.7255	22.63
050503	1.3465	23.59
050506	1.3628	21.22
050510	1.2780	33.46
050512	1.4414	34.31
050515	1.3431	35.04
050516	1.5018	25.14
050517	1.2038	20.37
050522	1.1580	31.73
050523	1.2445	28.42
050526	1.2949	23.19
050528	1.1896	18.69
050531	1.1101	20.73
050534	1.2830	23.31
050535	1.5228	24.23
050537	1.3702	22.21
050539	1.3242	22.78
050541	1.5636	34.62
050542	0.9778	19.06
050543	0.8445	20.38
050545	0.7605	27.57

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
050546	0.6961	27.76
050547	0.9021	27.08
050548	.....	26.59
050549	1.6004	27.34
050550	1.3676	25.54
050551	1.3528	24.05
050552	1.2749	22.87
050557	1.5186	21.92
050559	1.2852	24.67
050561	1.2134	33.93
050564	1.3221	24.51
050565	1.3123	22.88
050566	0.9233	18.33
050567	1.5510	24.23
050568	1.3424	20.73
050569	1.2039	24.94
050570	1.6495	24.50
050571	1.3940	24.37
050573	1.5642	25.14
050575	1.1445	
050577	1.3610	20.52
050578	1.2810	30.24
050579	1.4312	30.07
050580	1.2816	23.39
050581	1.4505	23.58
050583	1.6150	23.36
050584	1.2149	23.16
050585	1.2567	26.50
050586	1.3530	23.84
050588	1.2804	30.39
050589	1.2419	24.35
050590	1.3223	
050591	1.3152	22.29
050592	1.2657	26.05
050594	1.6258	22.78
050597	1.2269	22.78
050598	1.3408	28.11
050599	1.5954	26.32
050601	1.6473	32.87
050603	1.4112	22.61
050604	1.4593	33.32
050607	.....	24.10
050608	1.2805	16.15
050609	1.4876	31.93
050613	1.1408	22.73
050615	1.5445	23.61
050616	1.3408	22.80
050618	1.0867	21.70
050623	1.6040	30.32
050624	1.3287	20.88
050625	1.6313	24.43
050630	1.2732	24.10
050633	1.2945	21.98
050635	.....	37.85
050636	1.4342	20.83
050638	1.1056	23.63
050641	1.2985	21.30
050643	0.9493	
050644	1.0737	23.12
050660	1.4981	
050661	.....	20.48
050662	0.8152	28.29
050663	1.1713	23.71
050667	1.0811	24.11
050668	1.1187	39.90
050670	0.7555	21.88
050674	1.2384	36.24
050675	2.2195	15.84
050676	1.0018	17.53
050677	1.3671	33.71
050678	1.2889	19.79
050680	1.1161	27.32
050682	0.9235	17.97
050684	1.2411	21.81
050685	1.1904	32.13
050686	1.2873	33.25
050688	1.1889	30.00
050689	1.4877	34.19
050690	1.4194	33.83
050693	1.3143	33.30
050694	1.3869	22.23
050695	1.0637	23.52
050696	2.1089	26.41
050697	1.3282	21.47
050699	0.5913	28.48
050700	.....	28.45
050701	1.3166	27.62
050702	.....	12.25
050704	1.0850	20.76
050707	0.9714	27.51
050708	1.4521	21.91
050709	1.2542	19.42
050710	1.3382	26.81
050713	0.7909	15.30
050714	1.3545	
050715	.....	19.12
050717	1.2615	
050718	0.7586	
050719	3.1984	
050720	0.9144	
060001	1.6827	19.81
060003	1.2712	19.32
060004	1.2022	21.79
060006	1.2559	17.86
060007	1.1616	16.38
060008	1.0845	17.09
060009	1.5000	21.18
060010	1.6680	22.72
060011	1.3912	22.01
060012	1.3799	19.77
060013	1.3198	19.14
060014	1.8158	20.45
060015	1.6295	23.57
060016	1.1644	15.96
060018	1.2890	22.76
060020	1.6161	17.73
060022	1.5680	19.65
060023	1.6349	19.68
060024	1.7013	21.98
060027	1.6853	21.67
060028	1.5673	22.25
060029	0.8934	21.41
060030	1.3522	20.03
060031	1.5399	19.40
060032	1.4830	22.37
060033	1.1419	13.82
060034	1.5815	21.41
060036	1.1374	19.24
060037	1.0041	14.05
060038	0.9494	14.31
060041	0.9290	14.83
060042	1.0390	20.08
060043	0.8765	13.05
060044	1.1677	18.54
060046	1.0277	20.44
060047	0.9573	15.12
060049	1.3269	20.83
060050	1.2499	16.80
060052	1.0358	12.55
060053	1.0148	14.94
060054	1.4104	19.39
060056	0.9009	17.05
060057	1.0271	23.38
060058	0.9425	16.91
060060	0.9192	14.89
060062	0.8672	14.94
060063	.....	15.09
060064	1.4858	20.93
060065	1.2927	24.30
060066	0.9930	14.07
060068	.....	19.64
060070	1.1240	16.58
060071	1.2070	16.95
060073	0.9583	15.84
060075	1.2386	22.85
060076	1.4334	19.29
060085	0.8885	13.48
060087	.....	21.03
060088	1.0054	16.67
060090	0.9024	14.51
060096	1.1102	23.11
060100	1.5342	22.00
060103	1.3190	22.34
060104	1.2281	22.30
060107	1.1971	13.64
060109	1.0979	
070001	1.7556	26.51
070002	1.8370	25.46
070003	1.1151	26.09
070004	1.2021	17.57
070005	1.4405	25.57
070006	1.3841	28.71
070007	1.3504	20.38
070008	1.2547	26.03
070009	1.2689	23.47
070010	1.6964	25.94
070011	1.3837	18.74
070012	1.1748	23.84
070015	1.3856	21.37
070016	1.4249	26.23
070017	1.3692	25.33
070018	1.3688	28.88
070019	1.1852	24.70
070020	1.3279	25.66
070021	1.2354	27.20
070022	1.8624	25.08
070024	1.3266	24.98
070025*	1.8697	21.03
070026	.....	18.79
070027	1.3119	23.11
070028	1.5539	24.76
070029	1.3338	22.75
070030	1.2872	25.55
070031	1.2430	21.66
070033	1.4104	28.06
070034	1.3899	27.67
070035	1.4195	23.06
070036	1.7249	28.95
070038	0.7820	
070039	0.9541	29.07
080001	1.7050	25.28
080002	.....	15.60
080003	1.3859	22.40
080004	1.2655	19.76
080005	.....	14.43
080006	1.2940	22.26
080007	1.4146	20.38

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
090001	1.6063	25.97
090002	1.3508	19.70
090003*	1.3694	28.74
090004	1.7901	24.54
090005	1.3708	24.88
090006	1.3157	20.08
090007	1.3060	21.66
090008	1.5079	21.25
090010	1.0721	15.87
090011	2.1212	27.37
100001*	1.5321	17.59
100002	1.4384	21.32
100004	1.0139	15.25
100006	1.6140	20.63
100007	1.8868	21.89
100008	1.6004	20.72
100009	1.4674	24.29
100010	1.5057	21.91
100012	1.6358	18.17
100014	1.4840	19.83
100015	1.4801	18.24
100017	1.5926	17.77
100018	1.5487	21.46
100019	1.5570	19.81
100020	1.3913	26.18
100022*	1.7896	25.89
100023	1.3582	21.11
100024	1.3508	20.78
100025	1.7579	19.12
100026	1.5828	20.78
100027	1.0140	12.94
100028	1.2109	19.75
100029	1.3427	19.18
100030	1.2532	18.82
100032	1.8549	19.32
100034	1.7609	18.23
100035	1.5876	19.58
100038	1.6639	24.78
100039	1.5294	20.25
100040	1.7522	18.37
100043	1.3301	17.46
100044	1.3902	21.14
100045	1.3907	20.04
100046	1.4313	
100047	1.8501	18.89
100048	0.9391	13.50
100049	1.2657	18.57
100050	1.1486	16.60
100051	1.2376	18.84
100052	1.3877	16.19
100053	1.2157	18.71
100054	1.2782	18.19
100055	1.3757	17.62
100056	1.4971	23.65
100057	1.3578	18.92
100060	1.8350	22.39
100061	1.4669	21.79
100062	1.7286	17.96
100063	1.1599	16.23
100067	1.3589	17.40
100068	1.3616	18.65
100069	1.3001	16.14
100070	1.4351	20.33
100071	1.2326	16.48
100072	1.2524	19.22
100073	1.7197	18.16
100075	1.5968	18.05
100076	1.3003	16.25
100077	1.3909	19.62

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
100078	1.0296	18.15
100079	1.3325	
100080	1.6003	21.16
100081	1.1021	13.83
100082	1.4970	19.80
100084	1.3481	20.40
100085	1.4397	21.08
100086	1.2342	21.16
100087	1.8333	22.84
100088	1.6475	19.90
100090	1.3787	17.88
100092	1.5757	18.19
100093	1.5959	16.63
100098	1.0984	19.03
100099	1.2201	15.30
100102	1.0153	19.33
100103	0.9381	18.10
100105	1.4533	21.50
100106	1.0265	19.31
100107	1.3135	18.01
100108	0.9981	11.47
100109	1.3849	22.76
100110	1.3691	19.64
100112	0.9729	9.77
100113	1.9447	22.26
100114	1.3410	23.45
100117	1.1881	18.73
100118	1.2985	19.76
100121	1.1822	19.34
100122	1.2062	18.06
100124	1.2948	18.95
100125	1.2698	17.33
100126	1.4687	17.90
100127	1.6571	19.87
100128	2.2008	21.37
100129	1.2934	18.57
100130	1.1799	19.10
100131	1.3441	22.17
100132	1.2951	16.90
100134	0.9749	13.47
100135	1.5663	18.14
100137	1.2769	19.05
100138	1.0055	11.01
100139	1.0923	15.64
100140	1.2176	17.39
100142	1.2184	18.68
100144	1.1622	15.02
100145		19.11
100146	0.9700	17.87
100147	1.0087	14.68
100150	1.3244	21.02
100151	1.7633	19.41
100154	1.5916	19.85
100156	1.1116	17.13
100157	1.5612	21.03
100159	0.9604	16.38
100160	1.2033	21.63
100161	1.7011	21.50
100162	1.3957	19.52
100165	1.1517	15.32
100166	1.4343	19.96
100167	1.3554	21.81
100168	1.3364	20.13
100169	1.7635	20.78
100170*	1.4176	15.12
100172	1.4427	15.18
100173	1.6517	17.34
100174	1.3757	20.51
100175	1.1552	16.74

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
100176	2.0762	24.70
100177	1.2940	22.00
100179	1.7112	20.91
100180	1.4416	18.48
100181	1.1072	24.57
100183	1.1925	20.84
100187	1.4354	20.69
100189	1.3293	21.01
100191	1.3183	18.47
100199	1.3519	23.37
100200	1.2394	22.26
100203		18.86
100204	1.6275	19.93
100206	1.3738	20.31
100207		15.92
100208	1.3742	20.83
100209	1.4794	19.73
100210	1.5725	19.18
100211	1.3995	25.53
100212	1.6223	25.34
100213	1.5101	19.12
100217	1.2750	19.87
100220	1.6359	19.82
100221	1.8123	27.48
100222	0.9440	21.20
100223	1.4649	18.76
100224	1.3348	24.70
100225	1.3371	20.64
100226	1.3524	24.83
100228	1.2825	23.70
100229	1.3301	18.21
100230	1.3524	20.60
100231	1.6807	17.40
100232	1.2520	17.32
100234	1.2585	21.58
100235		17.66
100236	1.3919	15.54
100237	2.1914	22.93
100238	1.5456	17.63
100239	1.4273	19.76
100240	1.0888	17.93
100241	0.8966	13.83
100242	1.4285	17.12
100243	1.4081	20.24
100244	1.3741	17.41
100246	1.3684	21.10
100248	1.5873	31.86
100249	1.3080	19.02
100252	1.2004	17.87
100253	1.4328	20.60
100254	1.5393	20.91
100255	1.2547	21.02
100256	2.0100	24.26
100258	1.6900	21.88
100259	1.3406	19.86
100260	1.4566	21.20
100262	1.3401	19.59
100263		16.90
100264	1.3627	17.61
100265	1.2933	19.80
100266	1.3562	17.73
100267	1.3062	17.10
100268	1.1954	23.59
100269	1.4338	21.20
100270	1.0126	19.86
100271	1.7709	19.92
100275	1.3951	21.33
100276	1.2359	21.98
100277	1.0352	16.14

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
100279	1.2735	21.84
100280	1.2949	16.58
100281	1.2798	22.02
100282	1.0837	18.66
100284	1.0788	
110001	1.2556	17.87
110002	1.2532	17.37
110003	1.3668	16.02
110004	1.3570	20.11
110005	1.1963	19.26
110006	1.4200	20.13
110007	1.6126	14.39
110008	1.2429	18.26
110009	1.1330	14.82
110010	2.1782	24.55
110011	1.1632	18.28
110013	1.0596	16.03
110014	0.9440	16.12
110015	1.1403	19.48
110016	1.2276	15.77
110017	0.9321	10.54
110018	1.1960	21.04
110020	1.1927	18.44
110023	1.3373	18.54
110024	1.3655	19.75
110025	1.3797	18.65
110026	1.1361	16.14
110027	1.1146	14.83
110028	1.7778	19.89
110029	1.3534	20.05
110030	1.2999	17.68
110031	1.2251	21.58
110032	1.2506	16.19
110033	1.4221	22.19
110034	1.5852	18.24
110035	1.3916	20.98
110036	1.8560	23.78
110038	1.4425	16.38
110039	1.4188	20.77
110040	1.0642	16.40
110041	1.1822	16.69
110042	1.1544	20.55
110043	1.8078	17.16
110044	1.1887	19.60
110045	1.1386	19.94
110046	1.2456	19.23
110048	1.2374	15.65
110049	1.0998	14.21
110050	1.1806	18.76
110051	1.0250	15.75
110052	.....	15.06
110054	1.3606	19.32
110056	1.0843	16.50
110059	1.2164	17.70
110061	1.0960	13.72
110062	0.9058	12.21
110063	1.0542	17.97
110064	1.4839	18.24
110065	1.0322	13.32
110066	1.4496	20.65
110069	1.2569	18.35
110070	1.1398	18.23
110071	1.0981	14.83
110072	0.9722	12.43
110073	1.1437	15.14
110074	1.4973	20.04
110075	1.3226	17.01
110076	1.4639	20.40
110078	1.7586	24.70

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
110079	1.4465	20.14
110080	1.3579	23.43
110082	2.0915	22.01
110083*	1.7615	21.27
110086	1.2837	14.98
110087	1.3551	20.54
110089	1.2041	18.58
110091	1.2791	21.38
110092	1.0878	15.09
110093	0.9940	14.80
110094	0.9920	13.87
110095	1.3537	15.95
110096	1.0806	16.32
110097	1.0653	15.62
110098	0.9870	14.04
110100	1.0558	20.38
110101	1.1014	11.73
110103	0.9309	11.94
110104	1.0963	15.32
110105	1.2997	16.52
110107	1.8897	17.41
110108	0.9511	15.14
110109	1.1080	20.99
110111	1.2038	17.37
110112	0.9917	19.13
110113	1.0478	15.19
110114	1.0441	15.13
110115	1.7526	24.79
110118	1.1376	15.40
110120	1.0386	16.08
110121	1.2784	15.58
110122	1.3818	18.82
110124	1.2091	17.13
110125	1.2562	17.33
110127	0.8873	13.76
110128	1.1933	18.97
110129	1.6606	18.12
110130	1.0064	13.08
110132	1.1478	15.02
110134	0.9656	11.56
110135	1.3363	17.07
110136	1.0986	16.17
110140	1.0445	17.88
110141	0.9996	12.51
110142	0.9525	12.30
110143	1.4339	21.45
110144	1.0712	17.98
110146	1.0854	17.61
110149	1.1792	22.23
110150	1.4073	18.77
110152	1.0430	14.77
110153	1.0912	18.69
110154	0.9773	14.81
110155	1.1399	17.14
110156	1.0511	15.14
110161	1.3149	20.87
110162	0.7514	
110163	1.4628	18.99
110164	1.4190	19.40
110165	1.4270	19.00
110166	1.4482	19.85
110168	1.6676	19.82
110169	1.2028	18.72
110171	1.6118	20.18
110172	1.3576	25.44
110174	0.9161	14.30
110176	3.7291	22.39
110177	1.5099	19.66
110178	.....	16.92

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
110179	1.1507	20.38
110181	0.9038	13.72
110183	1.3120	21.44
110184	1.2434	20.72
110185	1.1874	16.25
110186	1.2548	17.21
110187	1.2728	21.45
110188	1.3549	19.95
110189	1.1692	18.84
110190	1.0644	19.43
110191	1.3076	19.11
110192	1.4458	20.77
110193	1.2436	18.78
110194	0.8938	15.09
110195	1.0992	10.52
110198	1.2884	26.19
110200	1.8855	17.14
110201	1.5094	19.24
110203	0.9314	20.30
110204	0.8249	20.57
110205	1.0578	26.12
110207	1.0103	12.87
110208	0.9617	14.89
110209	0.7100	20.46
110210	.....	11.07
110211	0.9611	21.82
110212	1.0043	12.66
110213	.....	13.20
110215	1.0941	
110216	2.1653	
110217	2.8336	
120001*	1.8196	26.74
120002	1.2037	24.38
120003	1.1393	23.85
120004	1.2630	24.05
120005	1.2464	20.54
120006	1.2735	23.72
120007	1.7320	23.27
120009	0.9632	19.02
120010*	1.8265	25.40
120011	1.3581	33.55
120012	0.8391	22.52
120014	1.2760	24.05
120015	1.0475	29.07
120016	1.0574	29.41
120018	.....	25.61
120019	1.3200	21.92
120021	0.9290	19.42
120022*	1.6850	17.94
120024	1.0727	22.28
120025	.....	19.02
120026	1.2644	23.22
120027	1.4120	24.55
120028	1.2471	22.84
130001	0.9699	24.95
130002	1.3252	16.19
130003	1.3332	19.97
130005	1.4390	20.19
130006	1.8346	18.87
130007	1.6708	19.84
130008	0.9590	12.92
130009	0.9294	18.30
130010	0.8911	21.43
130011	1.2864	19.08
130012	0.9929	22.62
130013	1.3310	19.22
130014	1.3257	17.98
130015	0.8827	15.27
130016	1.0155	17.00

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
130017	1.1012	16.88
130018	1.6256	17.97
130019	1.1193	17.23
130021	0.9513	12.26
130022	1.2324	19.50
130024	1.1558	18.38
130025	1.0970	15.27
130026	1.1726	20.55
130027	0.9243	20.70
130028	1.2865	18.21
130029	1.0707	19.87
130030	0.8409	18.40
130031	1.0121	17.65
130034	1.0325	18.82
130035	1.1048	20.47
130036	1.3946	13.79
130037	1.3076	17.74
130043	0.9605	16.07
130044	0.9724	13.18
130045	0.9752	16.47
130048	0.9815	15.09
130049	1.2325	20.05
130054	0.9560	17.78
130056	0.8528	15.66
130058	.....	17.75
130060	1.2796	20.85
130061	1.2950	16.78
130062	0.6352	15.11
130063	1.3116	
140001	1.2277	15.44
140002	1.2578	19.26
140003	1.0026	16.59
140004	1.1657	17.52
140005	0.9695	10.87
140007	1.4700	22.40
140008	1.4683	20.79
140010	1.3722	24.43
140011	1.2029	17.28
140012	1.2779	20.11
140013	1.5702	17.35
140014	1.1734	20.76
140015	1.2861	15.02
140016	1.0382	12.54
140018	1.2551	20.84
140019	1.1122	15.34
140024	0.9579	14.67
140025	1.0822	16.43
140026	1.2230	15.96
140027	1.2700	17.50
140029	1.3389	21.03
140030	1.8231	22.44
140031	1.2022	15.82
140032	1.3343	17.34
140033	1.2879	22.56
140034	1.1842	18.96
140035	0.9867	13.00
140036	1.2425	17.04
140037	1.0365	12.50
140038	1.1040	16.59
140040	1.2582	16.25
140041	1.1609	17.28
140042	1.0170	15.61
140043	1.1892	18.95
140045	1.0337	20.65
140046	1.3056	16.46
140047	1.0942	15.68
140048	1.3053	20.58
140049	1.6549	18.31
140051	1.5123	21.59

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
140052	1.3010	19.60
140053	2.0144	17.82
140054	1.3340	26.64
140055	1.0128	14.80
140058	1.2361	17.27
140059	1.1346	15.39
140061	1.0918	15.96
140062	1.2453	27.09
140063	1.4369	22.39
140064	1.3182	19.26
140065	1.4623	22.75
140066	1.1771	16.14
140067	1.8152	18.40
140068	1.2906	18.87
140069	1.0478	17.29
140070	1.2528	19.30
140074	1.0760	19.01
140075	1.3678	22.51
140077	1.2460	16.64
140079	1.2649	24.08
140080	1.5824	20.72
140081	1.0822	15.51
140082	1.3677	22.62
140083	1.2487	18.13
140084	1.2530	19.97
140086	1.1145	17.32
140087	1.3481	18.36
140088	1.7061	24.19
140089	1.2734	17.21
140090*	1.5241	22.31
140091	1.9064	20.70
140093	1.1684	19.15
140094	1.3427	19.89
140095	1.4015	21.54
140097	0.9518	16.90
140100	1.3290	19.06
140101	1.2258	26.09
140102	1.0431	15.13
140103	1.4249	17.86
140105	1.2912	22.56
140107	1.0115	12.76
140108	1.3343	30.11
140109	1.1455	15.47
140110	1.2406	18.68
140112	1.1571	16.24
140113	1.5610	17.92
140114	1.3330	20.11
140115	1.3076	18.47
140116	1.2349	21.83
140117	1.5621	19.72
140118	1.7257	23.06
140119	1.7733	26.00
140120	1.3738	14.84
140121	1.3603	9.53
140122	1.5424	23.75
140124	1.1031	25.40
140125	1.3486	17.10
140127	1.4176	19.42
140128	1.0297	17.67
140129	1.1653	15.25
140130	1.2502	23.77
140132	1.4907	22.86
140133	1.4008	19.88
140135	1.2769	17.69
140137	1.0216	16.51
140138	1.0656	14.59
140139	1.1054	16.58
140140	1.1358	15.30
140141	1.2625	15.18

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
140143	1.0965	18.76
140144	0.9972	20.02
140145	1.1515	16.61
140146	1.0726	23.74
140147	1.2513	24.82
140148	1.8284	19.50
140150	1.6430	27.88
140151	1.0622	19.30
140152	1.1938	20.67
140155	1.3261	17.52
140158	1.3600	22.27
140160	1.1729	17.88
140161	1.2205	19.04
140162	1.6991	18.42
140164	1.4369	18.09
140165	1.0868	15.42
140166	1.1672	17.58
140167	1.0995	16.17
140168	1.1300	16.46
140170	1.1305	14.14
140171	0.9892	14.73
140172	1.5894	20.07
140173	0.8708	18.48
140174	1.6068	19.89
140176	1.2498	21.41
140177	1.2111	18.17
140179	1.3636	20.88
140180	1.4489	23.25
140181	1.4225	19.95
140182	1.3614	20.48
140184	1.2130	15.88
140185	1.4938	17.36
140186	1.3433	17.49
140187	1.5860	17.72
140188	0.9891	14.84
140189	1.2539	19.08
140190	1.0732	15.88
140191	1.4402	24.74
140193	1.0284	15.52
140197	1.2538	17.98
140199	1.0796	18.83
140200	1.4770	21.65
140202	1.3288	22.18
140203	1.1563	20.78
140205	0.9505	17.24
140206	1.2043	20.39
140207	1.2975	20.20
140208	1.7189	23.94
140209	1.6299	17.79
140210	1.1139	12.66
140211	1.2088	21.49
140213	1.2799	26.20
140215	0.9874	14.45
140217	1.3239	22.26
140218	0.9885	15.08
140220	1.1219	16.73
140223	1.5500	21.28
140224	1.4304	22.99
140228	1.6774	18.67
140230	0.9389	16.60
140231	1.5601	21.61
140233	1.7821	18.39
140234	1.2228	18.72
140236	1.0843	13.13
140239	1.7286	18.88
140240	1.3944	21.83
140242	1.6388	22.64
140245	1.1990	15.56
140246	1.0612	12.82

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
140250	1.3284	23.41
140251	1.3090	20.54
140252	1.4991	24.55
140253	1.1636	16.74
140258	1.5756	16.51
140271	0.9729	15.36
140275	1.2733	17.96
140276	2.0648	25.46
140280	1.3777	18.84
140281	1.6485	23.03
140285	1.2740	14.71
140286	1.1868	19.84
140288	1.6194	20.59
140289	1.3449	16.45
140290	1.3397	25.88
140291	1.3337	22.44
140292	1.2935	22.71
140294	1.1331	17.52
140297	.....	21.47
140300	1.4604	23.46
150001	1.1062	21.70
150002	1.4495	18.66
150003	1.7952	19.31
150004	1.5197	19.70
150005	1.1497	19.00
150006	1.2614	20.04
150007	1.1968	19.53
150008	1.4377	20.97
150009	1.3657	17.53
150010	1.3618	18.48
150011	1.2157	19.19
150012	1.6189	20.52
150013	1.1006	16.00
150014	1.6067	21.28
150015	1.2931	22.06
150017	1.9040	18.89
150018	1.4570	18.62
150019	1.0936	15.29
150020	1.1517	14.46
150021	1.6877	
150022	1.0903	17.92
150023	1.5766	18.71
150024	1.3391	17.83
150025	1.4398	18.15
150026	1.2090	20.51
150027	1.0058	16.48
150029	1.3389	21.74
150030	1.2446	17.33
150031	1.0811	18.01
150032	.....	20.64
150033	1.5737	21.69
150034	1.4854	21.29
150035	1.4921	19.82
150036	0.9960	20.38
150037	1.2881	17.79
150038	1.2939	20.25
150039	1.0016	17.42
150042	1.2830	17.12
150043	1.1042	17.98
150044	1.2625	17.64
150045	1.0927	17.04
150046	1.3943	17.32
150047	1.5983	20.57
150048	1.1912	16.96
150049	1.2166	16.85
150050	1.1659	17.14
150051	1.5099	18.20
150052	1.0909	15.36
150053	0.9867	18.75

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
150054	1.1350	17.33
150056	1.8874	23.30
150057	2.2401	16.86
150058	1.7056	20.94
150059	1.3586	20.80
150060	1.1860	16.01
150061	1.2108	17.21
150062	1.1076	18.41
150063	1.0891	21.09
150064	1.1810	16.88
150065	1.1695	19.01
150066	1.0226	14.60
150067	1.1260	17.08
150069	1.2233	17.39
150070	0.9579	17.20
150071	1.0955	14.73
150072	1.1997	16.11
150073	1.0623	19.03
150074	1.6321	18.80
150075	1.1204	14.98
150076	1.1815	22.34
150077	0.8126	17.58
150078	1.0515	19.01
150079	1.1737	15.45
150082	1.5261	17.88
150084	1.9911	22.92
150086	1.2506	17.34
150088	1.3443	19.45
150089	1.4584	22.79
150090	1.3311	19.06
150091	1.0358	19.89
150092	1.0071	15.92
150094	0.9754	18.34
150095	1.0873	17.12
150096	1.0067	20.03
150097	1.0922	18.31
150098	1.1583	14.30
150099	.....	19.05
150100	1.6560	17.45
150101	1.0932	17.56
150102	1.0786	11.50
150103	0.9709	17.31
150104	1.1262	17.26
150105	1.3363	19.17
150106	1.0512	18.91
150109	1.3950	18.23
150110	0.9833	18.58
150111	1.1623	16.17
150112	1.2432	19.82
150113	1.2363	19.30
150114	0.9759	16.96
150115	1.3380	17.06
150122	1.1564	19.35
150123	1.1155	15.16
150124	1.0883	15.07
150125	1.4626	20.31
150126	1.4875	20.33
150127	1.0281	22.81
150128	1.2486	18.32
150129	1.1879	23.39
150130	1.3446	16.19
150132	1.4200	19.37
150133	1.1908	16.49
150134	1.1980	17.06
150136	0.9556	19.28
160001	1.2605	19.03
160002	1.0936	15.37
160003	0.9983	15.77
160005	1.0816	15.23

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
160007	1.0218	15.66
160008	1.1414	14.97
160009	1.2218	16.09
160012	1.0466	16.54
160013	1.1370	17.06
160014	1.0250	15.09
160016	1.1679	18.37
160018	0.9632	14.16
160020	1.0694	13.91
160021	1.1170	15.49
160023	1.0888	14.20
160024	1.6094	18.95
160026	1.0266	18.66
160027	1.0851	15.74
160028	1.2340	20.44
160029	1.5289	20.40
160030	1.3882	17.99
160031	1.1181	15.28
160032	1.1544	16.18
160033	1.9173	18.37
160034	1.1493	14.51
160035	0.8438	15.92
160036	1.0544	18.91
160037	1.0584	18.40
160039	1.0389	17.63
160040	1.2661	16.83
160041	1.0648	15.58
160043	0.9893	15.63
160044	1.2182	16.04
160045	1.8186	20.12
160046	1.0239	14.77
160047	1.3703	16.93
160048	1.2473	13.14
160049	0.9262	13.36
160050	1.0709	16.42
160051	0.8978	14.27
160052	0.9936	17.55
160054	1.0281	15.71
160055	0.9846	14.06
160056	1.0679	15.38
160057	1.2435	17.41
160058	1.8383	20.34
160060	1.0430	15.95
160061	1.0815	17.57
160062	0.9960	14.44
160063	1.1620	16.30
160064	1.5348	19.94
160065	1.0510	16.51
160066	1.1016	16.26
160067	1.4226	17.85
160068	1.0237	15.85
160069	1.5362	18.49
160070	0.9937	15.66
160072	1.0339	14.19
160073	0.9954	15.05
160074	1.0382	15.85
160075	1.0796	17.89
160076	1.0993	17.31
160077	1.1152	11.40
160079	1.4125	17.71
160080	1.2100	17.81
160081	1.1531	16.51
160082	1.9254	18.80
160083	1.6684	18.41
160085	1.0030	18.55
160086	0.9493	16.46
160088	1.1546	17.53
160089	1.1915	16.74
160090	1.0124	16.60

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
160091	1.0383	12.19
160092	1.0124	15.80
160093	1.0155	15.95
160094	1.1043	16.56
160095	1.0321	14.26
160097	1.0774	15.21
160098	0.9397	15.54
160099	0.9650	13.79
160101	1.0852	17.87
160102	1.3435	18.36
160103	0.9416	17.15
160104	1.3010	19.76
160106	1.1089	16.66
160107	1.1508	16.56
160108	1.0237	15.42
160109	1.0167	16.49
160110	1.5117	19.93
160111	0.9983	13.17
160112	1.3773	16.28
160113	1.0930	14.58
160114	0.9786	14.95
160115	0.9774	15.76
160116	1.1196	16.69
160117	1.4123	17.29
160118	0.9961	15.84
160120	0.9938	12.56
160122	1.1131	18.52
160124	1.2998	17.16
160126	0.9654	17.74
160129	0.9727	15.89
160130	1.1286	15.45
160131	1.0444	14.69
160134	0.9506	13.32
160135	1.0170	16.33
160138	1.0149	15.71
160140	1.1324	18.80
160142	1.0194	16.14
160143	1.1242	15.92
160145	1.0697	15.17
160146	1.4409	13.50
160147	1.2762	18.39
160151	1.0545	15.74
160152	0.9384	15.22
160153	1.7613	19.69
170001	1.2074	17.52
170004	1.0753	13.06
170006	1.1961	19.31
170008	1.0034	13.90
170009	1.1438	19.59
170010	1.3587	17.90
170012	1.4141	16.76
170013	1.2829	17.89
170014	1.0333	17.34
170015	0.9812	16.34
170016	1.7067	18.60
170017	1.2014	17.87
170018	1.1012	14.36
170019	1.2360	16.56
170020	1.4017	16.15
170022	1.0526	17.85
170023	1.4684	19.36
170024	1.0663	13.06
170025	1.1917	16.37
170026	1.0818	13.89
170027	1.3172	16.39
170030	1.0591	15.24
170031	0.8922	13.47
170032	1.0128	14.48
170033	1.4150	16.05
170034	1.0335	15.02
170035	0.8966	15.62
170036	.....	14.17
170038	0.8998	14.21
170039	1.0943	14.30
170040	1.5837	17.97
170041	1.0521	11.47
170044	0.9951	14.78
170045	1.0889	12.11
170049	1.3499	18.64
170051	0.9890	14.16
170052	1.0435	14.62
170053	0.9336	9.03
170054	1.0324	12.77
170055	0.9801	14.99
170056	0.8854	14.87
170057	.....	15.09
170058	1.1572	18.17
170060	1.0218	17.23
170061	1.1583	14.14
170063	0.8974	11.49
170064	.....	12.42
170066	0.9451	14.48
170067	0.9987	12.71
170068	1.2647	15.82
170070	1.0543	13.37
170072	0.9012	13.34
170073	1.0417	16.47
170074	1.2016	14.40
170075	0.9266	11.26
170076	1.0220	13.58
170077	0.9136	13.11
170079	0.9666	14.21
170080	0.9657	12.20
170081	0.9118	12.51
170082	0.9428	12.39
170084	0.8978	12.16
170085	0.8828	14.51
170086	1.6770	19.85
170088	0.9319	11.37
170089	0.9738	18.08
170090	0.9616	11.27
170092	.....	12.85
170093	0.8913	12.79
170094	0.9571	17.71
170095	1.0123	15.75
170097	0.9071	15.66
170098	1.1366	14.10
170099	1.1582	13.55
170100	.....	14.47
170101	0.9709	13.16
170102	0.9675	13.35
170103	1.3238	16.66
170104	1.4841	19.76
170105	1.0598	15.93
170106	0.9341	14.68
170109	0.9347	16.87
170110	0.9851	15.55
170112	1.1373	13.39
170113	1.0737	13.25
170114	0.9511	14.51
170115	0.9965	13.03
170116	1.0601	15.76
170117	0.9782	15.28
170119	0.9547	13.97
170120	1.2724	15.91
170122	1.7580	18.62
170123	1.7220	21.43
170124	0.9913	10.21
170126	0.9316	12.13
170128	0.9622	14.99
170131	.....	13.10
170133	1.1289	16.90
170134	0.8746	12.90
170137	1.1809	17.42
170139	0.9898	13.28
170142	1.3140	17.32
170143	1.1148	15.88
170144	1.5078	16.09
170145	1.1143	16.75
170146	1.4429	19.97
170147	1.1965	16.28
170148	1.3707	17.25
170150	1.1488	15.43
170151	0.9381	13.37
170152	1.0039	13.68
170160	0.9959	13.31
170164	0.9827	15.25
170166	1.1079	17.57
170171	1.0545	13.81
170175	1.3046	16.60
170176	1.6707	20.32
170182	1.4297	14.20
170183	1.9808	19.09
170184	.....	27.01
180001	1.3847	19.52
180002	1.0822	18.13
180004	1.1128	15.99
180005	1.1971	20.63
180006	0.9090	11.23
180007	1.4645	17.20
180009	1.3630	20.81
180010	1.9327	17.55
180011	1.3163	16.93
180012	1.4400	18.74
180013	1.4541	17.35
180014	1.6943	19.54
180016	1.3332	18.84
180017	1.3056	15.17
180018	1.2982	18.92
180019	1.1910	16.76
180020	1.1105	17.78
180021	1.0495	15.16
180023	0.9502	15.22
180024	1.4092	15.33
180025	1.2023	17.17
180026	1.2026	14.16
180027	1.2506	14.89
180028	1.0909	19.35
180029	1.2271	18.02
180030	1.1726	17.02
180031	1.1189	13.79
180032	1.0597	16.09
180033	1.0978	13.77
180034	1.0888	17.32
180035	1.6441	19.45
180036	1.1569	19.12
180037	1.3126	19.85
180038	1.4604	16.19
180040*	1.9257	19.33
180041	1.1796	15.17
180042	1.1689	16.29
180043	1.1236	16.76
180044	1.1974	17.82
180045	1.4022	17.73
180046	1.0438	17.91
180047	0.9987	15.04
180048	1.2470	19.58

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
180049	1.3488	16.08
180050	1.2186	18.48
180051	1.3835	15.68
180053	1.0555	14.63
180054	1.0903	16.39
180055	1.2207	14.64
180056	1.1035	16.62
180058	1.0460	14.36
180059	0.8719	14.26
180060	.....	7.21
180063	1.0712	11.91
180064	1.1788	14.49
180065	1.0766	14.41
180066	1.0776	18.56
180067	1.8904	18.53
180069	1.1224	17.30
180070	1.1057	13.84
180072	1.1158	17.85
180075	.....	15.07
180078	1.0782	19.16
180079	1.1805	13.41
180080	1.0799	16.48
180087	1.2301	14.97
180088	1.6075	21.86
180092	1.2224	16.31
180093	1.4101	16.70
180094	1.0268	12.51
180095	1.1318	13.40
180099	1.0392	13.29
180101	1.1741	19.56
180102	1.4371	17.88
180103	2.3154	19.79
180104	1.5469	19.20
180105	0.8827	14.00
180106	0.8766	13.61
180108	0.8257	14.62
180115	0.9594	17.11
180116	1.2331	16.94
180117	1.1147	18.38
180118	0.9643	12.15
180120	1.0167	17.81
180121	1.1698	14.51
180122	1.0642	16.97
180123	1.3539	18.53
180124	1.3287	18.41
180125	1.1259	19.73
180126	1.1152	12.40
180127	1.2902	17.35
180128	1.0669	17.05
180129	0.9818	17.86
180130	1.4359	19.11
180132	1.2721	17.26
180133	1.3322	21.66
180134	1.0885	13.63
180136	1.8166	17.71
180138	1.1992	18.51
180139	1.0560	18.77
180140	0.9768	20.40
180141	1.8575	19.04
180142	1.7800	
190001	0.8866	16.91
190002	1.6874	18.84
190003	1.3295	22.15
190004	1.4230	17.54
190005	1.5174	16.71
190006	1.4666	17.73
190007	1.0552	13.60
190008	1.6186	16.89
190009	1.2882	14.21
190010	1.2081	17.02
190011	1.1424	15.17
190013	1.3002	16.57
190014	1.1875	17.02
190015	1.2666	17.44
190017	1.3398	15.79
190018	1.1056	16.98
190019	1.7887	17.40
190020	1.1956	17.31
190025	1.3076	16.07
190026	1.5552	17.21
190027	1.5165	16.19
190029	1.1492	17.11
190033	0.9722	10.74
190034	1.1705	16.68
190036*	1.6847	19.96
190037	0.9649	12.02
190039	1.4112	17.17
190040	1.3287	20.32
190041	1.6088	17.90
190043	1.0328	12.57
190044	1.1661	17.20
190045	1.4138	21.69
190046	1.4251	19.35
190048	1.1957	16.34
190049	0.9392	16.42
190050	1.0736	15.38
190053	1.1486	12.50
190054	1.2942	16.47
190059	0.8905	15.84
190060	1.3931	18.37
190064	1.5246	19.90
190065	1.4989	19.39
190071	0.8369	13.59
190077	0.8858	12.83
190078	1.1110	13.50
190079	1.3557	17.29
190081	0.8865	12.02
190083	1.0658	16.14
190086	1.3284	14.93
190088	1.2141	19.63
190089	1.1099	12.79
190090	1.0416	16.56
190092	.....	18.07
190095	0.9939	15.73
190098	1.5397	19.22
190099	1.1795	18.92
190102	1.6352	15.80
190103	0.9074	15.57
190106	1.1251	17.75
190109	1.2494	14.53
190110	0.9774	11.08
190111*	1.5870	20.05
190112	1.6970	19.21
190113	1.3935	18.99
190114	1.0147	12.91
190115	1.2775	20.49
190116	1.1972	12.59
190118	0.9963	12.95
190120	0.9962	13.69
190122*	1.2965	14.84
190124	1.6278	22.38
190125	1.4991	18.63
190128	1.1982	19.71
190130	0.9925	12.43
190131	1.2614	19.60
190133	1.0847	13.48
190134	1.0023	12.68
190135	1.4331	20.93
190136	0.9971	11.33
190138	.....	22.71
190140	0.9519	12.03
190142	0.9232	14.98
190144	1.1836	16.84
190145	0.9751	13.99
190146	1.5262	20.09
190147	0.9769	14.32
190148	0.9448	14.02
190149	0.9966	15.19
190151	1.0782	11.92
190152	1.5096	20.40
190155	.....	11.08
190156	0.9565	12.48
190158	1.2674	19.62
190160	1.2596	18.47
190161	1.0853	12.58
190162	1.2971	17.97
190164	1.1850	16.33
190167	1.1284	16.29
190170	0.9050	13.58
190173	1.3272	18.83
190175	1.4238	20.69
190176	1.6021	16.67
190177	1.7143	20.32
190178	0.9276	10.49
190182	1.3004	20.03
190183	1.1923	16.11
190184	0.9965	14.86
190185	1.3089	19.37
190186	0.9403	16.36
190189	.....	26.54
190190	0.9141	18.68
190191	1.1473	18.14
190196	0.9516	14.87
190197	1.1818	17.92
190199	1.0597	12.58
190200	1.4899	19.41
190201	1.0997	19.14
190202	1.1256	17.90
190203	1.4061	21.43
190204	1.4939	21.21
190205	1.9208	18.10
190206	1.6291	19.82
190207	1.2579	17.67
190208	0.8059	14.61
190218	1.0606	18.16
190223	.....	19.26
190227	1.0049	12.11
190231	1.5614	16.89
190235	.....	16.80
190236	1.4216	22.18
190237	2.4934	
190238	1.6330	
190239	1.1544	
190240	0.9642	
200001	1.3472	17.49
200002	1.1142	18.77
200003	1.0982	16.74
200006	1.0868	16.34
200007	1.0197	17.62
200008	1.2216	20.50
200009	1.8812	20.62
200012	1.1783	17.01
200013	1.1139	16.49
200015	.....	20.11
200016	1.0407	17.66
200017	.....	19.70
200018	1.2072	17.24

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
200019	1.2519	18.48
200020	1.1541	20.60
200021	1.1958	18.88
200023	0.8402	14.92
200024	1.4798	18.65
200025	1.2493	19.07
200026	0.9915	17.28
200027	1.2369	18.28
200028	0.9205	16.93
200031	1.2258	15.90
200032	1.3282	17.92
200033	1.7813	21.40
200034	1.2763	19.13
200037	1.2272	18.24
200038	1.1414	19.21
200039	1.2559	20.29
200040	1.1170	19.13
200041	1.1252	17.66
200043	0.8031	16.54
200050	1.2072	18.08
200051	0.9896	19.48
200052	0.9958	15.12
200055	1.0875	17.13
200062	0.9507	16.51
200063	1.2430	19.67
200066	1.1419	16.32
210001	1.4438	18.73
210002	2.0439	22.84
210003	1.6821	25.37
210004	1.3607	23.44
210005	1.2933	19.62
210006	1.1140	17.77
210007	1.8016	21.54
210008	1.3069	19.50
210009	1.8548	21.81
210010	1.1378	26.83
210011	1.3632	21.24
210012	1.6193	23.43
210013	1.3591	18.85
210015	1.3063	16.69
210016	1.8523	22.01
210017	1.2499	17.17
210018	1.2636	21.41
210019	1.6163	19.09
210022	1.4875	21.32
210023	1.4502	21.80
210024	1.6941	19.56
210025	1.3279	19.57
210026	1.3217	11.64
210027	1.2802	18.49
210028	1.1693	18.86
210029	1.2777	21.43
210030	1.2555	21.02
210031	1.3110	15.59
210032	1.1730	18.50
210033	1.2407	19.91
210034	1.3165	16.12
210035	1.3414	20.61
210037	1.2643	18.74
210038	1.4181	23.26
210039	1.1915	20.73
210040	1.3180	25.08
210043	1.2815	40.60
210044	1.3645	22.24
210045	1.0892	9.88
210048	1.2893	22.39
210049	1.1702	17.67
210051	1.4024	20.76
210054	1.3673	23.51
210055	1.3658	20.09
210056	1.3928	20.94
210057	1.3587	22.57
210058	1.5007	21.37
210059	1.1847	23.13
210060	1.2753	
210061	1.1313	20.02
220001	1.2879	26.32
220002	1.4678	22.58
220003	1.1104	19.14
220004		20.01
220006	1.3867	22.04
220008	1.2973	21.89
220010	1.3481	22.06
220011	1.0947	23.85
220012	1.3117	28.24
220015	1.1691	21.73
220016	1.3445	21.30
220017	1.3512	24.90
220019	1.1561	19.13
220020	1.2448	20.00
220021		23.70
220023	0.6351	18.76
220024	1.2167	21.59
220025	1.1442	19.94
220028*	1.4573	22.18
220029	1.1595	21.19
220030	1.1073	14.54
220031	1.9074	22.82
220033	1.2602	20.83
220035	1.3063	22.00
220036	1.6289	24.16
220038	1.3130	23.31
220041	1.1893	22.83
220042	1.2662	25.28
220046	1.3199	23.90
220049	1.2823	17.27
220050	1.1667	20.83
220051	1.1784	20.48
220052	1.2993	23.01
220053	1.1637	21.27
220055	1.2850	21.57
220057	1.3594	21.93
220058	1.1555	26.09
220060	1.2295	26.98
220062	0.5638	20.06
220063	1.2671	20.91
220064	1.2833	17.90
220065	1.3711	20.10
220066	1.3459	19.43
220067	1.2869	25.74
220068		6.45
220070	1.2165	16.72
220071	1.9239	24.67
220073	1.3015	26.08
220074	1.3358	15.22
220075	1.7972	19.96
220076	1.2501	20.83
220077	1.8283	24.48
220079	1.0997	21.01
220080	1.3044	17.16
220081	0.9163	25.77
220082	1.2658	20.02
220083	1.1887	20.93
220084	1.2481	24.66
220086	1.7933	30.00
220088	1.6455	22.71
220089	1.2583	21.81
220090	1.2260	21.42
220092	1.1838	17.04
220094		21.99
220095	1.1894	21.45
220098	1.3175	20.34
220100	1.3674	25.39
220101	1.4449	24.15
220104	1.4666	26.76
220105	1.2706	21.69
220106	1.2167	24.34
220107		20.14
220108	1.1915	22.52
220110	2.1015	29.15
220111	1.2455	23.07
220116	1.9143	27.64
220118		30.02
220119	1.2616	22.78
220123	1.0317	17.74
220126	1.2498	20.96
220128		21.92
220133	0.7187	24.34
220135	1.2824	25.08
220153	1.0071	15.97
220154	0.9023	14.84
220162	1.4831	
220163	2.0302	27.35
220171	1.6811	23.43
230001	1.1539	19.20
230002	1.2731	21.91
230003	1.1409	19.61
230004	1.6874	22.42
230005	1.2532	19.40
230006	1.0501	18.47
230007		19.43
230012	0.9650	18.67
230013	1.3748	20.12
230015	1.0768	20.43
230017	1.6133	20.40
230019	1.5299	19.05
230020	1.7464	21.04
230021	1.5000	18.57
230022	1.2703	19.76
230024	1.4282	27.96
230027	1.0357	18.03
230029	1.5743	21.12
230030	1.3405	17.29
230031	1.4291	17.00
230032*	1.7456	20.08
230034	1.2673	17.23
230035	1.0750	17.56
230036	1.2559	21.76
230037	1.1615	19.07
230038	1.7574	23.40
230040	1.1346	20.39
230041	1.2536	19.03
230042	1.2327	19.49
230046	1.9231	25.91
230047	1.3568	20.64
230053	1.5887	22.22
230054	1.8405	19.54
230055	1.1698	19.84
230056	0.8968	16.41
230058	1.1023	18.23
230059	1.4582	18.96
230060	1.3307	17.87
230062	0.9642	16.30
230063	1.2587	20.22
230065	1.3139	21.28
230066	1.3669	21.51
230069	1.1982	22.49

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
230070	1.6490	20.06
230071	1.1156	22.16
230072	1.2347	20.43
230075	1.5045	19.43
230076	1.4082	23.82
230077	2.0553	20.39
230078	1.1150	16.25
230080	1.2452	18.91
230081	1.2102	18.04
230082	1.1207	17.74
230085	1.2359	17.54
230086	0.9482	16.98
230087	1.0847	15.77
230089	1.2859	21.39
230092	1.3590	18.96
230093	1.2299	19.99
230095	1.1731	16.78
230096	1.1072	22.56
230097	1.6199	20.10
230099	1.1231	20.25
230100	1.1427	13.11
230101	1.0672	18.61
230103	1.0527	20.76
230104	1.5554	23.47
230105	1.7966	20.88
230106	1.1826	18.35
230107	0.9423	14.67
230108	1.2079	17.42
230110	1.3163	17.65
230113	0.8490	11.17
230115	1.0580	16.87
230116	0.8654	16.36
230117	1.9036	23.94
230118	1.1403	21.71
230119	1.3594	23.96
230120	1.1248	19.64
230121	1.2279	19.37
230122	1.3518	18.09
230124	1.1691	18.89
230125	.....	15.35
230128	1.4028	23.58
230130	1.6932	22.52
230132	1.3334	26.17
230133	1.2298	17.57
230134	.....	15.32
230135	1.2320	22.74
230137	.....	18.34
230141	1.6288	23.05
230142	1.2837	20.04
230143	1.2803	16.45
230144	1.1223	21.00
230145	1.1219	16.60
230146	1.2603	18.63
230147	1.4098	20.40
230149	1.1317	14.17
230151	1.4140	20.89
230153	1.0658	17.33
230154	0.8898	14.58
230155	1.0298	16.99
230156	1.7470	23.28
230157	1.1677	19.72
230159	1.0227	18.61
230162	0.9532	17.77
230165	1.9359	23.23
230167	1.7502	20.32
230169	1.3613	22.75
230171	1.0817	14.96
230172	1.1873	20.22
230174	1.3724	20.85
230175	2.3801	21.81
230176	1.2168	21.86
230178	0.9485	16.08
230180	1.1229	15.48
230184	1.2534	17.29
230186	1.1358	15.56
230188	1.1197	15.56
230189	0.9464	15.91
230190	0.8801	23.71
230191	0.9321	17.12
230193	1.3023	20.18
230195	1.3569	22.37
230197	1.4043	21.62
230199	1.0833	18.40
230201	1.2527	15.32
230204	1.3728	21.89
230205	0.9894	13.89
230207	1.2522	20.46
230208	1.3046	17.15
230211	0.9159	17.51
230212	1.0559	22.18
230213	0.9300	15.32
230216	1.5737	19.59
230217	1.2657	20.95
230219	0.8632	20.70
230221*	.....	21.55
230222	1.3904	20.79
230223	1.2692	21.50
230227	1.4208	21.21
230230	1.5877	22.53
230232	.....	12.64
230235	1.0880	15.95
230236*	1.3245	23.22
230239	1.1705	19.23
230241	1.1942	18.85
230244	1.4114	21.08
230253	0.9600	21.95
230254	1.2928	21.28
230257	0.9141	20.47
230259	1.1398	21.15
230264	1.6552	15.18
230269	1.3095	22.81
230270	1.2029	20.08
230273	1.5232	23.40
230275	0.5244	17.60
230276	0.5657	18.55
230277	1.2488	22.50
230278	.....	16.66
230279	0.6538	16.04
230280	1.0995	14.22
230283	2.2297	
240001	1.5271	22.84
240002	1.7570	23.02
240004*	1.5922	16.53
240005	0.8861	16.98
240006	1.1644	27.11
240007	1.0673	16.98
240008	1.1466	21.81
240009	0.9419	16.69
240010	1.9784	22.62
240011	1.1515	18.96
240013	1.2854	18.97
240014	1.0968	21.86
240016	1.3901	19.86
240017	1.1526	17.23
240018	1.2687	19.07
240019	1.1859	21.13
240020	1.1172	19.57
240021	0.9884	17.40
240022	1.1049	19.16
240023	0.9789	20.39
240025	1.0980	17.25
240027	1.0711	16.25
240028	1.1581	19.38
240029	1.1501	17.99
240030	1.2802	18.44
240031	0.9276	18.07
240036	1.5871	20.12
240037	1.0154	18.46
240038	1.5017	26.35
240040	1.2684	19.90
240041	1.1728	19.21
240043	1.2228	17.31
240044	1.1357	18.92
240045	1.1584	20.99
240047*	1.5726	21.86
240048	.....	23.31
240049	.....	22.13
240050	1.2114	24.50
240051	0.9654	18.23
240052	1.3024	19.22
240053	1.4855	21.29
240056	1.2541	22.29
240057	1.8364	23.24
240058	0.9292	14.91
240059	1.0456	21.96
240061	1.7666	24.44
240063	1.4484	23.54
240064	1.3259	20.76
240065	1.1496	12.55
240066	1.2838	22.05
240069	1.1917	19.18
240071	1.1069	19.19
240072	1.0236	18.00
240073	0.9003	15.63
240075	1.2015	21.19
240076	1.0725	21.07
240077	0.9002	14.95
240078	1.5426	22.71
240079	0.9545	17.82
240080*	1.6152	23.73
240082	1.1235	18.03
240083	1.2898	19.29
240084	1.3236	19.61
240085	1.0306	18.02
240086	1.0482	15.33
240087	1.1607	17.06
240088	1.4006	21.02
240089	0.9225	18.42
240090	1.1288	18.05
240093	1.2970	18.62
240094	0.9639	20.57
240096	0.9900	18.34
240097	1.1145	23.62
240098	0.9270	20.60
240099	1.0725	14.36
240100	1.2887	19.19
240101	1.2099	17.75
240102	0.9273	15.56
240103	1.2125	16.88
240104	1.1691	24.02
240105	.....	14.79
240106	1.3931	25.05
240107	0.9756	19.03
240108	0.9778	16.46
240109	0.9814	13.15
240110	0.9389	17.28
240111	0.9906	17.04

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
240112	0.9763	15.31
240114	0.9379	15.49
240115	1.6118	22.16
240116	0.9248	15.18
240117	1.1441	17.57
240119	0.8604	22.50
240121	0.9071	21.37
240122	1.0827	18.04
240123	1.0205	15.60
240124	0.9613	19.05
240125	0.9698	13.15
240127	1.0079	14.77
240128	1.1138	16.08
240129	0.9949	15.42
240130	0.9322	15.65
240132	1.2724	24.50
240133	1.2207	18.52
240135	0.9181	13.60
240137	1.1748	19.18
240138	0.9322	13.74
240139	0.9615	17.02
240141	1.1553	21.99
240142	1.0125	20.61
240143	0.9663	14.28
240144	1.0451	15.87
240145	0.9125	15.00
240146*	0.9085	16.79
240148	1.0240	11.48
240150	0.8795	12.83
240152	1.0247	20.20
240153	1.0015	15.61
240154	1.0211	17.06
240155	0.9166	20.42
240157	1.0227	14.69
240160	1.0601	16.60
240161	1.0376	15.42
240162	1.0746	19.04
240163	0.9706	17.87
240166	1.1526	16.39
240169	0.9599	18.62
240170	1.1056	17.65
240171	1.0083	16.72
240172	0.9741	14.91
240173	0.9979	16.74
240179	1.0343	16.65
240184	0.9677	14.40
240187	1.2492	17.51
240193	1.0038	16.30
240196	0.6772	23.27
240200	0.8955	14.73
240205	0.9180	
240206	0.8312	
240207	1.2640	23.33
240210*	1.2515	24.03
240211	0.9639	20.55
250001	1.6247	18.12
250002	0.8834	15.58
250003	0.9935	15.66
250004	1.5311	16.96
250005	0.9475	12.00
250006	0.9628	15.70
250007	1.2280	19.16
250008	1.0292	13.32
250009	1.2659	16.18
250010	1.0112	13.34
250012	0.9335	18.48
250015	1.0386	11.07
250017	1.0281	17.30
250018	0.9366	13.47
250019	1.4832	17.15
250020	0.9513	13.88
250021	0.8379	9.08
250023	0.8948	13.54
250024	0.8937	11.59
250025	1.1497	17.72
250027	0.9761	12.42
250029	0.8705	14.85
250030	0.9210	13.63
250031	1.2477	18.77
250032	1.2190	17.26
250033	1.0137	15.76
250034	1.5454	18.13
250035	0.8365	17.41
250036	0.9962	13.79
250037	0.8845	10.32
250038	0.9382	13.62
250039	0.9970	16.51
250040	1.3147	15.64
250042	1.2629	16.47
250043	0.8997	13.65
250044	0.9881	16.75
250045	1.2675	19.48
250047	0.9058	31.60
250048	1.5277	15.71
250049	0.8840	10.76
250050	1.2669	13.92
250051	0.9264	9.60
250057	1.1777	13.76
250058	1.1857	15.42
250059	1.0828	14.23
250060	0.7514	7.99
250061	0.8571	13.97
250063	0.8311	14.97
250065	0.8934	12.68
250066	0.9138	14.33
250067	1.1596	15.29
250068	0.8244	11.43
250069	1.2682	15.77
250071	0.8972	11.21
250072	1.4321	16.93
250077	0.9343	11.41
250078	1.5470	15.50
250079	0.8546	19.06
250081	1.2791	28.31
250082	1.4189	13.84
250083	0.9426	9.20
250084	1.0988	19.74
250085	0.9829	13.85
250088	0.9803	16.69
250089	1.0904	13.05
250093	1.1718	15.09
250094	1.3373	17.85
250095	0.9932	16.36
250096	1.2105	17.07
250097	1.2848	18.41
250098	0.9421	14.30
250099	1.2923	14.41
250100	1.2687	16.60
250101	0.8831	16.31
250102	1.5195	20.02
250104	1.4439	17.54
250105	0.9369	14.60
250107	0.8803	13.63
250109	0.8900	14.55
250112	0.9912	14.20
250117	1.0628	14.52
250119	1.0603	12.74
250120	1.0638	14.41
250122	1.1763	17.72
250123	1.2209	17.41
250124	0.9344	12.67
250125	1.2793	14.49
250126	0.9351	14.71
250127	0.9230	
250128	1.0367	13.00
250131	1.0826	10.28
250134	0.9667	17.98
250136	0.9182	18.05
250138	1.2054	17.60
250141	1.2067	17.12
250145	0.8696	11.40
250146	0.9386	13.28
250148	1.2354	11.98
250149	0.9690	12.98
250150	1.2560	
260001	1.6327	17.55
260002	1.4385	20.59
260003	1.1303	14.33
260004	0.9725	13.75
260005	1.6478	19.71
260006	1.5184	18.53
260008	0.9887	16.25
260009	1.2916	17.94
260011	1.5348	18.32
260012	1.0036	14.46
260013	1.1872	15.54
260015	1.1793	21.33
260017	1.1724	15.80
260018	0.8885	12.23
260019	1.1438	23.67
260020	1.8100	21.86
260021	1.4386	17.57
260022	1.2556	19.35
260023	1.4179	15.82
260024	0.9716	13.47
260025	1.3037	14.94
260027	1.6145	21.01
260029	1.1888	17.47
260030	1.1362	11.24
260031	1.5358	18.30
260032	1.7220	20.92
260034	1.0233	17.22
260035	1.0045	12.59
260036	1.0042	18.31
260039	1.0672	14.20
260040	1.6796	15.08
260042	1.2519	17.44
260044	1.0069	17.12
260047	1.6390	17.28
260048	1.2487	21.43
260050	1.0545	18.74
260052	1.3663	17.86
260053	1.1247	12.01
260054	1.3540	17.37
260055	0.9667	17.76
260057	1.0072	15.33
260059	1.2431	15.79
260061	1.1196	15.01
260062	1.1845	20.26
260063	1.0723	16.85
260064	1.3319	16.50
260065	1.7757	18.47
260066	1.0139	14.42
260067	0.8926	12.16
260068	1.6802	19.83
260070	1.0377	21.69
260073	1.0843	13.01

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
260074	1.2962	15.42
260077	1.7288	18.26
260078	1.1814	15.48
260079	1.0620	14.83
260080	0.9887	12.56
260081	1.6619	18.96
260082	1.1478	15.79
260085	1.5799	19.51
260086	0.9285	14.87
260091	1.6909	19.61
260094	1.1873	15.87
260095	1.3659	19.77
260096	1.5613	21.72
260097	1.1415	15.79
260100	1.0128	15.73
260102	0.9990	16.37
260103	1.3189	17.35
260104	1.7127	19.02
260105	1.8623	20.80
260107	1.4534	18.46
260108	1.8507	20.92
260109	0.9915	13.44
260110	1.6688	15.72
260113	1.2254	14.79
260115	1.2279	17.90
260116	1.1034	14.57
260119	1.2149	16.20
260120	1.1954	17.13
260122	1.0917	14.54
260123	1.0482	14.00
260127	1.0625	15.95
260128	1.0367	11.27
260129	.....	14.64
260131	1.2658	19.75
260134	1.1709	16.58
260137	1.7105	15.22
260138	1.9075	21.41
260141	1.9978	17.96
260142	1.1255	16.03
260143	0.9900	11.94
260147	0.9530	13.66
260148	0.9021	10.34
260158	1.0544	12.40
260159	1.0116	18.22
260160	1.1476	16.19
260162	1.5659	20.71
260163	1.2449	14.81
260164	0.9182	14.31
260166	1.2191	19.53
260172	0.9615	12.49
260173	1.0061	11.98
260175	1.1279	16.29
260176*	1.7243	19.59
260177	1.3381	20.75
260178	1.4663	21.20
260179	1.6090	20.76
260180	1.6591	18.54
260183	1.6570	17.65
260186	1.5847	18.06
260188	1.2749	18.58
260189	0.9425	10.75
260190	1.1964	18.16
260191	1.2874	19.34
260193	1.2224	20.51
260195	1.2469	15.95
260197	1.0913	16.37
260198	1.2980	17.64
260200	1.2109	18.88
260205	1.1102	

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
260206	2.6705	
270002	1.2837	17.19
270003	1.2133	22.13
270004	1.6933	29.28
270006	0.8808	16.19
270007	1.0011	13.17
270009	1.0272	17.75
270011	1.0451	19.82
270012	1.6015	23.08
270013	.....	20.40
270014	1.8492	18.48
270016	0.9184	19.77
270017	1.2649	19.58
270019	1.0264	12.78
270021	1.1688	16.65
270023	1.2657	20.40
270026	0.9058	16.07
270027	1.0591	9.78
270028	1.1731	17.21
270029	0.9220	17.89
270032	1.1300	17.03
270033	0.8642	16.46
270035	1.0008	17.65
270036	0.9192	14.08
270039	1.0442	15.35
270040	1.1242	19.19
270041	1.0456	16.78
270044	1.1398	13.46
270046	.....	17.10
270048	1.0107	15.84
270049	1.7664	21.17
270050	0.9917	18.04
270051	1.3153	20.23
270052	1.0056	14.80
270057	1.2986	20.01
270058	0.9229	14.07
270059	0.7512	15.60
270060	0.9524	14.02
270063	0.9338	14.23
270073	1.0809	15.53
270074	0.8747	
270075	0.8274	
270079	0.9338	17.80
270080	1.1410	11.35
270081	0.9579	15.52
270082	1.1020	16.13
270083	1.0098	20.82
270084	0.9151	16.66
280001	1.0632	17.89
280003	2.1214	22.00
280005	1.3518	18.75
280009	1.7680	18.70
280010	0.8073	16.54
280011	0.8552	13.96
280012	.....	16.41
280013	1.7249	22.18
280014	0.9006	15.24
280015	1.0730	14.64
280017	1.0693	14.19
280018	1.0539	14.85
280020	1.8118	19.40
280021	1.1765	16.69
280022	0.9681	15.71
280023	1.3951	21.30
280024	0.9612	13.91
280025	0.9725	14.27
280026	1.0478	16.06
280028	1.0763	15.89
280029	1.2096	19.46

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
280030*	1.7665	33.26
280031	0.9937	13.22
280032	1.3465	19.18
280033	1.0807	14.93
280034	.....	15.28
280035	0.9131	15.33
280037	1.0308	16.17
280038	1.0606	16.47
280039	1.0637	15.19
280040	1.7299	18.97
280041	0.9617	13.39
280042	1.0305	15.30
280043	0.9752	15.79
280045	1.0415	14.23
280046	1.0475	13.72
280047	1.1206	18.37
280048	1.1137	14.07
280049	1.0856	15.63
280050	0.8924	15.34
280051	1.1386	15.85
280052	1.0652	13.65
280054	1.2488	17.58
280055	0.9146	12.99
280056	0.9322	14.02
280057	0.9635	15.76
280058	1.2363	17.88
280060	1.6236	28.61
280061	1.4119	17.95
280062	1.1814	13.67
280064	1.0153	15.51
280065	1.2669	18.53
280066	1.0217	11.64
280068	0.9304	10.13
280070	0.9912	13.74
280073	0.9848	14.79
280074	0.9716	15.22
280075	1.1052	13.79
280076	1.0343	13.92
280077	1.3025	19.01
280079	1.0819	9.91
280080	1.0579	14.35
280081	1.7240	20.92
280082	1.0785	13.13
280083	1.0611	17.55
280084	0.9595	11.69
280085	0.8186	21.58
280088	.....	21.64
280089	0.8837	17.16
280090	0.8017	14.72
280091	1.0928	15.15
280092	0.9075	14.20
280094	0.9966	15.89
280097	1.0876	14.30
280098	0.8804	10.17
280101	1.0046	17.42
280102	.....	12.94
280104	0.9207	13.38
280105	1.2360	18.78
280106	1.0160	15.54
280107	1.1351	13.46
280108	1.0618	17.22
280109	0.9496	11.06
280110	0.9845	12.30
280111	1.2660	23.10
280114	0.9215	13.56
280115	0.9779	16.43
280117	1.0965	16.82
280118	0.9029	16.92
280119	0.9435	

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
280123		20.77
280125	1.2266	
290001	1.6951	22.42
290002	0.9418	16.63
290003	1.6685	23.40
290005	1.3281	17.80
290006	1.2282	19.88
290007	1.6911	29.69
290008	1.2553	20.25
290009	1.6213	22.74
290010	1.1253	14.48
290011	1.0959	16.44
290012	1.3501	21.17
290013	0.9996	17.09
290014	1.0289	18.38
290015	0.9745	17.83
290016	1.1219	12.81
290019	1.3294	20.93
290020	0.9828	26.15
290021	1.6752	21.13
290022	1.5923	24.08
290027	0.8876	16.43
290029	0.9227	
290032	1.4102	22.79
290036	0.5760	18.61
290038	0.9313	23.14
290039	1.3278	25.80
290041	1.2669	
300001	1.4837	21.40
300003	2.0054	23.25
300005	1.3435	19.99
300006	1.1762	18.93
300007	1.0889	19.34
300008	1.2468	16.46
300009	1.0545	20.01
300010	1.2618	19.38
300011	1.3250	21.24
300012	1.3234	23.89
300013	1.1145	18.97
300014	1.2417	19.80
300015	1.1214	19.92
300016	1.2108	18.50
300017	1.3267	22.34
300018	1.3658	20.89
300019	1.2426	20.61
300020	1.3820	21.65
300021	1.0741	17.35
300022	1.1274	17.19
300023	1.3989	20.39
300024	1.2667	17.95
300028	1.2859	18.05
300029	1.3196	20.90
300033	1.0986	19.85
300034	2.1601	23.52
310001	1.7852	26.81
310002	1.8508	26.61
310003	1.2974	26.83
310005	1.2946	23.05
310006	1.2111	21.50
310008	1.3295	24.95
310009	1.3229	23.19
310010	1.2488	21.11
310011	1.2569	23.22
310012	1.6481	26.32
310013	1.3697	22.11
310014	1.6478	28.70
310015	2.0223	27.58
310016	1.2886	25.72
310017	1.3522	26.07

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
310018	1.0775	24.53
310019	1.6742	22.82
310020	1.3766	19.27
310021	1.5395	14.69
310022	1.3224	20.73
310024	1.3248	22.78
310025	1.1869	22.58
310026	1.2370	23.87
310027	1.3153	21.77
310028	1.2506	23.52
310029	1.9412	23.20
310031	2.7731	25.18
310032	1.3215	23.30
310034	1.2861	21.69
310036	1.1416	19.82
310037	1.3994	27.44
310038*	2.0125	25.33
310039	1.2510	22.03
310040	1.2033	24.30
310041	1.3451	23.78
310042	1.2924	24.27
310043	1.1890	22.09
310044	1.3276	20.43
310045	1.4835	28.21
310047	1.3317	24.52
310048	1.2890	23.33
310049	1.2304	24.76
310050	1.2126	22.59
310051	1.3939	25.27
310052	1.3013	22.58
310054	1.3465	24.38
310057	1.3027	20.45
310058	1.1447	26.10
310060	1.1968	19.11
310061	1.2042	20.80
310062	.....	19.27
310063*	1.3466	21.90
310064	1.3576	22.05
310067	1.3003	22.27
310069	1.2634	24.17
310070	1.4213	25.04
310072	1.3710	22.22
310073	1.6733	25.62
310074	1.3502	24.46
310075	1.4191	26.46
310076	1.4966	28.90
310077	1.6653	25.06
310078	1.4152	23.48
310081	1.3497	23.89
310083	1.2748	23.68
310084	1.3299	24.09
310086	1.2171	21.44
310087	1.3363	20.89
310088	1.1986	22.34
310090	1.3887	24.24
310091	1.2672	21.64
310092	1.3184	22.34
310093	1.1947	21.23
310096	1.9874	26.30
310105	1.2351	24.49
310108	1.4307	23.23
310110	1.2698	20.05
310111	1.2535	21.72
310112	1.3035	22.52
310113	1.2899	22.95
310115	1.2997	20.07
310116	1.2877	25.24
310118	1.2498	23.69
310119	1.7347	37.99

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
310120	1.2025	21.69
310121		18.74
320001	1.5282	17.85
320002	1.3475	18.74
320003	1.0738	15.35
320004	1.2912	17.12
320005	1.3136	19.87
320006*	1.3522	19.34
320009	1.5961	17.68
320011	1.1434	21.09
320012	1.0462	16.00
320013	1.1399	22.59
320014	1.0829	15.97
320016	1.1832	18.78
320017	1.1293	18.15
320018	1.5187	17.94
320019	1.5028	19.26
320021	1.8076	15.29
320022	1.2332	17.66
320023	1.0237	16.42
320030	1.1556	13.86
320031	0.9451	13.99
320032	0.9020	16.45
320033	1.1699	20.31
320035	1.0266	24.07
320037	1.1663	17.08
320038	1.2324	16.29
320046	1.4430	20.43
320048	1.4178	19.17
320057	0.9720	
320058	0.8862	
320059	1.0641	
320060	0.9268	
320061	1.1304	
320062	0.8542	
320063	1.2511	19.83
320065	1.2158	16.10
320067	0.8657	57.24
320068	0.8982	18.60
320069	0.9785	11.31
320070	0.9556	
320074	1.0897	18.65
320079	1.2128	19.42
330001	1.1867	25.21
330002	1.4494	28.92
330003	1.3431	17.65
330004	1.2951	19.59
330005	1.6834	24.28
330006	1.3333	25.46
330007	1.3686	18.65
330008	1.1791	17.76
330009	1.3308	30.42
330010	1.2833	14.74
330011	1.2963	17.63
330012	1.7216	29.82
330013	2.0344	19.11
330014	1.3868	27.44
330016	0.9933	17.41
330019	1.3623	32.45
330020	1.0286	14.55
330023	1.3016	24.27
330024	1.8309	33.55
330025	1.1142	16.03
330027	1.4665	32.50
330028	1.4110	27.08
330029	1.1574	16.56
330030	1.4176	15.06
330033	1.3126	16.75

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
330034	0.5350	30.78
330036	1.2759	24.32
330037	1.2231	16.00
330038	1.1805	16.01
330039	.....	12.47
330041	1.2877	30.42
330043	1.3072	27.15
330044	1.2664	18.70
330045	1.3750	27.17
330046	1.4572	31.91
330047	1.1976	17.53
330048	1.2590	17.62
330049	1.2689	19.31
330053	1.2232	15.67
330055	1.5716	28.99
330056	1.4640	30.21
330057	1.6852	18.34
330058	1.3123	16.98
330059	1.6000	31.58
330061	1.2766	25.07
330062	1.0980	15.28
330064	1.4278	32.87
330065	1.2356	18.37
330066	1.2664	19.12
330067	1.3300	20.94
330072	1.4065	30.35
330073	1.1715	15.88
330074	1.2824	18.18
330075	1.0926	17.26
330078	1.4535	17.49
330079	1.2821	16.76
330080	1.2129	24.70
330084	1.0650	23.03
330085	1.2897	18.78
330086	1.2267	30.69
330088	1.0497	25.62
330090	1.5603	18.68
330091	1.3782	18.53
330092	0.9905	12.65
330094	1.2369	17.72
330095	1.3277	18.34
330096	1.1197	16.60
330097	1.2448	16.96
330100	0.9996	28.11
330101	1.7924	29.22
330102	1.2990	17.25
330103	1.2013	16.48
330104	1.4136	28.77
330106	1.7000	35.87
330107	1.2746	28.08
330108	1.2381	17.08
330111	1.0714	15.20
330114	0.9051	18.24
330115	1.1308	16.56
330116	0.8461	24.23
330118	1.6337	20.76
330119	1.7045	34.75
330121	1.0146	14.77
330122	1.0120	21.20
330125	1.8884	22.57
330126	1.1356	22.70
330127	1.3758	28.67
330128	1.3080	26.63
330132	1.1999	14.70
330133	1.3624	32.28
330135	1.1989	18.33
330136	1.3313	17.26
330140	1.8200	19.50
330141	1.3317	25.14
330144	0.9879	12.52
330148	1.0686	15.04
330151	1.0943	13.97
330152	1.4603	29.48
330153	1.7146	17.40
330154	1.7635	
330157	1.3770	20.82
330158	1.4480	26.05
330159	1.2596	17.87
330160	1.4253	30.17
330162	1.2101	27.72
330163	1.2553	20.46
330164	1.3684	19.48
330166	1.0688	14.18
330167	1.7206	30.07
330169	1.4402	25.15
330171	1.3082	25.43
330175	1.1864	16.51
330177	0.9538	14.54
330179	0.8481	12.69
330180	1.2145	14.94
330181	1.3234	32.47
330182	2.5161	31.33
330183	1.4621	20.00
330184	1.3694	27.49
330185	1.2686	26.89
330188	1.2751	18.72
330189	1.1706	17.66
330191	1.3142	18.85
330193	1.3060	29.82
330194	1.8125	35.57
330195	1.6150	31.20
330196	1.2593	26.62
330197	1.1217	17.00
330198	1.3920	23.63
330199	1.3788	27.66
330201	1.6461	30.33
330202	1.3273	31.24
330203*	1.3894	19.24
330204	1.3574	26.81
330205	1.2183	19.46
330208	1.2533	25.82
330209	1.2122	24.88
330211	1.1003	19.10
330212	1.1260	21.18
330213	1.1307	18.51
330214	1.8224	32.20
330215	1.2141	17.58
330218	1.0787	21.71
330219	1.6427	20.48
330221	1.2963	30.00
330222	1.2742	17.71
330223	1.0460	17.28
330224	1.2634	20.89
330225	1.1993	25.80
330226	1.2803	17.67
330229	1.2988	16.25
330230	1.3375	28.86
330231	1.0207	26.61
330232	1.2609	19.50
330233	1.4708	33.48
330234	2.3386	32.95
330235	1.1656	19.45
330236	1.3899	29.54
330238	1.2178	14.80
330239	1.2090	17.28
330240	1.3693	29.22
330241	2.0171	22.60
330242	1.2839	24.74
330245	1.4700	17.28
330246	1.3232	26.51
330247*	0.8513	27.71
330249	1.1964	16.48
330250	1.2370	19.20
330252	.....	17.04
330254	1.1706	16.73
330258	1.2649	30.47
330259	1.4768	23.87
330261	1.3026	26.17
330263	1.0017	19.64
330264	1.1964	23.14
330265	1.3296	15.62
330267	1.3404	23.56
330268	0.9562	14.62
330270	2.0235	28.24
330273	1.2927	25.89
330275	1.3100	17.41
330276	1.1583	17.75
330277	1.1061	17.16
330279	1.2903	19.91
330285	1.8644	22.47
330286	1.3310	25.09
330290	1.7051	31.84
330293	1.1270	15.38
330304	1.2324	29.51
330306	1.3441	27.62
330307	1.3062	20.74
330308	.....	36.84
330314	1.3303	24.74
330316	1.2609	28.79
330327	0.8784	16.97
330331	1.3609	31.04
330332	1.2164	27.16
330333	1.2125	36.77
330336	1.3036	30.17
330338	1.2490	22.14
330339	0.9024	19.67
330340	1.1793	26.92
330350	1.7306	30.38
330353	1.3031	33.55
330354	1.5849	
330357	1.3385	34.68
330359	.....	29.29
330372	1.2176	22.50
330381	1.2997	29.24
330385	1.1314	26.39
330386	1.1741	24.67
330387	0.7617	
330389	1.7689	30.82
330390	1.3621	29.79
330393	1.7194	27.99
330394	1.5580	18.54
330395	1.3507	36.12
330396	1.1230	28.11
330397	1.3749	31.00
330398	1.3883	30.32
330399	1.2641	35.55
330400	0.8760	
340001	1.4552	18.47
340002	1.8350	18.79
340003	1.1378	21.97
340004	1.5051	17.89
340005	1.1264	14.09
340006	1.0454	15.57
340007	1.1632	17.17
340008	1.1038	18.38
340009	.....	20.50
340010	1.3066	17.65

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
340011	1.1008	14.92
340012	1.1768	16.66
340013	1.2426	17.43
340014	1.5356	19.86
340015	1.2423	19.01
340016	1.1688	16.40
340017	1.2562	19.22
340018	1.1436	15.16
340019	0.9955	11.80
340020	1.2435	16.75
340021	1.2560	19.67
340022	1.1245	16.72
340023	1.3399	15.75
340024	1.1416	16.64
340025	1.2473	16.82
340027	1.2113	17.30
340028	1.5329	17.72
340030	2.0492	20.05
340031	0.9575	12.39
340032	1.3541	20.47
340035	1.0956	18.10
340036	1.1309	16.97
340037	1.0053	15.53
340038	1.1024	17.01
340039	1.2595	20.01
340040	1.7834	20.07
340041	1.2546	18.97
340042	1.1890	16.63
340044	1.1035	16.37
340045	1.0223	12.42
340047*	1.8843	19.30
340048	0.6134	13.11
340049	0.7590	16.50
340050	1.1649	18.57
340051	1.2900	18.60
340052	0.9876	21.37
340053	1.6323	19.49
340054	1.1763	14.47
340055	1.2604	18.18
340060	1.0860	17.83
340061	1.7099	20.76
340063	1.0057	17.19
340064	1.1560	17.26
340065	1.3378	18.32
340067	1.0061	18.61
340068	1.2336	16.70
340069	1.8138	20.05
340070	1.2544	18.38
340071	1.1438	16.37
340072	1.1338	15.60
340073	1.3879	20.69
340075	1.2367	18.21
340080	0.9831	16.85
340084	1.1281	21.78
340085	1.1702	16.24
340087	1.1121	16.70
340088	1.2513	19.83
340089	0.9805	13.86
340090	1.1718	17.47
340091	1.6766	19.97
340093	1.0391	15.16
340094	1.3870	18.39
340096	1.1754	17.98
340097	1.1310	18.42
340098	1.5829	20.17
340099	1.1295	15.09
340101	1.0709	15.36
340104	0.8681	15.87
340105	1.3491	18.91
340106	1.1393	18.08
340107	1.2314	16.95
340109	1.3469	17.96
340111	1.1160	14.49
340112	0.9984	14.52
340113	1.8531	21.03
340114	1.6133	20.82
340115	1.5465	18.67
340116	1.8578	19.23
340119	1.2151	16.85
340120	1.1381	14.38
340121	1.0491	15.97
340123	1.1262	16.22
340124	1.1113	14.05
340125	1.4577	19.63
340126	1.3187	17.72
340127	1.3001	17.28
340129	1.2347	19.73
340130	1.3606	19.40
340131	1.5381	18.94
340132	1.2828	16.94
340133*	1.0724	14.35
340137	1.2697	
340138	1.0673	19.28
340141	1.7101	22.23
340142	1.1894	16.09
340143	1.4503	20.95
340144	1.2523	15.98
340145	1.3242	19.20
340146	1.0434	13.01
340147	1.2397	19.11
340148	1.3626	19.61
340151	1.2105	16.57
340153	1.8432	20.66
340155	1.3964	20.42
340156	0.7272	
340158	1.0734	17.26
340159	1.1779	16.80
340160	1.1654	15.53
340162	.....	16.64
340164	1.3649	19.68
340166	1.3051	19.22
340168	0.4822	14.75
340171	1.1342	20.05
340173	1.2028	20.21
350001	0.9646	15.10
350002	1.8458	17.28
350003	1.2077	17.43
350004	1.9288	17.90
350005	1.0897	16.03
350006	1.3848	16.62
350007	0.9036	13.28
350008	0.9721	21.70
350009	1.1842	18.28
350010	1.1308	15.28
350011	1.9255	18.49
350012	1.0794	12.73
350013	1.0590	16.68
350014	1.0303	15.79
350015	1.7237	15.87
350016	.....	11.63
350017	1.3344	17.78
350018	1.0338	13.64
350019	1.7223	19.40
350021	0.9859	12.69
350023	0.9505	13.34
350024	1.0054	14.37
350025	0.9807	16.24
350027	1.0099	17.12
350029	0.8409	12.80
350030	1.0670	17.35
350033	0.9292	14.90
350034	0.9296	18.32
350035	0.8734	10.16
350038	1.0785	18.74
350039	1.0406	17.31
350041	0.9448	14.68
350042	1.0516	16.75
350043	1.6090	17.16
350044	0.9036	10.53
350047	1.1408	17.93
350049	1.2037	14.53
350050	0.9242	10.57
350051	0.9872	17.53
350053	1.0058	13.94
350055	0.9910	12.37
350056	0.9210	14.67
350058	0.9553	14.35
350060	0.8626	9.60
350061	1.0444	14.59
350063	0.8913	
350064	0.8650	
350068	2.5336	
350069	1.1398	
360001	1.3040	17.61
360002	1.1823	17.40
360003	1.7502	22.03
360006	1.9071	22.09
360007	1.0921	17.10
360008	1.2559	18.28
360009	1.5436	17.53
360010	1.2815	18.09
360011	1.2938	18.95
360012	1.3003	19.22
360013	1.1471	20.81
360014	1.1215	19.88
360016	1.6714	18.71
360017	1.9258	22.50
360018*	1.6881	21.13
360019	1.2251	20.17
360020	1.4563	22.96
360024	1.3152	18.54
360025	1.3536	19.19
360026	1.3138	17.04
360027	1.4730	20.43
360028	1.4907	17.27
360029	1.1938	18.22
360030	1.3469	15.35
360031	1.1971	19.90
360032	1.1591	17.93
360034	1.3273	15.56
360035	1.6456	18.97
360036	1.3111	19.14
360037*	2.1426	22.52
360038	1.6235	19.09
360039	1.2937	17.52
360040	1.2913	18.12
360041	1.2871	18.42
360042	1.1662	16.12
360044	1.1478	16.79
360045	1.4244	21.18
360046	1.1481	19.32
360047	1.1315	15.34
360048*	1.8813	21.29
360049	1.2245	18.81
360050	1.2304	12.89
360051	1.6220	20.71
360052*	1.6960	19.75

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
360054	1.2429	16.19
360055	1.3166	23.27
360056	1.3960	18.36
360057	1.0590	13.81
360058	1.1936	17.92
360059	1.6088	20.39
360062	1.4087	20.31
360063	1.1347	22.79
360064	1.6113	20.64
360065	1.2531	19.45
360066	1.6390	20.03
360067	1.1463	14.57
360068	1.7916	21.92
360069	1.1347	17.88
360070	1.7820	17.55
360071	1.4177	23.80
360072	1.2731	17.97
360074*	1.2996	18.32
360075	1.3460	19.25
360076	1.3579	19.59
360077	1.6157	20.82
360078	1.2427	20.79
360079*	1.8438	22.00
360080	1.1427	16.66
360081	1.3387	19.64
360082	1.2779	22.86
360083	.....	18.46
360084	1.6077	20.09
360085	1.8767	20.73
360086	1.4308	17.04
360087	1.4296	20.04
360088	1.3224	22.31
360089	1.1349	20.56
360090	1.2682	20.40
360091	1.3213	21.03
360092	1.1373	15.91
360093	1.1774	18.57
360094	1.3412	18.31
360095	1.2596	18.71
360096	1.0736	17.16
360098	1.4620	18.34
360099	0.9911	16.43
360100	1.2362	17.66
360101	1.3303	22.31
360102	1.2046	16.41
360103	.....	22.66
360104	1.1889	
360106	1.1909	16.18
360107	1.2449	14.54
360108	1.0519	16.51
360109	1.1015	19.52
360112	1.9154	22.68
360113	1.3257	22.27
360114	1.0880	17.13
360115	1.3591	18.19
360116	1.1091	18.08
360118	1.3515	18.60
360121	1.2071	21.42
360123	1.2382	19.13
360125	1.1479	18.17
360126	1.2125	20.46
360127	1.1473	16.92
360128	1.1568	15.58
360129	0.9446	15.42
360130	1.0122	15.34
360131	1.3308	18.29
360132	1.4132	18.27
360133	1.6508	19.03
360134	1.7520	20.24
360136	1.0180	17.85
360137	1.7424	20.26
360140	0.9460	19.13
360141	1.6432	22.85
360142	1.0527	17.32
360143	1.3343	20.44
360144	1.2946	21.92
360145	1.6897	19.39
360147	1.2436	16.59
360148	1.1482	18.89
360149	1.2611	18.79
360150	1.3025	20.63
360151	1.3908	17.49
360152	1.5270	22.00
360153	1.1281	14.89
360154	1.0435	13.78
360155	1.3677	20.90
360156	1.2714	17.92
360159	1.1769	20.71
360161*	1.3552	19.43
360162	1.0718	18.32
360163	1.8472	20.38
360164	.....	16.16
360165	1.1740	19.48
360166	.....	16.98
360170	1.4424	17.18
360172	1.3450	18.47
360174	1.2393	19.09
360175	1.1888	20.41
360176	1.1416	15.55
360177	1.3276	19.41
360178	1.3155	17.40
360179	1.4147	18.82
360180	2.1660	22.09
360184	0.5560	19.35
360185	1.2279	18.67
360186	1.0613	20.86
360187	1.4008	18.02
360188	0.9300	17.53
360189	1.0999	17.37
360192	1.3351	21.00
360193	.....	17.67
360194	1.1660	17.69
360195	1.1446	19.02
360197	1.1572	19.42
360200	0.9136	17.76
360203	1.1642	15.61
360204	1.2012	19.35
360210	1.1861	20.28
360211	1.2583	19.58
360212	1.3502	20.23
360213	1.2562	18.33
360218	1.3312	18.41
360230	1.5295	21.44
360231	1.1521	13.56
360234	1.3657	22.06
360236	1.2693	19.57
360239	1.2655	19.86
360241	0.4070	22.08
360242	1.8377	
360243	0.6871	13.58
360244	.....	10.55
360245	0.7435	15.06
360247	0.4015	18.11
360248	.....	21.65
370001	1.7396	21.23
370002	1.2252	14.08
370004	1.1874	16.77
370005	0.9385	17.38
370006	1.1866	12.54
370007	1.1476	17.00
370008	1.3755	17.30
370011	1.0368	14.64
370012	0.8370	10.80
370013	1.8507	18.04
370014	1.1884	19.63
370015	1.1919	17.91
370016	1.3306	16.64
370017	1.1140	12.98
370018	1.3486	14.24
370019	1.3158	16.88
370020	1.2742	13.48
370021	0.8613	11.26
370022	1.3170	17.90
370023	1.2564	16.82
370025	1.3094	16.40
370026	1.4938	16.90
370028	1.8978	19.71
370029	1.1615	13.89
370030	1.1993	15.47
370032	1.5960	16.70
370033	1.0434	12.39
370034	1.2300	14.51
370035	1.7244	18.96
370036	1.0594	11.46
370037	1.7347	17.75
370038	0.9601	12.81
370039	1.1556	16.27
370040	1.0121	14.34
370041	0.9415	17.41
370042	0.8490	14.61
370043	0.9307	16.08
370045	1.0379	12.44
370046	0.9834	18.15
370047	1.4255	15.67
370048	1.2037	17.44
370049	1.3145	19.84
370051	0.9449	12.18
370054	1.3630	16.56
370056	1.5715	18.88
370057	1.0250	14.66
370059	1.1266	16.46
370060	1.0540	15.12
370063	1.1044	17.06
370064	0.9378	9.78
370065	0.9995	16.56
370071	1.0274	14.95
370072	0.8645	26.05
370076	1.2553	12.86
370077	.....	17.62
370078	1.6857	17.24
370079	0.9312	13.60
370080	0.9515	14.34
370082	0.8548	13.57
370083	0.9662	11.49
370084	1.0191	21.75
370085	0.8886	11.88
370086	1.1148	13.56
370089	1.2157	14.50
370091	1.6647	17.58
370092	0.9950	14.68
370093	1.7953	18.57
370094	1.4453	18.38
370095	0.9872	14.13
370097	1.3458	15.72
370099	1.1231	16.17
370100	0.9784	17.10
370103	0.9071	15.90

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
370105	1.9589	21.06
370106	1.5282	18.62
370108	0.9670	12.24
370112	1.0284	15.25
370113	1.2334	16.20
370114	1.6444	15.98
370121	1.0409	19.55
370122	1.0451	12.15
370123	1.4513	16.36
370125	0.9024	13.55
370126	0.9646	18.24
370131	0.9766	16.24
370133	1.0621	10.47
370138	1.0490	16.02
370139	1.0965	13.30
370140	1.0464	15.23
370141	1.3716	6.09
370146	1.0935	12.56
370148	1.4521	
370149	1.3479	16.72
370153	1.1151	15.32
370154	1.0475	16.29
370156	1.1035	13.64
370158	1.0197	15.09
370159	1.2547	15.49
370163	0.9790	14.56
370165	1.2623	13.22
370166	1.0457	17.82
370169	1.0462	11.80
370170	1.0246	
370171	1.0343	
370172	0.8992	
370173	1.0625	
370174	0.7213	
370176	1.2190	16.03
370177	0.9910	11.88
370178	0.9838	11.64
370179	0.9498	19.27
370180	0.9870	
370183	1.0383	7.62
370186	0.9785	13.35
370190	1.4695	13.70
370192	1.4803	16.74
370196	0.8822	
370197	.....	21.57
370198	1.4366	
370199	1.0307	
370200	1.1673	
380001	1.3046	22.03
380002	1.2175	19.48
380003	1.1750	24.74
380004	1.7385	23.16
380005	1.1745	23.24
380006	1.2246	20.54
380007	1.6509	24.16
380008	1.0680	21.19
380009	1.7977	25.28
380010	1.0413	19.75
380011	1.1006	21.14
380013	1.1883	20.10
380014	1.6527	23.48
380017	1.9295	23.68
380018	1.8300	22.08
380019	1.2442	20.77
380020	1.4525	21.35
380021	1.2077	20.64
380022	1.1107	21.61
380023	1.1378	19.24
380025	1.2975	24.67

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
380026	1.1414	19.27
380027	1.2810	20.16
380029	1.1411	18.57
380031	0.9370	22.83
380033	1.7968	22.62
380035	1.3525	21.65
380036	1.0858	19.33
380037	1.2271	21.23
380038	1.2457	25.58
380039	1.2601	22.12
380040	1.2922	21.64
380042	1.0121	19.81
380047	1.6765	21.95
380048	1.0418	18.38
380050	1.4266	18.25
380051	1.6342	21.24
380052	1.2506	17.77
380055	.....	21.25
380056	1.0970	17.16
380060	1.4584	23.48
380061	1.5207	22.63
380062	1.2197	18.52
380063	.....	19.36
380064	1.3207	19.87
380065	1.3101	22.17
380066	1.3211	20.42
380068	.....	22.76
380069	1.0679	19.58
380070	1.3454	24.71
380071	1.2327	20.47
380072	0.9961	16.32
380075	1.4249	22.17
380078	1.1368	19.10
380081	1.0229	20.59
380082	1.2627	22.58
380083	1.1660	21.81
380084	1.2367	23.64
380087	1.2347	16.75
380088	1.0722	19.52
380089	1.2780	23.74
380090	1.2983	27.09
380091	1.2616	22.83
390001	1.5197	16.39
390002	1.3158	18.08
390003	1.2403	17.24
390004	1.3978	18.82
390005	1.0949	15.36
390006*	1.8485	18.13
390007	1.2503	21.41
390008	1.2027	16.74
390009*	1.7387	20.16
390010	1.2504	17.42
390011	1.2787	18.07
390012	1.2197	20.00
390013	1.2401	19.33
390015	1.1331	12.94
390016	1.2482	17.95
390017	1.1848	16.22
390018	1.2431	18.98
390019	1.0762	16.40
390022	1.3535	22.86
390023	1.2270	19.56
390024	1.1793	25.03
390025	0.4286	15.65
390026	1.2757	22.18
390027	1.7878	27.37
390028*	1.8892	18.48
390029	2.0422	19.64
390030	1.2187	18.40

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
390031	1.2151	18.69
390032	1.2603	18.15
390035	1.2652	18.51
390036	1.5396	18.78
390037	1.3706	22.24
390039	1.1414	16.54
390040	0.9484	15.12
390041	1.2691	19.58
390042	1.5798	21.10
390043	1.1762	16.36
390044	1.6420	19.50
390045	1.7171	18.75
390046	1.6108	20.42
390047*	1.7435	23.61
390048	1.1520	18.38
390049	1.6125	21.02
390050	2.1150	21.43
390051	2.1342	26.05
390052	1.1532	17.10
390054	1.2344	17.50
390055	1.8882	25.85
390056	1.1202	17.17
390057	1.3145	19.74
390058	1.2840	19.25
390060	1.2088	13.63
390061	1.4935	16.95
390062	1.2449	16.45
390063	1.8347	19.51
390065	1.2323	20.00
390066	1.2608	18.70
390067	1.8041	20.18
390068	1.3029	17.55
390069	1.2663	19.76
390070	1.4168	20.07
390071	1.1082	16.23
390072	1.0501	15.56
390073	1.6668	20.64
390074	1.2477	16.60
390075	1.3927	17.27
390076	1.2793	21.43
390078	1.1506	18.23
390079	1.7570	17.76
390080	1.2902	18.82
390081	1.2995	23.99
390083	1.2055	
390084	1.2684	16.35
390086	1.1376	17.25
390088	1.3701	22.85
390090	1.8017	20.68
390091	1.1279	18.36
390093	1.1549	16.61
390095	1.2035	13.05
390096	1.4931	19.25
390097	1.2755	21.52
390100	1.6536	19.89
390101	1.2027	17.10
390102	1.3963	19.51
390103	1.0916	17.71
390104	1.0666	16.17
390106	1.1160	16.28
390107	1.3258	19.18
390108	1.4022	21.43
390109	1.2016	14.66
390110	1.5961	19.51
390111	1.9406	26.03
390112	1.2965	14.04
390113	1.2515	17.53
390114	1.2347	23.03
390115	1.3973	24.42

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
390116	1.2899	20.60
390117	1.1722	16.90
390118	1.2135	16.90
390119*	1.3898	18.48
390121	1.3957	18.64
390122	1.0603	17.46
390123	1.2758	20.44
390125	1.2067	15.94
390126	1.2899	20.94
390127	1.2286	21.88
390128	1.2202	19.99
390130	1.1343	17.33
390131	1.3302	16.83
390132	1.2935	21.10
390133	1.7948	24.39
390135	1.2393	20.86
390136	1.1431	17.61
390137	1.5156	16.54
390138	1.3212	18.86
390139	1.5084	22.94
390142*	1.6088	27.22
390145	1.3880	20.34
390146	1.2154	17.70
390147	1.2654	21.11
390150	1.1815	19.66
390151	1.2305	20.51
390152	1.1114	19.15
390153	1.2214	23.14
390154	1.2689	15.85
390156	1.4094	20.88
390157	1.3940	19.83
390158	.....	21.69
390160	1.2380	20.67
390161	1.1893	12.37
390162	1.5191	21.01
390163	1.2262	15.64
390164*	2.1709	21.74
390166	1.1125	19.96
390167	.....	22.91
390168	1.2596	18.99
390169	1.3383	18.99
390170	1.8481	22.99
390173	1.2222	17.82
390174*	1.6754	23.61
390176	1.1817	17.36
390178	1.3114	17.47
390179	1.3111	21.16
390180	1.4554	25.02
390181	1.0732	17.09
390183	1.1620	18.28
390184	1.1309	20.75
390185	1.2171	17.65
390189	1.1411	18.67
390191	1.1707	16.20
390192	1.1740	16.32
390193	1.1938	16.50
390194	1.1395	20.15
390195	1.8245	23.69
390196	1.5792	
390197	1.2825	18.99
390198*	1.2667	15.51
390199	1.2670	16.66
390200	0.9701	13.59
390201	1.2646	20.50
390203	1.3562	22.06
390204	1.2728	20.85
390206	1.4000	16.78
390209	1.0811	16.96
390211	1.2184	17.88

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
390213	1.1284	17.17
390215	1.2563	20.84
390217	1.2232	19.29
390219	1.3072	22.71
390220	1.1652	18.52
390222	1.3140	20.91
390223	1.7334	22.13
390224	0.8802	15.91
390225	1.1951	18.17
390226	1.6039	22.46
390228	1.2976	19.81
390231	1.5675	22.40
390233	1.3507	18.20
390235	1.4144	23.54
390236	1.2254	17.03
390237	1.5705	19.89
390238	1.2725	1.27
390242	.....	18.10
390244	0.9245	14.41
390245	1.3199	20.15
390246	1.1920	17.75
390247	1.0511	20.67
390249	0.9293	10.73
390256	1.8901	23.84
390258	1.4575	21.36
390260	1.0990	21.19
390262	1.9276	18.62
390263	1.4224	23.62
390265	1.2935	19.51
390266	1.2118	16.24
390267	1.2589	20.79
390268	1.3375	21.02
390270	1.3851	17.83
390272	0.4768	
390277	0.4015	27.10
390278	0.6660	18.99
390279	1.0550	13.79
390283	1.2887	
390284	1.3639	
400001	1.2182	9.86
400002	1.6803	9.31
400003	1.3589	10.13
400004	1.1421	8.48
400005	1.1211	7.85
400006	1.1593	8.22
400007	1.2021	7.86
400009	1.0530	8.37
400010	0.8902	11.66
400011	1.0733	7.44
400012	1.3428	7.81
400013	1.2616	8.21
400014	1.3935	9.54
400015	1.3307	10.33
400016	1.3663	12.07
400017	1.1570	8.57
400018	1.2817	9.45
400019	1.6576	10.13
400021	1.4432	11.68
400022	1.3365	11.12
400024	0.9500	7.56
400026	0.9640	7.12
400027	1.1026	8.49
400028	1.2500	8.40
400031	1.2515	9.78
400032	1.2212	9.42
400044	1.2450	11.68
400048	1.0249	9.47
400061	1.7094	16.08
400079	1.2218	

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
400087	1.4156	9.83
400094	0.9947	5.15
400098	1.3998	8.17
400102	1.1591	7.73
400103	1.3870	10.59
400104	1.2767	9.68
400105	1.2171	10.06
400106	1.2574	8.51
400109	1.4773	10.18
400110	1.1292	10.52
400111	1.1916	9.56
400112	1.0540	9.97
400113	1.1575	9.48
400114	1.0784	6.41
400115	1.0386	9.13
400117	1.1545	10.04
400118	1.2392	8.70
400120	1.2554	9.74
400121	0.9964	7.11
400122	1.0235	8.48
400123	1.2031	9.00
400124	2.8358	11.16
400125	1.0022	
410001	1.3348	22.53
410004	1.2575	22.06
410005	1.3735	21.26
410006	1.3057	21.68
410007	1.6365	20.98
410008	1.2136	22.62
410009	1.2941	24.08
410010	1.1611	27.14
410011	1.2705	24.37
410012	1.9068	21.33
410013	1.2981	25.01
420002	1.5015	20.20
420004	1.8164	19.41
420005	1.1323	15.99
420006	1.1199	18.24
420007	1.5710	17.43
420009	1.1697	17.25
420010	1.1774	17.91
420011	1.2438	14.99
420014	1.0197	16.72
420015	1.3348	17.18
420016	0.9571	18.15
420018	1.8110	19.73
420019	1.2145	15.55
420020	1.1846	20.16
420023	1.4298	20.97
420026	1.8901	21.90
420027	1.3308	18.08
420030	1.2081	17.82
420031	0.8622	13.07
420033	1.1653	21.09
420036	1.2907	19.80
420037	1.1948	21.96
420038	1.3155	16.15
420039	1.0701	16.96
420042	.....	14.66
420043	1.1867	18.36
420048	1.2366	29.62
420049	1.2046	19.23
420051	1.6466	18.25
420053	1.1427	16.48
420054	1.2398	16.55
420055	1.0585	16.18
420056	1.1158	14.85
420057	1.1156	14.50
420059	0.9738	19.13

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
420061	1.1761	17.78
420062	1.1904	18.92
420064	1.1038	16.15
420065	1.3912	19.06
420066	0.9834	15.52
420067	1.2163	18.30
420068	1.3854	17.21
420069	1.0602	16.40
420070	1.2331	17.45
420071	1.3510	18.29
420072	0.9129	12.34
420073	1.2802	19.20
420074	1.0257	13.80
420075	0.9395	16.29
420078*	1.8578	20.68
420079	1.5179	18.77
420080	1.3722	24.83
420082	1.5853	18.88
420083	1.3596	20.41
420085	1.4116	18.33
420086	1.4340	19.31
420087	1.5959	17.43
420088	1.0878	17.09
420089	1.2941	21.66
420091	1.2732	18.57
420093	1.0353	16.77
420094	.....	32.68
430004	0.9973	17.85
430005	1.3588	15.92
430007	1.0895	14.06
430008	1.0971	16.54
430010	1.1605	16.11
430011	1.2930	16.42
430012	1.3230	17.56
430013	1.2073	17.24
430014	1.3653	18.56
430015	1.2134	16.41
430016	1.8711	18.97
430018	0.8815	15.15
430022	0.8616	12.95
430023	0.8729	11.64
430024	0.9364	13.99
430026	.....	10.85
430027	1.7681	18.32
430028	1.0724	16.78
430029	0.9602	15.10
430031	0.9138	12.46
430033	0.9935	14.64
430034	0.9461	12.85
430036	0.9551	13.78
430037	0.9633	15.95
430038	1.0095	11.94
430040	1.0511	13.37
430041	0.9140	12.62
430043	1.1323	13.43
430044	0.9084	16.45
430047	1.0274	17.06
430048	1.2378	17.26
430049	0.8812	14.44
430051	0.9318	17.03
430054	0.9648	13.50
430056	0.8301	10.74
430057	0.8972	15.15
430060	1.0902	8.64
430062	.....	10.89
430064	1.0191	12.74
430065	.....	12.77
430066	0.9635	13.44
430073	1.0646	14.98

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
430076	0.9475	12.25
430077	1.6605	17.72
430079	1.0029	12.98
430081	0.8954	
430082	0.8549	
430083	0.9273	
430084	0.8155	
430085	0.7910	
430087	.....	10.45
430089	0.8333	17.01
430090	1.3320	
430091	1.4528	
430092	2.2007	
430093	0.9966	
440001	1.1722	15.01
440002	1.6649	24.36
440003	1.2128	17.47
440006	1.4058	20.39
440007	1.0032	7.77
440008	0.9784	14.04
440009	1.1552	15.46
440010	0.9307	13.59
440011	1.3832	17.16
440012	1.7143	18.79
440014	1.0046	14.61
440015	1.7923	21.09
440016	1.0334	14.94
440017	1.7422	20.93
440018	1.2965	18.21
440019	1.7372	28.22
440020	1.1314	14.70
440022	.....	19.02
440023	1.1030	14.14
440024	1.2947	18.10
440025	1.1538	15.28
440026	0.8073	22.92
440029	1.2585	18.52
440030	1.2098	15.57
440031	1.0300	14.30
440032	1.0048	13.60
440033	1.1602	14.04
440034	1.5621	17.93
440035	1.2301	18.16
440039	1.8871	16.52
440040	0.9687	17.50
440041	1.0284	13.63
440046	1.2336	16.83
440047	0.9254	17.00
440048	1.8710	18.14
440049	1.6635	15.23
440050	1.3867	16.76
440051	0.9145	14.91
440052	1.0633	16.27
440053	1.3201	17.69
440054	1.1349	12.31
440056	1.1422	14.25
440057	1.0340	12.72
440058	1.2124	18.86
440059	1.4182	17.53
440060	1.1653	15.86
440061	1.1496	16.48
440063	1.6724	18.29
440064	1.0863	17.38
440065	1.2816	18.69
440067	1.2422	28.28
440068	1.2251	17.45
440070	1.0077	15.04
440071	1.3615	16.17
440072	1.3562	15.61

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
440073	1.2785	18.56
440078	1.0266	13.09
440081	1.0950	17.97
440082	2.0471	19.61
440083	0.9670	59.16
440084	1.2064	13.37
440091	1.6371	19.72
440100	1.0065	13.95
440102	1.1313	13.96
440103	1.1144	19.21
440104	1.7388	22.39
440105	1.7270	16.03
440109	1.0889	14.25
440110	1.1002	15.92
440111*	1.4426	21.12
440114	1.0554	13.61
440115	1.0675	12.97
440120	1.6404	18.30
440125	1.5584	16.11
440130	1.1384	16.67
440131	1.1174	14.68
440132	1.1314	15.91
440133	1.5479	21.70
440135	1.2196	35.34
440137	1.0844	14.70
440141	0.9706	12.48
440142	1.0003	13.01
440143	1.0461	17.33
440144	1.2139	16.67
440145	0.9559	13.66
440147	1.7001	22.01
440148	1.1231	17.64
440149	1.0945	13.89
440150	1.3319	13.04
440151	1.1148	15.43
440152	2.0165	17.84
440153	1.1547	16.10
440156	1.5024	19.61
440157	1.0819	9.02
440159	1.1218	17.62
440161	1.8684	20.39
440162	.....	14.41
440166	1.6849	18.14
440168	1.0561	17.15
440173	1.6008	18.47
440174	1.0302	17.01
440175	1.0716	17.29
440176	1.3816	18.75
440180	1.2237	17.01
440181	0.9662	11.85
440182	0.9596	18.91
440183	1.5917	19.43
440184	1.2536	18.06
440185	1.1857	18.73
440186	1.0479	18.28
440187	1.1048	14.46
440189	1.4799	16.19
440192	1.0810	19.97
440193	1.2265	18.40
440194	1.2532	19.21
440197	1.3616	23.08
440200	1.0421	15.85
440203	0.9727	16.61
440206	0.9468	13.75
440209	.....	14.75
440210	0.8584	12.33
440211	0.7073	
440212	1.3679	
440213	2.6309	

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
440214	1.3295	
440215	3.2594	
450002*	1.5334	19.92
450004	1.1433	15.28
450005	1.1877	15.66
450007	1.2689	15.75
450008	1.2584	15.75
450010	1.4340	16.08
450011	1.5214	17.66
450014	1.1172	18.22
450015*	1.6355	16.44
450016	1.6644	17.31
450018	1.4434	19.81
450020	0.9601	16.97
450021	1.8595	22.03
450023	1.4538	16.64
450024	1.4525	16.10
450025	1.7316	16.44
450028	1.5003	18.28
450029	1.6807	17.69
450031	1.4829	20.90
450032	1.3571	15.24
450033	1.7144	20.86
450034	1.5651	18.91
450035	1.4731	16.91
450037	1.5577	18.65
450039*	1.4262	18.83
450040	1.5483	17.52
450042	1.7715	17.01
450044	1.6187	17.61
450046*	1.3251	16.99
450047	1.1488	12.50
450050	0.9407	13.00
450051	1.5714	20.08
450052	1.0002	13.53
450053	1.1028	17.31
450054*	1.6343	21.98
450055	1.1125	14.81
450056	1.6257	19.22
450058	1.6338	16.98
450059	1.3021	14.21
450063	0.9097	13.81
450064	1.4200	15.43
450065	1.0265	19.61
450068	1.9331	22.90
450072	1.1764	17.34
450073	1.1207	16.62
450076	1.7329	
450078	0.8770	13.49
450079	1.5311	19.49
450080	1.1778	16.19
450081	1.0574	16.17
450082	0.9688	13.30
450083	1.8071	20.18
450085	1.0524	14.22
450087	1.4467	21.44
450090	1.1231	13.91
450092	1.2254	15.68
450094	1.3268	19.20
450096	1.4156	16.63
450097	1.3392	18.27
450098	1.0981	15.48
450099	1.1515	22.88
450101	1.4797	15.29
450102	1.7275	17.15
450104	1.1833	15.96
450107	1.5329	20.74
450108	1.0388	13.53
450109	0.9217	12.77
450110	.....	21.44
450111	1.2306	19.27
450112	1.2588	12.04
450113	1.3241	15.15
450118	1.6610	15.83
450119	1.4076	18.32
450121	1.5363	17.37
450123	1.1893	19.19
450124	1.6632	20.61
450126	1.3278	17.45
450128	1.1963	15.62
450130	1.5006	17.86
450131	1.2640	17.62
450132	1.6184	14.38
450133	1.6016	19.64
450135	1.6146	15.16
450137	1.5728	23.96
450140	0.9222	18.07
450143	1.0314	13.28
450144	1.0945	16.30
450145	0.8669	14.84
450146	0.9518	13.75
450147	1.3039	14.90
450148	1.2199	16.91
450149	1.4914	24.00
450150	0.9050	12.56
450151	1.1034	14.84
450152	1.2307	17.33
450153	1.5443	24.00
450154	1.1796	11.36
450155	1.0303	23.77
450157	1.0679	14.62
450160	0.9623	8.75
450162	1.2163	22.12
450163	1.0057	16.98
450164	1.1844	19.21
450165	1.0389	15.16
450166	0.9373	10.28
450169	.....	15.88
450170	0.9628	13.96
450176	1.2927	16.30
450177	1.2044	15.38
450178	1.0248	16.76
450181	1.0084	14.02
450184	1.4589	19.47
450185	1.0264	13.06
450187	1.1969	17.14
450188	0.9950	13.78
450191	1.0176	18.80
450192	1.1764	21.53
450193	2.0194	22.73
450194	1.3017	19.15
450196	1.4365	16.49
450200	1.4455	17.38
450201	1.0178	17.05
450203	1.1592	18.66
450209	1.5655	18.66
450210	1.0520	14.23
450211	1.3626	16.69
450213	1.7288	17.44
450214	1.3280	17.25
450217	0.9354	11.69
450219	1.0891	15.42
450221	1.1920	16.99
450222	1.4941	18.38
450224	1.3678	22.83
450229	1.5725	16.39
450231	1.6282	13.25
450234	1.0450	13.26
450235	1.0681	13.42
450236	1.1453	15.68
450237	1.5262	17.40
450239	1.0080	13.64
450241	0.9562	13.66
450243	0.9422	12.31
450246	1.0110	18.31
450249	1.0667	11.63
450250	0.9906	14.91
450253	1.1234	15.35
450258	1.0358	13.23
450259	.....	17.85
450264	0.8807	13.89
450269	0.9963	14.16
450270	1.0793	9.86
450271	1.2394	15.39
450272	1.2614	17.91
450276	1.0966	12.71
450278	0.8254	13.79
450280	1.5815	19.01
450283	1.0413	13.89
450286	.....	12.12
450288	1.1566	15.67
450289	1.4681	18.08
450292	1.1877	12.84
450293	0.9461	14.43
450296	1.3456	20.66
450299	1.5412	17.97
450303	0.9624	11.59
450306	1.0914	13.32
450307	0.7995	16.23
450309	1.0981	11.91
450315	0.9788	20.80
450320	1.2431	19.63
450321	0.9220	13.09
450322	0.5973	12.33
450324	1.5343	17.87
450327	0.9680	15.98
450330	1.1267	18.42
450334	0.9752	12.27
450337	0.9932	17.42
450340	1.4589	15.85
450341	1.0144	19.27
450346	1.5017	14.22
450347	1.2197	17.54
450348	1.1296	12.94
450351	1.2160	15.98
450352	1.1887	17.50
450353	1.1374	15.00
450355	1.0444	14.32
450358	2.0739	18.73
450362	1.0903	14.71
450369	1.0535	15.17
450370	1.2082	15.44
450371	1.2448	11.90
450372	1.2359	18.76
450373	1.1042	17.60
450374	0.8698	12.69
450378	1.1823	23.06
450379	1.5578	20.28
450381	0.9504	13.57
450388	1.7801	17.56
450389	1.2887	18.15
450393	1.2516	15.73
450395	1.0414	13.48
450399	0.9440	15.10
450400	1.3751	11.53
450403	1.2457	21.27
450411	0.9314	13.56

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
450417	1.0236	13.85
450418	1.3841	20.58
450419	1.2162	14.50
450422	1.0412	24.33
450423	1.5371	19.44
450424	1.2463	17.09
450429	1.1179	10.12
450431	1.5626	34.88
450438	1.1330	14.95
450446	0.7612	21.97
450447	1.3910	16.35
450451	1.1844	18.35
450457	1.8463	19.35
450460	1.0034	16.62
450462	1.7354	19.83
450464	0.9328	10.87
450465	1.3057	15.22
450467	1.0766	15.02
450469	1.3918	22.10
450473	1.0190	14.19
450475	1.0903	16.25
450484	1.4886	19.59
450488	1.3273	18.73
450489	0.9699	12.93
450497	1.1188	11.89
450498	0.9736	0.87
450508	1.3853	19.37
450514	1.0764	22.28
450517	0.9583	12.86
450518	1.5216	18.98
450523	1.4806	20.26
450530	1.1943	22.91
450534	0.9671	22.77
450535	1.2284	21.26
450537	1.3420	20.83
450538	.....	19.69
450539	1.2651	14.25
450544*	1.1442	19.38
450545	1.3928	16.97
450547	1.0633	13.81
450551	1.1045	24.23
450558	1.7912	20.15
450559	.....	11.50
450561	.....	16.82
450563	1.2647	30.37
450565	1.2567	16.45
450570	1.1346	17.71
450571	1.4908	16.80
450573	0.9885	15.61
450574	0.9302	14.24
450575	1.1445	19.06
450578	0.9365	16.87
450580	1.1534	15.36
450583	1.0350	15.50
450584	1.1771	12.42
450586	1.0584	12.79
450587	1.1745	17.11
450591	1.1460	17.92
450596	1.2182	14.82
450597	0.9687	16.18
450603	0.7880	12.77
450604	1.3023	14.47
450605	1.1873	20.15
450609	0.8938	10.73
450610	1.4674	16.49
450614	0.9889	13.25
450615	1.0755	14.75
450617	1.3306	19.54
450620	1.1230	12.27

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
450623	1.1390	21.83
450626	1.0109	18.56
450628	1.0152	16.83
450630	1.5199	19.19
450631	1.6593	17.56
450632	0.9391	11.63
450633	1.5493	19.26
450634	1.5955	20.29
450638	1.5280	21.11
450639	1.4800	20.14
450641	1.0511	13.50
450643	1.2200	17.43
450644	1.4350	20.79
450646	1.4571	19.99
450647	1.8915	22.10
450648	1.0015	12.59
450649	1.0322	15.37
450651	1.6801	20.31
450652	0.9063	15.24
450653	1.0888	19.28
450654	0.9486	13.41
450656	1.3894	18.56
450658	0.9605	15.15
450659	1.4874	20.56
450661	1.1066	20.22
450662	1.4702	18.42
450665	0.8639	13.60
450666	1.3180	19.35
450668	1.6257	18.50
450669	1.3474	22.28
450670	1.3446	18.20
450672	1.5857	21.04
450673	1.0157	13.84
450674	1.1515	20.62
450675	1.3677	23.26
450677	1.3317	18.71
450678	1.4729	20.75
450681	1.3177	
450683	1.2745	19.95
450684	1.2398	22.85
450686	1.5933	14.85
450688	1.3163	20.90
450690	1.3862	16.37
450694	1.1409	18.03
450696	1.3358	17.57
450697	1.3692	15.93
450698	0.9124	14.40
450700	0.9465	15.12
450702	1.5056	21.01
450703	1.1321	18.80
450704	1.2418	21.62
450705	0.8800	22.32
450706	1.1976	21.38
450709	1.1858	17.96
450711	1.6329	17.93
450712	0.5447	16.89
450713	1.4868	23.11
450715	1.4311	19.11
450716	1.2675	19.99
450717	1.2910	19.45
450718	1.1993	19.07
450723	1.4195	20.55
450724	1.2576	20.07
450725	.....	19.56
450727	1.0735	17.75
450728	0.8255	12.93
450730	1.3987	20.88
450733	1.4711	20.37
450735	0.8297	8.00

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
450742	1.2724	20.74
450743	1.4594	14.65
450746	0.9226	18.45
450747	1.3312	17.38
450749	1.0333	12.95
450750	1.0162	14.72
450751	1.2148	22.25
450754	0.9405	14.89
450755	1.1078	14.71
450757	0.8760	13.96
450758	1.8171	18.65
450760	1.2078	17.67
450761	0.9449	11.14
450763	1.0029	17.56
450766	2.0829	18.19
450769	0.8529	13.62
450770	0.9940	15.51
450771	1.9141	17.74
450774	1.6697	16.52
450775	1.3635	19.97
450776	1.0096	10.19
450777	0.9775	19.59
450779	1.2926	22.97
450780	1.7465	15.28
450785	0.9897	18.55
450788	1.5030	20.78
450794	.....	18.40
450795	0.9920	14.17
450796	3.3883	
450797	0.7701	18.59
450798	0.7662	9.22
450801	1.4574	16.35
450802	1.4444	18.90
450803	1.0998	16.20
450804	1.7558	20.19
450807	0.8919	13.23
450808	1.9103	45.47
450809	1.5476	12.09
450810	0.9739	
450811	2.4111	18.38
450812	.....	20.74
450813	0.9720	
450815	2.5623	
450817	0.6826	
450818	1.1788	
450819	1.2321	
450820	1.0337	
450822	1.2194	
460001	1.7791	20.63
460003	1.6039	20.60
460004	1.7726	20.82
460005	1.6610	17.58
460006	1.3361	19.65
460007	1.3066	20.57
460008	1.3692	23.97
460009*	1.8478	21.14
460010	2.0938	21.25
460011	1.3205	16.71
460013	1.4314	18.21
460014	1.2150	16.70
460015	1.2389	19.99
460016	0.9921	18.08
460017	1.4000	6.88
460018	0.9273	16.86
460019	1.0515	16.83
460020	0.9556	17.03
460021	1.3838	20.26
460022	0.9569	18.21
460023	1.1748	21.33

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
460024	.....	13.03
460025	0.8253	12.51
460026	1.0648	17.34
460027	0.9545	20.85
460029	1.0958	17.45
460030	1.1965	17.22
460032	0.9812	19.55
460033	0.9710	15.72
460035	0.9482	10.14
460036	1.0012	22.38
460037	0.9093	18.77
460039	1.0603	24.48
460041	1.3034	21.69
460042	1.3720	17.85
460043	0.9896	23.90
460044	1.1363	20.69
460046	.....	17.11
460047	1.6725	20.94
460049	1.9835	18.82
460051	1.1533	20.98
460052	1.4619	
470001	1.3024	19.61
470003	1.8178	22.10
470004	1.0690	18.10
470005	1.2301	21.51
470006	1.2402	18.39
470008	1.2583	19.41
470010	1.0674	19.47
470011	1.1523	21.20
470012	1.2771	18.52
470015	1.2008	19.26
470018	1.2257	20.77
470020	0.9900	18.99
470023	1.3178	20.34
470024	1.1530	20.41
490001	1.1947	24.76
490002	1.0751	12.74
490003	0.6419	18.00
490004	1.2734	18.67
490005	1.5964	16.91
490006	1.2135	15.23
490007	2.0980	18.43
490009	1.9433	22.95
490010	1.0335	18.58
490011	1.4669	18.20
490012	1.1951	13.78
490013	1.2469	16.93
490014	1.5363	24.56
490015	1.5153	19.36
490017	1.3909	15.07
490018	1.3011	17.67
490019	1.1928	16.93
490020	1.2250	17.67
490021	1.3802	19.45
490022	1.5525	21.01
490023	1.2187	18.87
490024	1.6719	16.89
490027	1.1135	14.46
490030	1.1907	10.50
490031	1.0746	15.82
490032*	1.7258	25.58
490033	1.1993	18.33
490037	1.2001	15.97
490038	1.2145	15.71
490040	1.4731	22.35
490041	1.2784	16.55
490042	1.2285	15.27
490043	1.3526	20.68
490044	1.3206	17.63

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
490045	1.2191	19.63
490046	1.5460	18.61
490047	1.1059	17.16
490048	1.5709	17.89
490050	1.4272	22.71
490052	1.6374	16.94
490053	1.3173	15.69
490054	1.0322	15.55
490057	1.5692	19.07
490059	1.5895	20.22
490060	1.0646	19.20
490063	1.7720	27.25
490066	1.3206	17.88
490067	1.2570	17.19
490069	1.4162	13.29
490071	1.4080	19.47
490073	1.4736	25.90
490074	.....	13.34
490075	1.3803	19.19
490077	1.2281	19.79
490079	1.3125	16.44
490083	.....	16.64
490084	1.1288	16.38
490085	1.1577	16.40
490088	1.1207	20.76
490089	1.0686	15.86
490090	1.1204	16.35
490091	1.2337	19.83
490092	1.2211	12.97
490093	1.4392	16.48
490094	1.0907	16.79
490095	.....	18.25
490097	1.2114	15.86
490098	1.2065	14.70
490099	0.9562	16.88
490100	.....	17.22
490101	1.2299	24.85
490104	0.6981	28.49
490105	0.5822	18.25
490106	0.8713	16.91
490107	1.3325	22.41
490108	0.8976	19.75
490109	0.8779	21.16
490110	1.3090	15.84
490111	1.2008	17.34
490112	1.6550	20.52
490113	1.3260	23.08
490114	1.1579	16.91
490115	1.1607	17.10
490116	1.1694	16.44
490117	1.1533	13.84
490118	1.7085	20.87
490119	1.3405	17.87
490120	1.3101	19.98
490122	1.3606	23.62
490123	1.1354	16.85
490124	1.0889	19.36
490126	1.3233	17.07
490127	1.0414	14.48
490129	1.0562	27.47
490130	1.3109	16.28
490132	1.0184	17.02
500001	1.4839	21.30
500002	1.4064	21.04
500003	1.3996	24.31
500005	1.7494	23.48
500007	1.3375	22.43
500008	1.9429	24.19
500011	1.3347	25.18

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
500012	1.5545	22.28
500014	1.5643	23.93
500015	1.3297	23.24
500016	1.4969	23.90
500019	1.3825	22.37
500021	1.4811	24.46
500023	1.2084	27.19
500024	1.6908	28.85
500025	1.9076	23.96
500026	1.4496	23.35
500027*	1.6837	25.11
500028	1.0717	18.86
500029	0.9116	17.15
500030	1.4523	24.13
500031	1.2466	23.37
500033	1.3324	21.39
500036	1.3903	21.89
500037	1.1389	19.69
500039	1.3777	23.32
500041	1.3236	23.38
500042	1.4121	22.13
500043	1.0020	20.25
500044	1.9366	23.11
500045	1.0116	22.10
500048	0.9588	19.01
500049	1.4726	22.95
500050	1.3485	20.97
500051	1.6734	24.48
500052	1.1378	
500053	1.3294	22.05
500054	1.8773	22.90
500055	1.1299	22.88
500057	1.3026	18.04
500058	1.4858	23.40
500059	1.0767	22.54
500060	1.3734	23.58
500061	1.0038	20.40
500062	1.0655	19.46
500064	1.6399	24.53
500065	1.2448	21.42
500068	1.0553	18.70
500069	1.1143	20.63
500071	1.2830	19.38
500072	1.2022	24.46
500073	0.9491	21.43
500074	1.1040	17.83
500077	1.3318	22.93
500079	1.3197	22.98
500080	0.8124	13.80
500084	1.2783	17.76
500085	0.9278	28.61
500086	1.2605	22.31
500088	1.2964	23.71
500089	1.0388	17.94
500090	0.8380	16.33
500092	1.0142	17.40
500094	0.8826	18.11
500096	0.9385	20.96
500097	1.0798	19.71
500098	1.0464	16.38
500101	1.0138	19.45
500102	0.9022	20.33
500104	1.2658	22.58
500106	0.9351	18.71
500107	1.2050	17.30
500108	1.7377	27.24
500110	1.2039	21.41
500118	1.1500	22.92
500119	1.3565	21.57

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
500122	1.2754	21.91
500123	0.9512	19.58
500124	1.3682	24.15
500125	1.0542	16.63
500129	1.6395	23.60
500132	0.9695	19.42
500134	0.6470	20.96
500138	3.6799	
500139	1.4685	20.88
500140	.....	1.00
500141	1.3697	22.94
500143	0.5986	17.60
500146	.....	17.85
510001	1.9505	17.87
510002	1.2866	17.34
510005	1.0195	14.43
510006	1.2718	17.53
510007*	1.5744	20.25
510008	1.2176	17.29
510012	1.0090	20.21
510013	1.1010	16.62
510015	0.9623	14.56
510016	.....	14.52
510018	1.0667	16.48
510020	1.0824	12.65
510022	1.8964	19.84
510023	1.2383	15.94
510024	1.5822	18.80
510026	1.0565	13.46
510027	0.9592	17.58
510028	1.0482	20.73
510029	1.2825	17.05
510030	1.0525	18.31
510031	1.4148	18.49
510033	1.2896	18.81
510035	1.2262	18.65
510036	0.9851	13.20
510038	1.0644	14.34
510039	1.3991	16.04
510043	0.9349	14.29
510046	1.2728	17.73
510047	1.2608	19.12
510048	1.1326	20.37
510050	1.7469	16.57
510053	1.0811	15.59
510055	1.2272	22.84
510058	1.2791	17.98
510059	1.9378	16.77
510060	1.0503	15.66
510061	1.0234	14.22
510062	1.2784	17.63
510065	.....	13.72
510066	.....	12.72
510067	1.2058	18.11
510068	1.2072	16.29
510070	1.2966	16.36
510071	1.3310	16.24
510072	1.0568	17.66
510077	1.1382	16.41
510080	1.1488	14.80
510081	1.0777	13.00
510082	1.1599	13.38
510084	1.0387	12.48
510085	1.2775	18.64
510086	1.1038	13.79
510088	1.0373	
520002	1.2716	18.35
520003	1.0889	16.43
520004	1.1781	18.17
520006	1.0164	20.44
520007	1.0498	13.11
520008	1.6388	23.11
520009	1.6963	18.51
520010	1.1567	20.34
520011	1.1930	20.38
520013	1.3708	21.64
520014	1.1081	16.40
520015	1.1985	18.32
520016	0.9785	13.29
520017	1.1935	19.32
520018	1.1169	18.64
520019	1.3094	18.31
520021	1.4602	19.46
520024	1.0420	14.61
520025	1.0655	18.11
520026	1.0229	19.81
520027	1.2629	18.86
520028	1.3300	19.14
520029	0.8925	16.75
520030	1.7397	20.01
520031	1.0727	18.71
520032	1.2635	17.84
520033	1.2390	18.77
520034	1.1068	16.69
520035	1.3242	17.10
520037	1.7020	20.05
520038	1.3352	17.71
520039	0.9971	19.60
520040	1.5273	20.48
520041	1.1570	15.37
520042	1.1257	17.66
520044	1.4160	17.79
520045	1.6446	19.67
520047	0.9370	17.87
520048	1.4946	18.61
520049	2.0474	19.57
520051*	1.8401	19.06
520053	1.1887	16.49
520054	1.0540	15.99
520057	1.1966	18.32
520058	1.1064	18.13
520059	1.4353	19.85
520060	1.4753	17.05
520062	1.2495	17.80
520063	1.1851	20.77
520064	1.5705	21.46
520066	1.4668	22.24
520068	0.9622	18.08
520069	1.2302	17.00
520070	1.5249	17.82
520071	1.2534	18.75
520074	1.0579	19.57
520075	1.4850	19.09
520076	1.1802	16.51
520077	0.9304	15.54
520078	1.6347	20.13
520082	1.1943	16.74
520083	1.7211	25.85
520084	1.0805	18.95
520087	1.6998	19.39
520088	1.2750	20.15
520089	1.4730	20.61
520090	1.2589	18.00
520091	1.2781	20.07
520092	1.0851	17.56
520094	0.7814	19.78
520095	1.2912	18.51
520096	1.3837	19.30
520097	1.3186	19.57
520098*	1.7679	20.03
520100	1.2558	18.38
520101	1.0673	17.85
520102	1.1747	19.83
520103	1.3291	21.23
520107	1.2651	20.54
520109	1.0080	18.63
520110	1.2429	20.03
520111	1.0771	17.24
520112	1.1370	18.18
520113	1.2753	20.59
520114	1.0715	17.38
520115	1.2443	17.38
520116	1.2746	18.57
520117	1.0104	17.42
520118	0.9267	12.44
520120	0.9639	15.62
520121	0.9809	17.58
520122	0.9984	16.76
520123	0.9687	17.41
520124	1.0565	16.39
520130	1.0658	14.49
520131	1.0212	18.80
520132	1.2099	17.28
520134	1.1056	17.61
520135	0.9696	14.47
520136*	1.5145	19.85
520138	1.8811	20.56
520139	1.2600	21.28
520140	1.6657	20.99
520141	.....	16.95
520142	0.8561	17.70
520144	1.0159	16.62
520145	0.9104	17.24
520146	1.0606	15.73
520148	1.1740	16.93
520149	0.8682	13.30
520151	1.0569	18.08
520152	1.1284	21.33
520153	0.9014	15.45
520154	1.1279	17.92
520156	1.1295	19.84
520157	1.1386	17.28
520159	0.9313	18.74
520160	1.7788	18.84
520161	0.9970	18.57
520170	1.1959	22.45
520171	0.9550	15.73
520173	1.1310	19.81
520177	1.7167	21.29
520178	1.0405	17.04
520187	0.6853	
530002	1.1871	17.59
530003	0.8651	15.78
530004	0.9408	16.19
530005	1.1117	15.15
530006	1.1073	19.34
530007	1.0694	18.06
530008	1.2168	19.71
530009	0.9868	19.45
530010	1.2449	18.93
530011	1.1582	17.44
530012	1.6193	19.48
530014	1.4152	17.32
530015	1.2824	22.65
530016	1.2295	17.71
530017	0.9391	13.71
530018	0.9886	17.87

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet A, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hour. wage
530019	0.9196	16.76
530022	1.1517	17.88
530023	0.8312	20.75
530025	1.3777	20.32
530026	1.1298	18.92
530027	0.8284	29.77
530029	1.0012	17.97
530031	0.8249	13.38
530032	0.9898	20.21

The May 7, 1999 proposed rule also contained other technical and typographical errors. Therefore, we are making the following corrections:

1. On page 24718, third column, last paragraph, last line, the phrase ''and Psychological Dysfunction'' is corrected to read ''and Psychosocial Dysfunction''.

2. On page 24736, first column, lines 18 through 21, the phrase ''constructed hospital's cap would be the number of residents training in the third year of the first of those programs begun at the a temporary training site'' is corrected to read ''constructed hospital's cap would be based on the number of residents training in the third year of the first of those programs begun at the temporary training site''.

3. On page 24759, in Table 1—HCFA's FY 2000 Update Factor and MedPAC's Recommendation, in the second column labeled ''HCFA's update factor'', the figure for ''Effect of FY 1998 Reclassification and Recalibration'' of ''0.7'' is corrected to read ''–0.7''.

4. On page 24764, first column, line 21, the figure ''$11,076'' is corrected to read ''$11,067''.

5. On page 24812, in Table 5—List of Diagnosis Related Groups (DRGs), Relative Weighting Factors, Geometric and Arithmetic Mean Length of Stay, fourth column, twentieth line from the bottom, the DRG title for DRG 425 ''Acute Adjustment Reaction & Psychological Dysfunction'' is corrected to read ''Acute Adjustment Reaction & Psychosocial Dysfunction''.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance)

Dated: June 7, 1999.

Kerry Weems,

Acting, Deputy Assistant Secretary for Information Resource Management.

[FR Doc. 99–15066 Filed 6–14–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 051899C]

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Availability of 1999 Revised Final Regulatory Flexibility Analysis (FRFA)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a revised 1999 final FRFA.

SUMMARY: NMFS announces that a revised FRFA for the final specifications for the 1999 summer flounder, scup, and black sea bass fisheries has been prepared. This document is intended to advise appropriate persons that copies of the revised FRFA are available upon request.

ADDRESSES: Requests for copies of the revised FRFA should be directed to Northeast Regional Administrator, National Marine Fisheries Service, NOAA, 1 Blackburn Drive, Gloucester, MA 01930–2298, Attention: Paul H. Jones, Fishery Policy Analyst, (978) 281–9273.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, (978) 281–9273.

SUPPLEMENTARY INFORMATION: NMFS published a final rule in the **Federal Register** of December 31, 1998 (63 FR 72203), establishing the final specifications for the 1999 summer flounder, scup, and black sea bass fisheries. Individuals were notified that copies of the Environmental Assessment, Regulatory Impact Review, and FRFA were available from the Northeast Regional Administrator (see **ADDRESSES**).

After receiving a query from the North Carolina Department of Environment, Health and Natural Resources, NMFS' Northeast Fisheries Science Center staff reviewed the FRFA. This review led to the discovery of an error in the programs that were used to estimate the proportion of summer flounder landings that have historically been landed where summer flounder was 10 percent or less of the total weight of fish on board. The error was in the analysis of existing summer flounder data, not in the data itself. Therefore, it will not affect the stock assessment or the final 1999 specifications. Section 5.1.1.3 of the FRFA, Table 21 (Proportion of total summer flounder landings from trips where summer flounder was less than or equal to 10 percent of total weight of fish on board), was revised to correct the error. The revisions show that the proportion of summer flounder landings on trips comprised primarily of other species is lower than originally estimated in most states. However, NMFS maintains the recommendation for states to allocate 32.7 percent of their commercial quota for incidental landings to reduce discard because, as the biomass continues to increase, incidental catches will also increase.

NMFS has notified the Mid-Atlantic Fishery Management Council, Atlantic States Marine Fisheries Commission, and state fisheries directors by letter of the error in the FRFA and reiterated NMFS' recommendation for states to continue to allocate 32.7 percent of their summer flounder commercial quota for incidental landings.

Dated: June 8, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–15133 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 64, No. 114

Tuesday, June 15, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation will meet on Friday, June 25, 1999. The meeting will be held at the Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Avenue, NW., Room Hemisphere A, Washington, DC, beginning at 8:30 a.m.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native Hawaiian; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

I. Chairman's Welcome
II. Swearing-In Ceremony
III. Chairman's Report
IV. Millennium Discussion
  A. Follow up from Thursday's Discussion—Action
  B. Heritage Stewardship Committee Proposal—Report and possible action
  C. Save America's Treasures Grants—Report and possible action
V. Section 106 Cases
  A. Gettysburg Cyclorama Building—Report
  B. Imperial Mine—Report and possible action
  C. Philadelphia Naval Hospital—Report and possible action
  D. Pearl Harbor/Fort Island—Report
VI. Principles for Tribal Section 106 Agreements—Discussion and action
VII. Executive Director's Report
  A. Implementation of Revised Section 106 Regulations—Report and action
  B. HUD Abandoned Buildings Program—Report and possible action
  C. Legislation—Update
VIII. New Business
  A. Meeting schedule for 2000
IX. Adjourn

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW, Room 809, Washington, DC, 202–606–8503, at least seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW, #809, Washington, DC 20004.

Dated: June 9, 1999.

John M. Fowler,

Executive Director.

[FR Doc. 99–15054 Filed 6–14–99; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Buffalo Creek Subchannel Extension, Marion County, WV

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buffalo Creek Subchannel Extension, Marion County, West Virginia.

FOR FURTHER INFORMATION CONTACT: William J. Hartman, State Conservationist, Natural Resources Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone 304–291–4153.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, William J. Hartman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purpose is to provide an adequate outlet for the existing subchannel in order to decrease siltation, maintain fish habitat benefits of the subchannel, lower project operation and maintenance costs, and permit proper maintenance of sewer manholes along the stream. The planned works of improvement include excavation of a subchannel extension at three sites totaling 1,157 linear feet.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting William J. Hartman.

No administrative action on implementation of the proposal will be taken until 30 days after the date of the publication in the **Federal Register.**

(* This activity is listed in the Catalog of Federal Domestic Assistance under NO. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

William J. Hartman,

State Conservationist.

[FR Doc. 99–15082 Filed 6–14–99; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 29–99]

Foreign-Trade Zone 146—Lawrence County, Illinois, Area Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Bi-State Authority, grantee of FTZ 146, Lawrence County (Lawrenceville), Illinois, requesting authority to expand its zone to include a site in Effingham, Illinois, adjacent to the St. Louis, Missouri, Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 2, 1999.

FTZ 146 was approved on February 11, 1988 (Board Order 371, 53 FR 5436, 2/24/88). The zone project currently consists of *Site 1* (43 acres)—within the 3,000-acre Mid-America Air Center/ Industrial Park complex, Route 50, Lawrence County (Lawrenceville), Illinois.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site (*Proposed Site 2*—62 acres, 3 parcels)—Effingham Industrial Park, Effingham, Illinois. The site consists of a 177,994 square foot warehouse (9 acres), owned by Agracel, Inc.; a railroad intermodal facility which includes a proposed 100,000 square foot dock and warehouse and distribution facility (22 acres), owned by Agracel, Inc. and Effingham Railroad; and, undeveloped land (31 acres) which is available for future development, owned by American Way Enterprise Park Partners. The site will be operated by Total Quality Warehouse (a subsidiary of Agracel, Inc.). No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 16, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 30, 1999).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Lawrence County Industrial Development Council, 718 11th Street, Suite 2, Upper Level, Lawrenceville, IL 62439.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: June 7, 1999.

Pierre Duy,

Acting Executive Secretary.

[FR Doc. 99–15178 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–DS–U

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 30–99]

Foreign-Trade Zone 46—Cincinnati, OH, Area Application for Zone Expansion and Request for Manufacturing Authority Milacron, Inc. (Plastics Processing Machinery)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Cincinnati Foreign Trade Zone, Inc., grantee of FTZ 46, requesting authority to expand its zone, and requesting, on behalf of Milacron, Inc., authority to manufacture plastics processing machinery and related parts under FTZ procedures within FTZ 46, Cincinnati, Ohio, area, adjacent to the Cincinnati Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 3, 1999.

FTZ 46 was approved in 1979 (Board Order 141, 44 FR 4003, 1–19–79) and relocated in 1994 (Board Order 720, 59 FR 66891, 12–28–94) to a 35-acre site at 175 Progress Place, Springdale (Hamilton County), Ohio. In 1997 the zone was expanded to include a second, non-contiguous 122-acre site located at 4701 Marburg Avenue in Cincinnati (Board Order 943, 62 FR 67044, 12–23–97).

The applicant is now requesting authority to expand the zone by adding three sites: proposed Site 3 (460 acres, manufacturing, warehouse)—Milacron, Inc., Clermont County Industrial Park, 4165 Half Acre Road, Batavia (Clermont County), Ohio, about 25 miles east of Cincinnati; proposed Site 4 (490 acres, manufacturing)—Milacron, Inc., Brown County Industrial Park, 418 West Main Street, Mt. Orab (Brown County), Ohio, about 10 miles east of proposed Site 3; and, proposed Site 5 (160 undeveloped acres)—West Hamco Industrial Park, 4160 Half Acre Road, Batavia.

The application also requests authority on behalf of Milacron, Inc. (Plastics Technology Group) to manufacture plastic products processing machinery under FTZ procedures within proposed expansion Sites 3 and 4 of FTZ 46. The facilities (1,200 employees) are used to produce computer-numerically-controlled plastic products processing/manufacturing machinery, including injection molding, extrusion, blow molding, mold tooling, and auxiliary equipment, as well as related parts. Components to be sourced from abroad (up to 40% of the finished machines' value): seals/rings, gaskets, belts, glass, chain, couplings/fittings, fasteners, keys, rollers, brackets, pins, rings, cables, cylinders, pumps, electric motors, heat exchangers, filters, monitors, lock snaps, fiber optic adapters, parts of machinery (HTS Heading 8477), accumulators, valves, bearings, elbows/fittings, shafts, bushings, gear boxes, sprockets, pulleys, idler assemblies, inductors, electronic control units, batteries, servos, lamps, resistors, capacitors, fuses, circuit breakers, relays, diodes, switches, CPU/ printed circuit/memory boards, integrated circuits, EPROM, numerical process controllers, automatic data processing equipment, cable, liquid crystal displays, thermocouplers, gauges, sensors, hour counters, pulse coders, encoder, transducers, ballscrews, and monitors (duty rates: free-9.0%).

FTZ procedures would exempt Milacron from Customs duty payments on the foreign components used in production for export. On its domestic sales, Milacron would be able to elect the 3.1 percent duty rate applicable to the finished plastics processing machinery for the foreign inputs noted above. The company would also defer payments on foreign-origin finished plastics processing machinery admitted to the proposed expansion sites. FTZ procedures would also exempt certain merchandise held in the expansion sites from state/local ad valorem inventory taxes. The application indicates that the savings from FTZ procedures would help improve the facilities' international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 16, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 30, 1999).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, Suite 2650, 36 East 7th Street, Cincinnati, OH 45202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: June 3, 1999.

Diane Finver,

Acting Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 99–15179 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–DS–U

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 15–99]

Foreign-Trade Zone No. 122—Corpus Christi, TX, Application for Subzone, Equistar Chemicals, LP (Oil Refinery), Nueces County, TX; Correction

The **Federal Register** notice (64 FR 25477, 5/12/99) describing the application submitted to the Foreign-Trade Zones Board (the Board) by the Port of Corpus Christi Authority, grantee of FTZ 122, requesting special purpose subzone status for the petrochemical complex of Equistar Chemicals, LP, located in Nueces County, Texas, is corrected as follows: the word ''leased'' should be deleted from that portion of paragraph 2, sentence 1, describing the tanks at Site 2.

Dated: June 2, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–15180 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–824]

Polyvinyl Alcohol From Taiwan: Final Results of Second Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On February 8, 1999, the Department of Commerce published in the **Federal Register** the preliminary results of the second administrative review of the antidumping duty order on polyvinyl alcohol from Taiwan (64 FR 6042). The review covers two manufacturers/exporters of the subject merchandise to the United States, Chang Chun Petrochemical and E.I. duPont de Nemours & Co. The period of review is May 1, 1997, through April 30, 1998.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received, we have made certain changes as described below in the ''Interested Party Comments'' section of this notice, but those changes did not result in final margins that were different from those calculated in our preliminary results. The final results are listed below in the section ''Final Results of Review.''

EFFECTIVE DATE: June 15, 1999.

FOR FURTHER INFORMATION CONTACT: Brian Smith at (202) 482–1766 or Brian Ledgerwood at (202) 482–3836, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 1999, the Department of Commerce (''the Department'') published in the **Federal Register** its preliminary results of the 1997–1998 administrative review of the antidumping duty order on polyvinyl alcohol (''PVA'') from Taiwan (64 FR 6042) (''*Preliminary Results*''). The period of review (''POR'') for this administrative review is May 1, 1997, through April 30, 1998.

On February 18, 1999, E.I. duPont de Nemours & Co. (''DuPont'') withdrew its request that the Department apply the special rule for value added in this case. On March 10, 1999, the Department requested Chang Chun Petrochemical Co., Ltd. (''Chang Chun'') to provide information clarifying the methodology it used to allocate production costs between acetic acid and PVA. Chang Chun provided this data on March 17, 1999. The petitioner, Air Products and Chemicals Inc., and DuPont submitted case briefs on April 8, 1999. Chang Chun did not submit a case brief. Chang Chun submitted a rebuttal brief on April 15, 1999. Since the petitioner did not comment on DuPont in its case brief, DuPont did not submit a rebuttal brief. Neither the petitioner nor the respondents requested a hearing in this case. On May 19, 1999, we placed on the record of this review information from the record of the first administrative review pertaining to the allocation of joint production costs between acetic acid and PVA. On May 24, 1999, the petitioner submitted comments on the use of this information in this review.

The Department has now completed this administrative review, in accordance with section 751(a) of the Act.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all references are made to the Department's regulations at 19 CFR Part 351 (1998).

Scope of Review

The product covered by this review is PVA. PVA is a dry, white to cream-colored, water-soluble synthetic polymer. Excluded from this review are PVAs covalently bonded with acetoacetylate, carboxylic acid, or sulfonic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, and PVAs covalently bonded with silane uniformly present on all polymer chains in a concentration equal to or greater than one-tenth of one mole percent. PVA in fiber form is not included in the scope of this review.

The merchandise under review is currently classifiable under subheading 3905.30.0000 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

Changes Since the Preliminary Results

We have made changes in these final results only to the margin calculation for Chang Chun. For Chang Chun, we adjusted its joint production costs between PVA and acetic acid using the relative sales value of each product

calculated on the basis of a two-year period prior to the period of the less-than-fair-value investigation (''LTFV investigation'') (*see* Comment 1 in the ''Interested Party Comments'' section of this notice, Memorandum to the File dated May 19, 1999, and Final Results Calculation Memorandum dated June 8, 1999, for further discussion).

Interested Party Comments

Chang Chun

Comment 1: Cost Allocation Methodology

The petitioner contends that Chang Chun's cost methodology produces inexplicable and unreasonable results because the sales quantities of acetic acid and PVA were less than their production quantities. In particular, the petitioner maintains that unless Chang Chun made significant changes to its production process, Chang Chun's average annual yield ratio of acetic acid to PVA for the POR should be representative of the average three-year yield ratio of acetic acid and PVA for which Chang Chun reported sales data (*see* Exhibit 7 of Chan Chun's January 19, 1999, submission). The petitioner goes on to state that because Chan Chun has sold PVA and acetic acid in unequal quantities, Chang Chun must have over-allocated its production costs to acetic acid. Finally, the petitioner maintains that although Chang Chun has used a unit value ratio to allocate costs in the prior antidumping duty administrative review, the Department is not precluded from examining the reasonableness of Chang Chun's methodology in subsequent reviews.

Chang Chun states that its sales quantities are lower than its production quantities because Chang Chun excluded the internal transfers of acetic acid and PVA from the weighted-average sales prices of acetic acid and PVA as internal transfers do not reflect any revenue raised by these products, thereby refuting the petitioner's claim that the difference which exists between sales and production quantities has a distortive impact when applying the cost allocation methodology. In addition, Chang Chun maintains that most of the sales and production data the petitioner is questioning was verified by the Department in the first administrative review. Therefore, Chang Chun contends that its reported sales and production data should be accepted by the Department in this review. Chang Chun maintains that its value-based cost allocation methodology is appropriate and requests that the Department confirm this fact, as well as confirm that the cost allocation methodology correctly reflects the Department's prior determinations. Finally, Chang Chun states that the petitioner has offered no evidence which would warrant the Department to reexamine the reasonableness of Chang Chun's value-based allocation methodology in future reviews.

DOC Position: We agree with Chang Chun, in part. The Department confirms, generally, that it is appropriate and in accordance with the Department's practice for Chang Chun to maintain a value-based methodology for allocating joint production costs between PVA and acetic acid. However, the Department has not adopted Chang Chun's particular value-based cost allocation methodology in its entirety. Our review of Chang Chun's allocation methodology indicates that Chang Chun relied upon POR sales prices of PVA as a basis for allocating costs between PVA and acetic acid. While we determined in the LTFV investigation that a relative-sales-value-based allocation methodology is appropriate, we expressed concern that the sales value for PVA, used in our calculation, be representative of a period prior to allegations of dumping for the subject merchandise (*see Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from Taiwan*, 61 FR 14064, 14071 (March 29, 1996) (*''PVA Final Determination''*). In the final determination of the LTFV investigation and first administrative review of the antidumping duty order on PVA from Taiwan, we allocated joint production costs between PVA and acetic acid using each product's relative sales value from a two-year period prior to the initial period of investigation (''POI'') (*see Polyvinyl Alcohol from Taiwan: Final Results of Antidumping Duty Administrative Review*, 63 FR 32810, 32815 (June 16, 1998) (*''PVA 1st Admin Review''*)).

Consistent with our methodology established in the LTFV determination and first administrative review, we consider it inappropriate in this review to rely exclusively on PVA sales prices relevant during a period of alleged dumping as a basis to allocate costs to PVA, particularly when these allocated costs are used as a means to measure the fairness of the selling prices for the same product. We believe that by adjusting the POR sales figures with sales of PVA and acetic acid over an extended period prior to the original investigation, the total relative sales value can reasonably be relied upon to form the basis for allocating joint production costs, particularly in this case where acetic acid and PVA are commodity products, and their selling prices are influenced by world market forces of supply and demand. In order to reallocate Chang Chun's joint production costs in the manner discussed above, we adjusted Chang Chun's POR sales values to reflect the relative sales values for the two-year period prior to the POI based on data obtained from the record of the first administrative review which has been placed on the record of this proceeding (*see* Memorandum to the File, dated May 19, 1999).

Chang Chun defends its use of POR sales values for acetic acid and PVA as the basis for allocating its costs between these two products based on the fact that the Department found no sales below the cost of production in the first administrative review. Although the Department found no below-cost sales of PVA during the first administrative review for Chang Chun, we continue to find it appropriate to adjust the POR relative sales values to reflect the relative sales values for the two-year period prior to the POI as we did in the first administrative review. This adjustment is appropriate because the manipulation of pricing patterns, even slight in nature as a result of future antidumping duty proceedings, still may result.

Accordingly, for this second administrative review, we continue to accept Chang Chun's relative-sales-value-based cost allocation methodology in general. However, we have applied the same adjustment methodology as that in first administrative review in order to allocate Chang Chun's joint production costs between PVA and acetic acid (*see* ''Final Calculation Memorandum for Chang Chun'' dated June 8, 1999).

Comment 2: PVA and Acetic Acid Calculated Profitability Margins

The petitioner contends that Chang Chun's methodology used for allocating production cost between PVA and acetic acid produces distortive results because the profit margins for PVA and acetic acid are not the same.

Chang Chun maintains that its methodology correctly allocates its production costs between acetic acid and PVA based on relative sales value. Chang Chun states that the Department has never specified that the profit margins be exactly the same for PVA and acetic acid for the methodology to be acceptable. In fact, Chang Chun contends that the Department has specified only that the methodology should yield ''approximately the same'' profit margins for PVA and acetic acid. In this review, Chang Chun maintains that the profit rates for PVA and acetic acid are ''approximately the same.''

Therefore, Chang Chun requests the Department to dismiss the petitioner's argument and find that Chang Chun's methodology correctly allocates its production costs between acetic acid and PVA based on the respective sales values of each product. Chang Chun cites to *PVA 1st Admin Review,* 63 FR at 32815 in support of its argument.

DOC Position: We agree, in part, with Chang Chun. We have re-examined Chang Chun's methodology for the calculation of the profit rate for acetic acid and PVA and found that the sales revenues upon which those profitability margins were based generally reflect relative sales values for acetic acid and PVA. As discussed in Comment 1 above, in the LTFV investigation and first administrative review, application of a relative-sales-value-based allocation methodology was considered appropriate (*see PVA Final Determination,* 61 FR at 14071 and *PVA 1st Admin Review,* 63 FR at 32815). Accordingly, in this review we find that Chang Chun's general methodology is appropriate.

Furthermore, we agree with Chang Chun's argument that its profit rates for acetic acid and PVA are approximately the same. As the Department stated in the first administrative review, a relative-sales-value-based allocation should yield approximately the same profit rates for acetic acid and PVA (*see PVA 1st Admin Review,* 63 FR 32815). However, for the reasons stated in the LTFV determination, the first administrative review, and Comment 1 above, the Department has adjusted Chang Chun's production costs by relative sale values representative of a two-year period prior to the POI. We note that any differences in the resulting POR profit rates for PVA and acetic acid are effectively compensated through the Department's adjustment of the POR cost data on the basis of the relative sales values representative of a two-year period prior to the POI in which there was no allegation of dumping for the subject merchandise (*see* Attachment 2 of the ''Final Calculation Memorandum for Chang Chun'' dated June 8, 1999). This adjustment is appropriate for allocating joint production costs and calculating the profit rates between PVA and acetic acid (*see PVA Final Determination,* 61 FR at 14071, and *PVA 1st Admin Review,* 63 FR at 32815).

Comment 3: Acetic Acid Sales Prices and the Major Input Rule

The petitioner alleges that Chang Chun's reported acetic acid sales prices are problematic. Based on a comparison of acetic acid sales prices contained in Exhibits 5 and 7 of Chang Chun's January 19, 1999, supplemental section D response, the petitioner purports that Chang Chun under-reported its average sales price of acetic acid to unaffiliated purchasers of acetic acid. Furthermore, the petitioner argues that these sales prices warrant close scrutiny in future administrative reviews because Chang Chun uses these prices for the allocation of costs between PVA and acetic acid. Finally, the petitioner questions whether Dairen, Chang Chun's affiliated vinyl acetate monomer (''VAM'') supplier, has properly reported its costs for producing VAM, which is a major input used in the production of PVA. Specifically, the petitioner takes issue with the acetic acid price that Dairen paid Chang Chun and included in its reported VAM production costs.

Chang Chun urges the Department to reject the petitioner's arguments because they are untimely and are not supported by record evidence. Chang Chun notes that the petitioner's argument for applying the major input rule to VAM production was untimely under 19 CFR 351.301(d)(3). Moreover, Chang Chun maintains that the major input rule under section 773(f)(3) of the Act does not apply to acetic acid sales transactions between Chang Chun and Dairen because acetic acid is not a major input of the subject merchandise; rather, the major input to PVA in this case is the VAM produced by Dairen. Specifically, Chang Chun maintains that the Department verified the sales prices of acetic acid reported in Chang Chun's submission in the first administrative review of PVA. Furthermore, in support of its argument that the Department may rely on knowledge of a respondent's records and data acquired from past reviews in determining the reasonableness of its reporting methodologies used in a current review, Chang Chun cites to *Timken Co.* v. *United States,* 16 F. Supp. 2d 1102 (CIT 1998).

DOC Position: We agree with petitioner, in that Chang Chun's acetic acid prices may be problematic. However, because this issue was raised for the first time in the petitioner's case brief, there is insufficient information on the record that would allow the Department to address the differences that exist among Chang Chun's per-unit market price for acetic acid, Chang Chun's per-unit transfer price for acetic acid, or Chang Chun's per-unit COP for acetic acid. Based on the record of the current review, we are unable to determine what impact, if any, this issue may have on the final margin calculation. However, we will consider this issue, if raised in a timely manner, in future reviews as appropriate.

With respect to Chang Chun's untimeliness argument under 19 CFR 351.301(d)(3), we note that application of this regulation is inappropriate because we conducted a cost investigation in this review. Specifically, the Department's normal practice is to analyze an affiliated supplier's production cost data for major inputs whenever it conducts a cost investigation. Thus, the cited regulation is only applicable where the Department has determined to base normal value on constructed value, but there is no cost investigation (*see Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR at 27296, 27336 (May 19, 1997)).

Comment 4: U.S. Customs Investigation

The petitioner requests that the Department obtain and review the results of an investigation conducted by the U.S. Customs Service (''Customs Service'') which involved examining shipments of PVA to the U.S. market to determine whether sales of merchandise claimed to be outside the scope of the antidumping duty order were properly classified.

Chang Chun claims that, since it has reported all of its U.S. sales of subject merchandise during this review period, the Department should reject the petitioner's request.

DOC Position: To establish the accuracy of the petitioner's allegation regarding whether Chang Chun or DuPont properly reported all sales of PVA during the POR, we would have had to conduct verifications of the two firms' sales data. Because the petitioner did not raise the allegation until it presented its case brief on April 8, 1999, we could not verify in this administrative review.

In accordance with the petitioner's suggestion, we made a request that the Customs Service provide us with the status of any investigation into whether imports of subject PVA had been declared improperly as being outside the scope of the antidumping duty order (*see* Memorandum to the Customs Service dated April 16, 1999). In a May 13, 1999, reply to our request, the Customs Service stated it had ''conducted an analysis of shipments of PVA,'' but it could not disclose whether any shipments of PVA were found to be non-compliant with the antidumping duty order (*see* Memorandum to the file dated May 13, 1999). Instead, the Customs Service said that if there were any shipments of PVA found to be non-compliant, it would have notified the importer and corrective action would have been taken. Based on the record of this proceeding, we cannot conclude

that the respondents have improperly reported sales of PVA during the POR. We will review this issue, if it is raised in a timely manner, in a future administrative review.

DuPont

Comment 1: Application of the Special Rule for Value Added

DuPont withdrew its request that the Department apply the special rule for value added in this case and therefore exclude its sales of further manufactured PVA from the analysis. However, DuPont maintains that although it has withdrawn its request in this particular review, applying the special rule is an important issue in the calculation of DuPont's dumping margin and should be considered without prejudice in future reviews.

The petitioner did not comment on this issue.

DOC Position: Because DuPont withdrew its request that the Department apply the special rule in this case shortly after the preliminary results, the Department has not considered further application of the special rule for these final results. However, if DuPont should request in a timely manner that the Department apply the special rule in a subsequent proceeding, the Department will again give DuPont's request full consideration.

Final Results of the Review

As a result of our review, we have determined that the following weighted-average margins exist for the period May 1, 1997, through April 30, 1998:

Manufacturer/producer/exporter	Margin (percent)
Chang Chun Petrochemical Co. Ltd.	0.00
E.I. DuPont de Nemours & Co.	0.00

Cash Deposit Requirements

The following deposit requirements shall be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rates for Chang Chun and DuPont will be the rates indicated above (*i.e.,* the cash deposit rate will be zero); (2) if the exporter is not a firm covered in this review or the LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (3) if neither the exporter nor the manufacturer is a firm covered in this review or the LTFV investigation, the cash deposit rate will be 19.21 percent, the ''All Other'' rate made effective by the LTFV investigation. These requirements shall remain in effect until publication of the final results of the next administrative review.

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. For duty assessment purposes, we have calculated importer-specific assessment rates for the subject merchandise. Pursuant to 19 CFR 351.212(b)(1), we have calculated importer-specific ad valorem duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. In order to estimate the entered value, we have subtracted international movement expenses from the gross sales value. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries of subject merchandise during the POR for which the importer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.50 percent).

Notification to Importers and Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of the APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 8, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–15177 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

RIN 0651–AB02

Official Insignia of Native American Tribes; Statutorily Required Study

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearings; corrections.

SUMMARY: This document contains corrections to the starting times for the hearings scheduled for July 8, 1999, and July 12, 1999, and provides starting and ending times for the hearing scheduled for July 15, 1999.

SUPPLEMENTARY INFORMATION: The Patent and Trademark Office published a notice of hearings in the **Federal Register** of June 3, 1999 (64 FR 29841). The starting times for the hearings scheduled July 8, 1999, and July 12, 1999, were incorrect. This document provides the correct times.

The July 8, 1999 hearing in Albuquerque, New Mexico, will start at 9:00 a.m. and the July 12, 1999 hearing in San Francisco, California, will start at 10:00 a.m. The July 15, 1999 hearing in Arlington, Virginia, will start at 9:00 a.m. and end no later than 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Eleanor K. Meltzer by telephone: 703–306–2960; by e-mail: *eleanor.meltzer@uspto.gov;* or by facsimile transmission: 703–305–9885.

Dated: June 10, 1999.

Nancy C. Slutter,

Acting Deputy Solicitor.

[FR Doc. 99–15158 Filed 6–14–99; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Youth Attitude Tracking Study (YATS); OMB Number 0704–0069.

Type of Request: Extension.

Number of Respondents: 13,050.

Responses Per Respondents: 1.

Annual Responses: 13,050.

Average Burden per Response: 25.83 minutes.

Annual Burden Hours: 5,618.

Needs and Uses: To recruit effectively from the youth population, the Department of Defense (DoD) has a continuing need for reliable, valid, and timely recruit market data that describe the propensity, attitudes, and motivation of young men and women towards serving in the military. These data used by DoD to track propensity for military service, to evaluate recruiting efforts, to assess the impact of recruiting incentives, and to allocate recruiting resources. The information is used to support Congressional testimony and special studies of recruiting issues.

Affected Public: Individuals or household.

Frequency: On occasion; annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations of the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written request for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: June 9, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–15052 Filed 6–14–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

DATES: 24 June 1999 (800am to 1600pm).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill BLVD, Washington, DC 20340.

FOR FURTHER INFORMATION CONTACT: Maj Donald R. Culp, Jr., USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(l), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: June 9, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–15050 Filed 6–14–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, As amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory board has been scheduled as follows:.

DATES: 22 June 1999, (900am to 1600pm).

ADDRESSES: The Defense Intelligence Agency, Armed Forces Medical Intelligence Center (AFMIC) 1607 Porter St, Ft. Detrick, Frederick, MD 21702–5004.

DATES: 23 June 1999 (800am to 1600pm).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340.

FOR FURTHER INFORMATION CONTACT: Maj Donald R. Cup;, Jr., USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: June 9, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–15051 Filed 6–14–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting To Discuss Gulf War Illnesses

AGENCY: Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents, Department of Defense.

ACTION: Notice.

SUMMARY: The Board will conduct a one-day public meeting to discuss its interim report, and obtain information from veterans, the Office of the Special Assistant for Gulf War Illnesses, other Federal agencies, and outside experts regarding the causes of Gulf War Illnesses. The meeting will begin at 9:00 a.m. EDT.

DATES: July 13, 1999.

ADDRESSES: Dorothy Betts Marvin Theater, Marvin Center, The George Washington University, 800 21st Street, NW, Washington, DC 20052.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Kaplan, Deputy Executive Director, Special Oversight Board, 1401 Wilson Blvd, Suite 401, Arlington, VA 22209, phone (703) 696–9470, fax (703) 696–4062, or via Email at *Gulfsyn@osd.pentagon.mil* Requests for oral comments must be sent in writing to Mr. Kaplan and be received no later than noon EDT Friday July 2, 1999. Written comments must be received no later than Monday July 12, 1999. Copies of the draft meeting agenda can be obtained by contacting Ms. Sandra Simpson at (703) 696–9464 or at the above fax number or above email.

SUPPLEMENTARY INFORMATION: Seating in the Dorothy Betts Marvin Theater is limited, and spaces will be reserved only for scheduled speakers. The remaining seats will be available on a first-come, first-served basis beginning at 8:30 a.m. No teleconference lines will be available. The Special Oversight

Board expects that public statements presented at its meetings will deal only with potential chemical, environmental, and other exposures. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Written comments may be mailed to Board members if at least 20 copies are received in the Special Oversight Board Staff Office no later than noon EDT July 2, 1999. Comments received during July 3–9 will be provided to Board members upon their arrival in Washington. Written comments received after July 9 will be mailed to Board members after the adjournment of the July 1999 meeting.

Dated: June 9, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–15053 Filed 6–14–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Navy, Office of Naval Research

Notice of Intent To Prepare an Environmental Impact Statement for Continued Operation of the Sound Source Installed by the Acoustic Thermometry of Ocean Climate (ATOC) Project North of Kauai

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA), the Office of Naval Research (ONR) is announcing its intent to prepare an Environmental Impact Statement (EIS) to continue operation of the sound source installed by the ATOC Project north of Kauai.

DATES: Public scoping meetings will be held in: (1) Hanalei, Kauai on June 29, 1999 at 7 PM at the Wai'oli Hui'ia Church, Mission Hall, 5–5363 Kuhio Highway; (2) Lihue, Kauai on June 30, 1999 at 7 PM at the Kauai Community College Dining Room, 3–1901 Kaumualii Highway; and (3) Honolulu, Hawaii on July 1, 1999 at 7 PM at the Hawaii Imin Intl. Conference Center, East-West Center, 2nd Floor, Pacific Room, 1777 East-West Road. Written comments regarding the scope of this environmental document must be submitted by 08/15/99.

ADDRESSES: Comments and requests for additional information should be addressed to ATTN: Office of Naval Research, c/o Kathleen J. Vigness, (703) 465–8404, Marine Acoustics, Inc., 901 N. Stuart St., Suite 708, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION: The Kauai ATOC Feasibility Study began in October 1997, and included a Marine Mammal Research Program (MMRP) for which a Scientific Research Permit was obtained. The sound source installed by the ATOC Project is located approximately 14.7 km (8 nm) north of Kauai at 22° 20.94 N, 159° 34.18 W at a depth of 807 m (2648 ft). During the ATOC Project, a team of marine mammal researchers utilized transmissions of the sound source to conduct simultaneous observations of marine mammal behavior. The acoustic objectives of the ATOC Feasibility Study were to determine the precision with which acoustic methods could be used to measure large-scale changes in ocean temperature and heat content, thereby refining climate models and gaining a better understanding of the potential for global warming. The objectives of the MMRP were to determine the potential effects of the sound source on marine animals.

The results of the ATOC Project demonstrate that acoustic travel times can be measured much more accurately than expected. These travel times can then be used to estimate range- and depth-averaged temperatures with a precision of about 0.006°C at ranges of 3,000 to 5,000 km. The marine mammal research indicates that transmissions by the sound source do not affect the abundance, distribution or singing behavior of humpback whales in the vicinity of the sound source, and that there were no biologically significant short-term effects observed in conjunction with the transmissions. The MMRP found that the distance and time between successive whale surfacings increased slightly with increasing sound levels.

With these positive results, the Office of Naval Research will prepare an EIS to continue operation of the sound source installed by the ATOC Project. The sound source would remain at its present location, and transmissions would continue with the same signal parameters and approximately the same transmission schedule. The current schedule maintains six 20-minute transmissions (one every four hours), every fourth day, with each transmission preceded by a 5-minute ramp-up period, representing an average duty cycle of 2%. With the possible exception of equipment failures or short duration testing, this schedule would continue for a period of five years. The signals transmitted by the source have a center frequency of 75 Hz and a bandwidth of approximately 35 Hz (i.e., sound transmissions are in the frequency band of 57.5–92.5 Hz). Approximately 260 watts of acoustic power are radiated during transmission. At 1 m (3.28 ft) from the source, the sound intensity is about 195 dB referenced to the intensity of a signal with a sound pressure level of 1 microPascal (on a ''water standard'' basis). These signal parameters and source level have been found to provide adequate, but not excessive, signal-to-noise ratios at the receiver ranges of interest.

The EIS will address the potential effects of the transmissions on the marine environment, including potential auditory, behavioral, and physiological effects on marine mammals and other marine creatures. Alternatives will be studied, including the no action alternative.

Dated: June 8, 1999.

Jeffrey Simmen,

Ocean Acoustics Program, Office of Naval Research.

[FR Doc. 99–15157 Filed 6–14–99; 8:45 am]

BILLING CODE 3810–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 15, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV. Requests for copies of the proposed information collection requests should be addressed to Joseph Schubart, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address Joe__Schubart@ed.gov or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Joseph Schubart (202) 708–9266. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information

Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Joseph Schubart at the address specified above.

Dated: June 9, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Title I State Plan for Vocational Rehabilitation Services and Title VI—Part B Supplement for Supported Employment Services.

Frequency: Annually.

Affected Public: Individuals or households; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 82

Burden Hours: 1,002,050

Abstract: The Workforce Investment Act of 1998 (WIA) requires the submittal of a Title I State plan for vocational rehabilitation services and a supplement to the plan for supported employment services on the same date that the State submits its State plan under WIA. Some States submitted WIA plans as early as April 1, 1999; other States can submit WIA plans anytime up to and including April 1, 2000. Program funding is contingent on Departmental approval of the plan and its supplement.

[FR Doc. 99–15079 Filed 6–14–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on May 21, 1998, an arbitration panel rendered a decision in the matter of *Louisiana Department of Social Services, Rehabilitation Services* v. *U.S. Department of Defense, Department of the Air Force (Case No. R–S/97–3.* This panel was convened by the U. S. Department of Education pursuant to 20 U.S.C. 107d–1(b), upon receipt of a complaint filed by petitioner, Louisiana Department of Social Services, Rehabilitation Services.

FOR FURTHER INFORMATION: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington D.C. 20202–2738. Telephone: (202) 205–9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
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To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d–2(c)), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged failure of the United States Department of Defense, Department of the Air Force (Air Force) to renew an expiring food service contract with the Louisiana Department of Social Services, Rehabilitation Services, the State licensing agency (SLA).

The Air Force operates Barksdale Air Force Base (Barksdale) in Louisiana. On March 29, 1994, the Air Force awarded a food service attendant services contract to the SLA. The contract was awarded on a non-competitive basis pursuant to the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*) The contract was for a six-month period with two one-year options. A blind licensee was chosen to manage the facility.

By memorandum dated July 8, 1996 the Air Force proposed ''to offer the reprocurement solicitation'' for the food service attendant services contract to the SLA as a non-competitive acquisition. The period for this reprocurement was from October 1, 1996 through September 30, 1997 with four one-year options. However, on August 23, 1996, the Contracting Officer for the Air Force sent the blind licensee a memorandum stating that the Air Force viewed the priority provisions of the Randolph-Sheppard Act (the Act) as not being applicable to the contract. The Air Force further stated that the solicitation for the contract would be issued as a competitive acquisition set-aside for small businesses.

Thereafter, the SLA's current contract was extended for an additional six-month period until March 31, 1997 to allow a solicitation for the contract to be issued on a competitive basis, with a set-aside for small businesses. The SLA filed a protest of this action with the Air Force. The Air Force rejected the protest by memorandum dated September 24, 1996. The Air Force's objection stated in part that the contract merely supported the Air Force's operation of the dining facility. The Air Force concluded that the operation of the dining hall resided with the Air Force. The Air Force's position was that the Randolph-

Sheppard Act did not apply to food service mess attendant services. Specifically, the Air Force said that individual tasks such as mess attendant, janitorial services, or grounds maintenance that support the Air Force's operation of a dining facility are not covered by the Randolph-Sheppard Act.

On October 4, 1996, the SLA lodged a protest with the General Accounting Office. The Air Force responded to this protest on October 9, 1996 seeking its dismissal. The General Accounting Office dismissed the protest on the basis that the appropriate method for resolution of the SLA's dispute was through the arbitration process pursuant to section 107d–2 of the Randolph-Sheppard Act and its implementing regulations in 34 CFR part 395.

Subsequently, the SLA requested that a Federal arbitration panel be convened to hear this dispute. A hearing of this matter was held on December 17, 1997.

Arbitration Panel Decision

The issue before the arbitration panel was whether the contract for the food service attendant services at Barksdale represented a contract for the operation of a cafeteria pursuant to the Randolph-Sheppard Act and implementing regulations.

The arbitration panel ruled in a majority opinion that the contract was not for the operation of a cafeteria. Referencing the language in the priority section of the Act, and applying a plain meaning approach to the word ''operation,'' the arbitration panel reasoned that the issue should be based on a determination of who controls food cost and food quality. The panel determined that this must be done on a case-by-case basis. Therefore, after careful and detailed comparison of the responsibilities of the blind licensee and of the Air Force, the panel concluded that the Air Force was operator of the cafeteria at Barksdale and that the priority provisions under the Act did not apply.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: June 9, 1999.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99–15063 Filed 6–14–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on June 25, 1998, an arbitration panel rendered a decision in the matter of *Michael R. Underhill* v. *Texas Commission for the Blind (Docket No. R–S/97–16).* This panel was convened by the U.S. Department of Education pursuant to 20 U.S.C. 107d–1(a), upon receipt of a complaint filed by petitioner, Michael Underhill.

FOR FURTHER INFORMATION: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3230, Mary E. Switzer Building, Washington DC 20202–2738. Telephone: (202) 205–9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8298.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (the Act) (20 U.S.C. 107d–2(c)), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged improper application by the Texas Commission for the Blind, the State licensing agency (SLA), of its transfer and promotion policies. Specifically, the complainant, Michael Underhill, alleges that he was denied an opportunity to bid on a military base food service contract under the SLA's special assignment process.

A summary of the facts is as follows. Complainant is a licensed manager under the SLA's Randolph-Sheppard vending facility program. In March, 1995, complainant was selected to receive a prospective military base food service assignment. Complainant ranked fourth on a list of five managers who qualified for such an assignment based on a special selection process to receive military base food service contracts. This special selection process was developed by the SLA in conjunction with the Elected Committee of Blind Managers.

In January 1997, the SLA allegedly ended the special assignment process for these military base contracts over the objections of the Elected Committee of Blind Managers, thus terminating complainant's eligibility to bid on the next available military base contract.

The SLA alleged that it had the authority to end the special assignment process because the unusual circumstances that merited use of the special assignment process no longer existed.

The complainant requested and received a full evidentiary hearing, which was held on May 19, 1997. In a decision dated June 2, 1997, the Administrative Law Judge (ALJ) ruled that the SLA's decision to end the special assignment process for the military base contract should be reversed and that the special assignment process should be reinstated until all of the licensed managers who qualified for such an assignment received a military base assignment or withdrew from consideration.

In a letter dated June 23, 1997, to the complainant, the SLA adopted the ALJ's decision in part by reinstating the special assignment process for Fort Bliss, Reese Air Force Base, and Fort Hood and stipulated that this process would remain in effect until one of the military base contracts was available. At that time, the SLA would determine whether it was in the best interest of the Randolph-Sheppard vending program to eliminate this special assignment process. In addition, the SLA affirmed

that the original selection list would remain in effect.

The complainant requested review of the SLA's stipulated decision by a Federal arbitration panel. The panel was convened on April 17, 1998.

Arbitration Panel Decision

The issue before the arbitration panel was whether the SLA's stipulated decision to make a determination concerning the continuation of the special assignment process at the time a military base became available was inconsistent with the ALJ's determination.

The arbitration panel ruled that, at the time a military base contract became available, there may be a compelling reason that would benefit both the program and the complainant that would justify not assigning complainant to a military base food service facility.

The panel further ruled that the SLA had the authority to end an exceptional practice promulgated under the Business Enterprise Program (BEP) Manual and pursuant to the Act and implementing regulations. However, the panel found that complainant's reliance on this exception entitled him to special consideration when the next military base facility becomes available. If he applies for such an assignment and is not selected, but is determined to be qualified to successfully operate the facility, the SLA will use the authority granted to it under the special assignment provision of the BEP Manual to assign Mr. Underhill to the facility. The panel ruled that complainant need not be provided this priority if he applies for a new facility under the regular selection process.

One panel member dissented.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: June 9, 1999.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99–15064 Filed 6–14–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Public Hearing on the Supplement to the Draft Surplus Plutonium Disposition Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE) will hold a public hearing on the Supplement to the Surplus Plutonium Disposition Draft Environmental Impact Statement (Draft SPD EIS). The hearing will be held on June 15, 1999, in Washington, DC, and will focus on issues associated with the analysis of the specific commercial reactors that the Department proposes to use for the irradiation of mixed oxide fuel in addition to other changes to the Draft SPD EIS presented in the Supplement. The purpose of this hearing is to facilitate an exchange of information and to provide a forum for receiving public comments on the supplement. Members of the public are invited to attend.

DATES: The hearing will be held on June 15, 1999, in Washington, DC.

ADDRESSES: Questions about the hearing should be addressed to: Bert Stevenson (202–586–5368; bert.stevenson@hq.doe.gov); by mail to DOE, Office of Fissile Materials Disposition, P.O. Box 23786, Washington, DC 20026–3786; or through the program web site at www.doe-md.com. Preregistration for the hearing is available by calling 1–800–820–5134 or by fax at 1–800–820–5156. The hearing will be held at the Hotel Washington, 15th St. and Pennsylvania Ave. NW, Washington, DC, (202) 638–5900.

FOR FURTHER INFORMATION CONTACT: Bert Stevenson, NEPA Compliance Officer, Office of Fissile Materials Disposition, Department of Energy. (202) 586–5368.

SUPPLEMENTARY INFORMATION: The Draft Surplus Plutonium Disposition EIS (DOE/EIS–0283–D) was prepared in accordance with the National Environmental Policy Act (NEPA) and issued in July 1998. It identified the potential environmental impacts of reasonable alternatives for the proposed siting, construction and operation of three facilities for plutonium disposition. The draft also included the potential environmental impacts of using from three to eight commercial nuclear reactors to irradiate mixed oxide fuel. The potential impacts were based on a generic reactor analysis that used actual reactor data and a range of potential site conditions. Subsequently, six specific reactors at three sites have been selected through a competitive procurement process that included an environmental review specified in DOE's NEPA Regulations (10 CFR 1021.216). The Supplement describes the potential environmental impacts of irradiating mixed oxide fuel in these specific reactors. The proposed reactors are the Catawba Nuclear Station near York, South Carolina; the McGuire Nuclear Station near Huntersville, North Carolina; and the North Anna Power Station near Mineral, Virginia. Each of the proposed sites has two operating nuclear reactors that would be used to irradiate mixed oxide fuel assemblies.

The public hearing will provide the public the opportunity to present comments, ask questions, and discuss concerns related to plutonium disposition by the irradiation of the surplus plutonium as mixed oxide fuel in the six commercial reactors at the three sites. The Department will receive oral and written comments on the Supplement to the Draft SPD EIS. Written and oral comments will be given equal weight in preparing the final SPD EIS. Input from this hearing along with comments received by other means (phone, mail, fax, website) will be used by the Department in preparing the final SPD EIS. The public hearing will be held in the Washington Room of the Hotel Washington, 15th St. and Pennsylvania Ave. NW, Washington, DC. Two sessions will be held on that date. The first session will start at 9 am and the second session will begin at 1:30 pm. Advanced registration for the hearing is requested but not required. Please call 1–800–820–5134 and leave your name and the session or sessions you plan to attend. This information will be used to determine the size and number of rooms needed for the hearing.

Issued in Washington, DC on this 4th day of June 1999, for the United States Department of Energy.

Laura S.H. Holgate,

Director, Office of Fissile Materials Disposition.

[FR Doc. 99–15125 Filed 6–14–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed extension to the ''Recordkeeping Requirements of DOE's General Allocation and Price Rules,'' ERA–766R.

DATES: Written comments must be submitted on or before August 16, 1999. If you anticipate difficulty in submitting

comments within that period, contact the person identified below as soon as possible.

ADDRESSES: Send comments to Mr. John D. Bullington, Office of General Counsel, GC–90, U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585–0103. Alternatively, he may be reached by phone at (202) 586–7364, by e-mail, *dan.bullington@hq.doe.gov*, or by FAX at (202) 586–6191.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Bullington at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. No. 93–275, 15 U.S.C. 761 *et seq.*) and the Department of Energy Organization (DOE) Act (Pub. L. No. 95–91, 42 U.S.C. 7101 *et seq.*), require the Energy Information Administration (EIA) to carry out a centralized, comprehensive, and unified energy data information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under Section 3507(h) of the Paperwork Reduction Act of 1995.

The recordkeeping requirements are authorized by section 203(a)(1) of the Economic Stabilization Act (ESA) of 1970, as amended (Pub. L. 92–210, 85 State. 743) and by section 13(g) of the Federal Energy Administration Act (FEAA) of 1974, as amended (Pub. L. 93–275). DOE proposes to extend for three years the limited recordkeeping requirements presently contained in 10 CFR 210.1. The antecedent regulation was narrowed by amendment in January 1985.

The record retention requirements of 10 CFR 210.1 do not mandate the creation or retention of any new records. Instead, they require firms to preserve only historical records relating to compliance with the petroleum regulations.

The proposed extension of 10 CFR 210.1 will enable DOE to continue its efforts to complete the enforcement program with respect to prior petroleum price and allocation regulations.

II. Current Actions

This is an extension with no change of the existing requirements. The requirements are proposed to be extended for a period of three years, from December 31, 1999 to December 31, 2002.

III. Request for Comments

Prospective respondents and other interested persons are invited to comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. EIA is interested in receiving comments from persons regarding whether the proposed recordkeeping requirements are necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the instructions regarding the recordkeeping requirements clear and sufficient? If not, which instructions require clarification?

B. Can information be maintained as specified in the recordkeeping requirements?

C. Public reporting burden for the recordkeeping requirements are estimated to average 4 hours per respondent. The estimated burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose and provide the information.

Please comment on (1) The accuracy of the agency's estimate and (2) how the agency could minimize the burden of this requirement, including the use of information technology.

D. The agency estimates respondents will incur no additional costs other than the hours required to maintain the records. What is the estimated: (1) Total dollar amount annualized for capital and start-up costs, and (2) recurring annual costs of operation and maintenance, and purchase of services associated with these recordkeeping requirements?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. They also will become a matter of public record.

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC, June 8, 1999.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 99–15127 Filed 6–14–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–287–034]

El Paso Natural Gas Company; Notice of Compliance Filing

June 9, 1999.

Take notice that on June 2, 1999, El Paso Natural Gas Company (EL Paso) tendered for filing two contracts between El Paso and Dynegy Marketing and Trade.

El Paso states that the contracts are being filed to comply with the Commission's order, issued May 28, 1999 at Docket Nos. RP97–287–032, that accepted tariff sheets reflecting the contracts, subject to the contracts being filed for further review.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 16, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/

rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–15092 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–545–000]

Northern Natural Gas Company; Notice of Request To Modify Operation of Compressor Station

June 9, 1999.

Take notice that Northern Natural Gas Company (Northern Natural) 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed on June 3, 1999, for certificate authorization to modify the operation of its Earlville Compressor station. Northern Natural seeks to operate this compressor station at 15,000 horse power (hp) rather than 14,000 hp at which it is currently operated. Northern Natural states that the proposed modification will increase operational flexibility and capacity on the East Leg segment of its pipeline system. Northern estimates that the cost of this proposal will be $25,000, to be financed with internally generated funds. Northern Natural's proposal is more fully set forth in its application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.us/online/rims.htm. Call 202–208–2222 for assistance.

Any person desiring to be heard or to make any protest with reference to this application should on or before June 30, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a protest or a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no protest is filed within the time required herein. At that time, the Commission, on its own review of the matter, will determine whether granting the Certificate is required by the public convenience and necessity. If a protest or motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Northern Natural to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–15090 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–308–001]

Northwest Alaskan Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 9, 1999.

Take notice that on June 4, 1999 Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing to its FERC Gas Tariff, Original Volume No. 2, Substitute Forty-Sixth Revised Sheet No. 5, proposed to be effective July 1, 1999.

Northwest Alaskan states that the instant filing is being submitted to correct errors in the calculation of the demand charge adjustment for Rate Schedule X–1 filed on May 17, 1999 to be effective for the period of July 1, 1999 through December 31, 1999. Specifically, Northwest Alaskan is submitting this filing to correct errors in the calculation of the ''Seller's Costs Allocable to Alberta Gas Purchased for resale to PAGUS I'' on page 7 line 2 of Exhibit I and in the calculation of the ''Actual PAGUS I NOVA Charge'' on page 9 line 2 of Exhibit I. In both instances an incorrect Daily Contract Quality was used in the calculations.

Included in Appendix B attached to the filing are the workpapers supporting the derivation of the revised demand charge and demand charge adjustment reflected on the tariff sheet included therein.

Northwest Alaskan states that it is serving copies of the instant filing to its affected customers.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–15093 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–236–002]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

June 9, 1999.

Take notice that on June 4, 1999, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 2, Eighteenth Revised Sheet No. 1 and Second Revised Sheet No. 859. Such tariff sheets are proposed to be effective June 4, 1999.

Transco states that the purpose of the instant filing is to terminate Transco's Rate Schedules X–94 in compliance with the Commission's order issued May 4, 1999 in Docket No. CP98–236–000. Such order authorized among other things, the abandonment of the exchange service performed under Transco's Rate Schedule X–94. Additionally, the Table of Contents in Transco's Original Volume No. 2 Tariff has been updated to reflect the termination of Rate Schedule X–94.

Transco respectfully requests that the Commission grant a waiver of the notice requirements in Section 154.207 of its Regulations, and any other waivers that may be necessary, in order that the enclosed tariff sheets be made effective as proposed herein.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–15089 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP93–109–016]

Williams Gas Pipelines Central, Inc.; Notice of Refund Report

June 9, 1999.

Take notice on June 3, 1999, that Williams Gas Pipelines Central, Inc. (Williams) tendered for filing a refund report in Docket No. RP93–109.

Williams states that a copy of its filing was served on all participants listed on the service list maintained by the Commission in the docket referenced above and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 16, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–15091 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–1957–001, et al.]

Northeast Power Coordinating Council, et al.; Electric Rate and Corporate Regulation Filings

June 8, 1999.

Take notice that the following filings have been made with the Commission:

1. Northeast Power Coordinating Council

[Docket Nos. ER99–1957–001, *et al.*]

Take notice that on June 1, 1999, Northeast Power Coordinating Council (NPCC) filed on behalf of the Member Systems of the New York Power Pool and joined by Allegheny Energy, Inc., Consumers Energy Co., and the Detroit Edison Company, and with the support of Ontario's Independent Electricity Market Operations, tendered for filing with the Federal Energy Regulatory Commission (Commission) a compliance filing pursuant to the Commission's order issued on May 12, 1999 in Docket No. EL98–52–000.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Thicksten Grimm Burgum, Incorporation, Monterey Consulting Associates, Incorporated, and Dartmouth Power Associates Limited Partnership

[Docket Nos. ER96–2241–011, ER96–2143–010, and ER96–149–005]

Take notice that on May 27, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. PowerSource Corp.

[Docket Nos. ER98–3052–003 and ER98–3052–004]

Take notice that on May 28, 1999, the above-mentioned power marketer filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

4. AIE Energy Inc. and Jpower Inc.

[Docket Nos. ER98–3164–001, ER98–3164–002, ER98–3164–003 and ER95–1421–012]

Take notice that on June 1, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. Avista Corporation

[Docket No. ER99–2389–000]

Take notice that on June 3, 1999, Avista Corporation (Avista Corp.), tendered for filing a response to the deficiency letter issued in this docket on May 7, 1999.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. PacifiCorp

[Docket Nos. ER99–2470–000 and ER99–2515–000]

Take notice that on June 3, 1999, PacifiCorp, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a request for a deferral of Commission action in the above FERC Docket Numbers.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Alliant Energy Corporate Services Inc.

[Docket No. ER99–3113–000]

Take notice that on June 1, 1999, Alliant Energy Corporate Services Inc. (ALTM) tendered for filing a signed Service Agreement under ALTM's Market Based Wholesale Power Sales Tariff (MR–1) between itself and Wisconsin Public Service Corporation (WPS).

ALTM respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 26, 1999.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Duke Energy Corporation

[Docket No. ER99–3114–000]

Take notice that on June 1, 1999, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with PP&L EnergyPlus Co., for Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Duke Energy Corporation

[Docket No. ER99–3115–000]

Take notice that on June 1, 1999, Duke Energy Corporation (Duke) tendered for filing a Service Agreement with PP&L EnergyPlus Co. for Non-Firm Point-To-Point Transmission Service under Duke's Open Access Transmission Tariff.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Carolina Power & Light Company)

[Docket No. ER99–3116–000]

Take notice that on June 1, 1999, Carolina Power & Light Company (CP&L) tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service with Carolina Power & Light—Wholesale Power Department. Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of July 1, 1999 for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. ER99–3117–000]

Take notice that on June 1, 1999, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (doing business as GPU Energy) filed a Restated Composite Power Pooling Agreement among the GPU Energy companies (Restated Agreement). The Restated Agreement governs the integrated operation of the three GPU Energy companies.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Duke Energy St. Francis LLC

[Docket No. ER99–3118–000]

Take notice that on June 1, 1999, Duke Energy St. Francis LLC (DESF) tendered for filing an Application for Approval of Market-Based Power Sales Tariff, For Waivers of Commission Regulations, and to Reassign Transmission Capacity.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Alliant Energy Corporate Services Inc.

[Docket No. ER99–3119–000]

Take notice that on June 1, 1999, Alliant Energy Corporate Services Inc. (ALTM) tendered for filing a signed Service Agreement under ALTM's Market Based Wholesale Power Sales Tariff (MR–1) between itself and Cargill-Alliant, LLC.

ALTM respectfully requests a waiver of the Commission's notice requirements, and an effective date of May 28, 1999.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. PacifiCorp

[Docket No. ER99–3120–000]

Take notice that on June 1, 1999, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, the fully executed Generation Control/ Storage/Delivery Agreement between PacifiCorp and Public Service Company of Colorado (PSCO) under PacifiCorp's FERC Electric Tariff, First Revised Volume No. 12. Also filed was PSCO's Certificate of Concurrence.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Niagara Mohawk Power Corporation

[Docket No. ER99–3121–000]

Take notice that on June 1, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and TransCanada Power Marketing Ltd. (TransCanada) for Non-firm Point-To-Point Transmission Service. This Transmission Service Agreement specifies that TransCanada has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and TransCanada to enter into separately scheduled transactions under which Niagara Mohawk will provide non-firm transmission service for TransCanada as the parties may mutually agree.

Niagara Mohawk requests an effective date of May 26, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and TransCanada.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. New York State Electric & Gas Corporation

[Docket No. ER99–3122–000]

Take notice that on June 1, 1999, New York State Electric & Gas Corporation (NYSEG) filed a Notice of Termination of executed Network Service and Network Operating Agreements between NYSEG and the energy service companies participating in NYSEG's retail access program (the Transmission Customers). The Transmission Customers are listed in an attachment to the filing. The Agreements contain notification that the NYSEG Open Access Transmission Tariff may be superseded in whole or in part by the proposed tariff of the New York State Independent System Operator (NYISO).

NYSEG requests waiver of the Commission's notice requirements, expedited resolution, and that the termination be made effective as of the effective date of the NYISO tariff.

NYSEG has served copies of the filing on the New York State Public Service Commission and the Transmission Customers listed in an attachment to the filing.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER99–3123–000]

Take notice that on June 1, 1999, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP) tendered for filing a Firm Point-to-Point Transmission Service Agreement between NSP and Northwestern Wisconsin Electric Company and its affiliate North Central Power Company.

NSP requests that the Commission accept the agreement effective May 1, 1999, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Virginia Electric and Power Company

[Docket No. ER99–3124–000]

Take notice that on June 1, 1999, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service with Minnesota Power, Inc. under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreement, Virginia Power will provide Firm Point-to-Point Transmission Service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of June 1, 1999.

Copies of the filing were served upon Minnesota Power, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Minergy Neenah, L.L.C.

[Docket No. ER99–3125–000]

Take notice that on June 1, 1999, Minergy Neenah, L.L.C. (Minergy), a Wisconsin limited liability company, tendered for filing an application for authorization to sell power at market-based rates, a proposed market-based tariff for the sale of capacity and energy pursuant to negotiated agreement, a form of service agreement, and a code of conduct.

Minergy requests that the Commission accept the tariff and code of conduct for filing and grant such waivers of its regulations and blanket authorizations as the Commission has granted to other power marketers.

Minergy requests that the Commission permit the tariff to become effective no later than July 1, 1999.

Copies of the filing have been served upon the Wisconsin Public Service Commission.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Entergy Services, Inc.

[Docket No. ER99–3138–000]

Take notice that on June 3, 1999, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Gulf States, Inc. (Entergy Gulf States), tendered for filing an Interconnection and Operating Agreement between Entergy Gulf States and Crown Paper Company d/b/a Crown Vantage.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. West Texas Utilities Company

[Docket No. ER99–3139–000]

Take notice that on June 3, 1999, West Texas Utilities Company (WTU), tendered for filing a service agreement with Big Country Electric Cooperative, Inc. (Big Country) for interruptible service under WTU's WPC Tariff.

WTU requests an effective date of June 3, 1999. Accordingly, WTU requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Big Country and the Public Utility Commission of Texas.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–3140–000]

Take notice that on June 3, 1999, Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing an unexecuted network integration transmission service and network operating agreements for Letterkenny Industrial Development Authority.

The proposed effective date agreed to be the Parties is May 3, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Consumers Energy Company

[Docket No. ER99–3141–000]

Take notice that on June 3, 1999, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for unbundled wholesale power service with Northern Indiana Public Service Company pursuant to Consumers' Market Based Power Sales Tariff accepted for filing in Docket No. ER98–4421–000.

The service agreement has an effective date of May 5, 1999.

Copies of the filing have been served on the Michigan Public Service Commission and Northern Indiana Public Service Company.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. FPH Electric, L.L.C., doing business as Energy Risk Solutions

[Docket No. ER99–3142–000]

Take notice that on June 3, 1999, FPH Electric, L.L.C., FPH Electric, L.L.C., doing business as Energy Risk Solutions (FPH) petitioned the Commission for acceptance of FPH Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

FPH intends to engage in wholesale electric power and energy purchases and sales as a marketer. FPH is not in the business of generating or transmitting electric power. FPH has no members who own or control any electric generation, transmission, franchised retail service territories, generation sites, natural gas fuel supplies, or any other potential barriers to entry.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. Reliant Energy Indian River, LLC

[Docket No. ER99–3143–000]

Take notice that on June 3, 1999, Reliant Energy Indian River, LLC (Reliant Indian River), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 authorizing Reliant Indian River to make sales at market-based rates.

Reliant Indian River intends to sell electric power at wholesale. In transactions where Reliant Indian River sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Reliant Indian River's Rate Schedule provides for the sale of energy and capacity at agreed prices.

Reliant Indian River has requested waiver of the Commission's Regulations to permit this rate schedule to become effective on the date Reliant Indian River acquires the Indian River Facility.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Alliance Companies

[Docket No. ER99–3144–000]

Take notice that on June 3, 1999, the Alliance Companies (American Electric Power Service Corporation, Consumers Energy Company, The Detroit Edison Company, FirstEnergy Corp., and Virginia Electric and Power Company) on behalf of themselves and their public utility operating company subsidiaries tendered for filing an application under Section 205 of the Federal Power Act for approval of the proposed Alliance Regional Transmission Organization (Alliance RTO).

The application seeks approval to create the Alliance RTO which could be formed initially as either the Alliance Transco or the Alliance ISO. The proposal would permit the Alliance ISO, if formed initially, to be replaced by the Alliance Transco under conditions specified in the Alliance Agreement filed as part of the application. The application also includes a proposed Alliance RTO open access transmission tariff that would provide service into, from and through the Alliance RTO. The Applicants request that the Alliance RTO open access transmission tariff become effective upon the transmission service date of the Alliance RTO and that it supersede the open access transmission tariffs of the respective Alliance Companies and their operating companies at that time.

Comment date: June 23, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. Air Products and Chemicals, Inc.

[Docket No. QF99–84–000]

Take notice that on May 28, 1999, Air Products and Chemicals, Inc. (Air Products) filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility consists of a hydrogen steam methane reformer integrated with a combined cycle cogeneration plant and portions of the Clark Refining & Marketing, Inc. (Clark Refining) petroleum refinery at Port Arthur, Texas that will take steam and electricity produced by the cogeneration plant. The hydrogen steam methane reformer and cogeneration plant will be owned and operated by Air Products and will be installed at the petroleum refinery owned by Clark Refining. Air Products intends to include both the producing and consuming components as part of the qualifying facility.

Comment date: June 28, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–15088 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–1473–000, et al.]

Sempra Energy Trading Corporation, et al.; Electric Rate and Corporate Regulation Filings

June 7, 1999.

Take notice that the following filings have been made with the Commission:

1. Sempra Energy Trading Corporation

[Docket No. ER99–1473–000]

Take notice that on June 1, 1999, Sempra Energy Trading, Corporation, tendered for filing an addendum to Ms. Sloan's supplemental affidavit filed on April 26, 1999, in the above-referenced docket.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Northeast Utilities Service Company

[Docket No. ER99–2687–000]

Take notice that on June 2, 1999, Northeast Utilities Service Company filed a letter withdrawing their quarterly market-based rate summary for long-term transactions that was filed on April 30, 1999 in the above-referenced proceeding.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Front Range Energy Associates L.L.C.

[Docket No. ER99–2879–000]

Take notice that on June 2, 1999, Front Range Energy Associates, L.L.C. (Front Range), tendered for filing a supplement to its May 7, 1999, petition for authority to sell power at market-based rates and related waivers, filed in the proceeding captioned above. Specifically, Front Range filed on a public basis certain information it had previously filed under seal and for which it had requested confidential treatment.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Illinois Power Company

[Docket No. ER99–3111–000]

Take notice that on June 1, 1999, the above-mentioned public utility filed their quarterly report for the quarter ending March 31, 1999.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Alliant Energy Corporate Services, Inc.

[Docket No. ER99–3112–000]

Take notice that on June 1, 1999, Alliant Energy Corporate Services, Inc. tendered for filing an executed Service Agreement for Non-Firm Point-to-Point Transmission Service, establishing *Avista Energy, Inc.* as a point-to-point Transmission Customer under the terms of the Alliant Energy Corporate Services, Inc. transmission tariff.

Alliant Energy Corporate Services, Inc. requests an effective date of May 21, 1999, and accordingly, seeks waiver of the Commission's notice requirements.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: June 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Allegheny Power Service Corp., on behalf of Monongahela Power Co.; The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER99–3126–000]

Take notice that on June 2, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 57 to add American Municipal Power—Ohio, Inc., to Allegheny Power Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission.

The proposed effective date under the Service Agreement is May 27, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Bishop Power Company, Inc.

[Docket No. ER99–3127–000]

Take notice that on June 2, 1999, Bishop Power Company, Inc. (Bishop Power), petitioned the Commission for acceptance of Bishop Power Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

Bishop Power intends to engage in wholesale electric power and energy purchases and sales as a marketer. Bishop Power is not in the business of generating or transmitting electric power. Bishop Power is a wholly-owned subsidiary of The Bishop Group, Ltd. The Bishop Group, Ltd., owns certain subsidiaries which are engaged primarily in the ownership and operation of an interstate natural gas pipeline in Kansas, Missouri and Oklahoma.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Consumers Energy Company and The Detroit Edison Company

[Docket No. ER99–3128–000]

Take notice that on June 2, 1999, Consumers Energy Company and The Detroit Edison Company tendered for filing an executed Amendment No. 4, to the Electric Coordination Agreement between Consumers Energy Company and The Detroit Edison Company and an amendment to related Coordinated Operating Practice No. 12. The filing companies also tendered for filing service agreements enabling each filing company to take service under the other company's market-based power sales tariff.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. FirstEnergy Operating Companies

[Docket No. ER99–3129–000]

Take notice that on June 2, 1999, Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (collectively, the FE Operating Companies), tendered for filing a Service Agreement under their FERC Electric Tariff, Original Volume No. 2, for sales of Capacity Resources to FirstEnergy Services Corp. and Penn Power Energy Inc., (collectively, the Retail Affiliates). The FE Operating Companies state that the Retail Affiliates may need to purchase Capacity Resources from them from time to time in order to comply with the PJM Reliability Assurance Agreement.

The FE Operating Companies have asked that the Service Agreement be permitted to become effective on June 3, 1999.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. International Energy Consultants, Inc.

[Docket No. ER99–3130–000]

Take notice that on June 2, 1999, International Energy Consultants, Inc. (International), petitioned the Commission for acceptance of International Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

International intends to engage in wholesale electric power and energy purchases and sales as a marketer. International is not in the business of generating or transmitting electric power. International does not have any affiliates.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Carolina Power & Light Company

[Docket No. ER99–3131–000]

Take notice that on June 2, 1999, Carolina Power & Light Company (CP&L), tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service with Carolina Power & Light—Wholesale Power Department. Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of July 1, 1999, for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission

and the South Carolina Public Service Commission.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Kansas City Power & Light Company

[Docket No. ER99–3132–000]

Take notice that on June 2, 1999, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated April 23, 1999, between KCPL and Enserch Energy Services. This Agreement provides for the rates and charges for Non-Firm Transmission Service. In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888–A in Docket No. OA97–636.

KCPL proposes an effective date of May 11, 1999, and requests waiver of the Commission's notice requirement.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Entergy Services, Inc.

[Docket No. ER99–3133–000]

Take notice that on June 2, 1999, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Gulf States, Inc. (EGSI), tendered for filing a Generator Imbalance Agreement with Dow Chemical Company.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Kansas City Power & Light Company

[Docket No. ER99–3134–000]

Take notice that on June 2, 1999, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated May 10, 1999, between KCPL and Enserch Energy Services.

This Agreement provides for the rates and charges for Short-term Firm Transmission Service. In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888–A in Docket No. OA97–636–000.

KCPL proposes an effective date of May 11, 1999, and requests a waiver of the Commission's notice requirement to allow the requested effective date.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Kansas City Power & Light Company

[Docket No. ER99–3135–000]

Take notice that on June 2, 1999, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated May 10, 1999, between KCPL and Kansas Municipal Energy Agency. This Agreement provides for the rates and charges for Short-term Firm Transmission Service.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888–A in Docket No. OA97–636–000.

KCPL proposes an effective date of May 17, 1999, and requests a waiver of the Commission's notice requirement to allow the requested effective date.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Consumers Energy Company

[Docket No. ER99–3137–000]

Take notice that on June 2, 1999, Consumers Energy Company (Consumers) tendered for filing a revision to the annual charges due Consumers from Northern Indiana Public Service Company (Northern), under the terms of the Barton Lake-Batavia Interconnection Facilities Agreement (designated Consumers Energy Company Electric Rate Schedule FERC No. 44).

The revised charges are provided for in Subsection 1.043 of the Agreement, which provides that the annual charges may be redetermined effective May 1, 1999 using year-end 1998 data with a new annual charge rate. As a result of the redetermination, the monthly charges to be paid by Northern were decreased from $15,525 to $14,923.

Consumers requests an effective date of May 1, 1999, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Northern, the Michigan Public Service Commission and the Indiana Utility Regulatory Commission.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Pacific Gas & Electric Company

[Docket No. ER99–3145–000]

Take notice that on June 2, 1999, Pacific Gas and Electric Company (PG&E), tendered for filing an Interconnection Agreement Between Pacific Gas and Electric Company and the Laguna Irrigation District, dated May 28, 1999 (Agreement). PG&E explains that the Agreement initially was negotiated, and is now being filed, pursuant to the Commission's ''Proposed Order Directing Interconnection and Establishing Further Procedures, issued September 16, 1998, in the above-captioned docket (Proposed Order), 84 FERC ¶ 61,226 (1998). PG&E previously had filed an unexecuted copy of the Agreement. At the request of PG&E and Laguna, the Commission also previously had ordered that the proceedings in this Docket be held in abeyance pending the outcome of settlement discussions between PG&E and Laguna. In the current filing, PG&E requests, on behalf of itself and Laguna, that the Commission: (I) accept the Agreement for filing, as directed by the Proposed Order in this case; (ii) provide guidance as to whether the filing of the Interconnection Agreement should be treated as a Section 205 filing and, if so, grant any necessary waivers to allow the Agreement to become effective as of May 28, 1999; and (iii) cease holding the case in abeyance, and instead reinstate its active consideration of the issues presented by Laguna's Application in this case.

Copies of this filing have been served upon Laguna, and the California Public Utilities Commission and other intervenors in FERC Docket No. EL98–46–000.

Comment date: June 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–15062 Filed 6–14–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Record of Decision for the Interconnection of the Sutter Power Project With the Western Area Power Administration's Keswick-Elverta/ Olinda-Elverta 230-Kilovolt Double-Circuit Transmission Line

AGENCY: Western Area Power Administration, DOE.

ACTION: Record of decision.

SUMMARY: The Western Area Power Administration (Western) prepared this Record of Decision in response to a request submitted to Western for a direct interconnection of Calpine Corporation's (Calpine) proposed Sutter Power Project (SPP) with Western's electric transmission system. In response to this request, Western completed an Interconnection Feasibility Study that determined that Western would need to build certain direct interconnection facilities, and make modifications of associated facilities and operational adjustments to its transmission system to accommodate the SPP generation. Western has decided to move forward on an Interconnection Agreement with Calpine for the SPP including agreements for making the necessary modifications to Western's transmission system. Western has determined that no significant environmental impacts will result from the construction, operation, and maintenance of the SPP or its ancillary facilities. These facilities include a natural gas pipeline, a new switching station, and approximately 4 miles of new 230-kilovolt (kV) transmission line. This transmission line will act as a generation tie line. Western prepared this Record of Decision in accordance with the Council Envrionmental Quality regulations for implementing the National Environmental Policy Act (NEPA) (40 CFR parts 1500–1508), and Department of Energy Procedures for Implementing NEPA (10 CFR part 1021).

FOR FURTHER INFORMATION CONTACT: Ms. Loreen McMahon, Environmental Project Manager, Sierra Nevada Customer Service Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630–4710, telephone (916) 353–4460, email: *mcmahon@wapa.gov*.

SUPPLEMENTARY INFORMATION: Western is the lead federal agency under NEPA for the SPP. The California Energy Commission (CEC), a regulatory agency of the State of California, has the statutory authority to license thermal powerplants of 50 megawatts (MW) or more and is the State lead agency for the SPP. CEC prepares environmental documentation equivalent to the California Environmental Quality Act. Western and CEC determined that joining the two processes would provide many benefits to the public. The CEC and Western released a joint Draft Environmental Impact Statement (EIS)/ Final Staff Assessment (FSA) in October 1998, and subsequently held joint hearings on that document in November and December 1998. Following the release of Western's Draft EIS, Western determined that the next document in the CEC process, the Presiding Member's Proposed Decision (PMPD), would be an inappropriate vehicle for Western to present responses to comments on the Draft EIS. Western was concerned that this may appear that Western had predetermined the outcome of the review process. Therefore, Western prepared its own Final EIS, with input from the CEC.

Western released the Final EIS in April 1999 (DOE/EIS–0294). Western identified Calpine's proposal as the preferred alternative. Calpine proposes to construct the SPP in Sutter County, California, on a portion of a 77-acre parcel of land owned by Calpine. The SPP project would consist of a nominal 500 MW net electrical output natural gas-fired, combined cycle generating facility. The powerplant and Western's Keswick-Elverta and Olinda-Elverta double-circuit 230-kV transmission lines would be interconnected by a generation tie line consisting of approximately 4 miles of 230-kV transmission line and a 230-kV switching station at some point south and west of the plant. This generation tie line would be constructed as a double circuit transmission line, but initially operated as a single circuit. A new 12-mile natural gas pipeline would be constructed to provide fuel for the project. SPP would be a ''merchant plant'', selling power on a short-term and midterm basis to customers, and on the spot market. Calpine will assume all economic costs. Power produced by this plant would be sold at the market price and made available to all market participants.

Description of Alternatives

During the environmental analysis, the CEC siting process developed 11 siting alternatives to the proposed location. Seven locations were dismissed as infeasible alternatives using selective factors included zoning issues, economic factors (whether it appeared feasible that Calpine could acquire the alternative site), and other environmental factors. The four remaining alternate sites were compared to the unmitigated impacts of the proposed SPP location. The potential impacts to each sensitive issue (water, air, natural resources, cultural resources, visual, noise, etc.) were analyzed and discussed in some detail in the Draft EIS/FSA.

System alternatives were also proposed and developed as mitigative measures to the original proposal. The greatest potential for significant impacts in the original proposal was to water resources and associated biological impacts to aquatic dependent species. The project was originally planned to draw an average of 3,000 gallons of water per hour, cycle it 2.5 times through the plant for cooling and steam generation, then discharge the effluent into the surface drainage system currently used for agricultural irrigation runoff which drains into the Sutter Bypass. This discharge had the potential to have an adverse biological effect to species that use the Sutter National Wildlife Refuge. In response, Calpine agreed to design the plant with a 100 percent dry cooling system. This alternative would reduce water usage by 95 percent and discharge no water to the surface drainage system. This would alleviate the impacts of the plant on aquatic resources and on sensitive species.

A second system alternative was proposed to mitigate air pollution associated with the plant. Under the original alternative, the SPP would have an increased impact on ozone precursors including nitrous oxide (NO_X) and airborne particulate matter (PM_{10}). Sutter County is currently in a non-attainment area for PM_{10}. Calpine proposed a series of mitigative measures to satisfy the concerns of the CEC, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board, and the Feather River Air Quality Management District. These included measures such as the dry cooling design that reduces the production of PM_{10} by plant operations to near zero. Calpine also has agreed to adhere to stringent EPA control technology recommendations for ozone precursors (including NO_X), and has developed a strategy to utilize emission offsets (Emission Reduction Credits) to fully mitigate the remaining releases of pollutants.

The Draft EIS/FSA identified one issue as having a significant adverse impact that could not be mitigated. Based upon the analysis of the CEC staff, it was believed that the plant site and the transmission lines would have an adverse impact on the visual

resources of the project area. The analysis concluded the impact to a very few individuals at one particular location were great enough to raise the level of the visual impacts to significant. However, the CEC concluded in its PMPD that the Draft EIS/FSA analysis did not take into account the larger viewshed of the area and determined that the visual impacts were, therefore, not significant. Western agrees with this conclusion.

A final issue concerned the impacts to existing wetlands at the proposed site location. Region IX of the EPA expressed concerns over the wetland impacts of the project proposal. These wetlands are within the original 77-acre parcel owned by Calpine. This parcel had been a seasonally flooded rice field when the existing Greenleaf I plant was constructed in 1985, but the portion of the parcel not built upon had been left fallow. The SPP will fill 5.83 acres of these former rice fields. The EPA pointed out that there was an alternative presented in the Draft EIS/FSA that would avoid impacts to all wetlands. However, that alternative was considered infeasible because Sutter County would not likely permit a conversion of currently cultivated agricultural land to industrial use, the landowners stated their strong opposition to selling to Calpine for any reason, and this location had the likelihood of impacting the nearby Sutter National Wildlife Refuge.

Western has determined that the proposed action, with the system alternatives discussed above, is the environmentally preferable alternative. This alternative, with the mitigative measures outlined below, will not have a significant effect on any portion of the human environment.

Mitigation Measures

Western and the CEC have detailed 165 different Conditions of Certification, or mitigative measures, to reduce the impacts of the SPP. Not all of these conditions are included to reduce significant environmental impacts, some are merely intended to apply to the SPP as standard operating procedures. These conditions of certification are part of the standard certification process of the CEC. However, the following presents an overview of the mitigative measures that Calpine will adopt to reduce the environmental impacts of the SPP.

In terms of impacts to air resources, 44 separate conditions will apply to the construction and operation of the SPP. The plant itself will use the air-cooling alternative. Calpine must take a number of measures to reduce or avoid fugitive dust emissions during the construction phase of the project, such as paving roads, wetting open excavations, washing vehicles, and others. Calpine must obtain Emission Reduction Credits greater than 100 percent of the plant's emissions for all criteria pollutants. Other control technologies will reduce emissions to the lowest levels according to the best available control technology. Any potential for air emissions beyond the agreed upon levels, such as shutting down control equipment, or breaking or repairing this equipment, requires notification to the local air quality control district. Calpine must mitigate land use issues by construction and operation controls, such as using earth berms, vegetation screening, and lighting controls to reduce the impacts on the surrounding residents. Calpine must place the transmission lines to reduce to the greatest degree impacts to local farming practices. Calpine must also provide a new aircraft landing strip for use by the local farmers.

Calpine has agreed to carry out certain measures to lessen the impacts to the socioeconomic resources. These include payments to the local fire protection district for new equipment and training for firefighters.

The analysis in the Final EIS concluded that there was not a significant visual impact imposed by the project provided that certain measures were taken to lessen some of the impacts. Calpine must paint the existing plant, the new plant, and any other structures such as tanks, stacks, and fences with non-reflective colors so that they blend into the surroundings better. They must hood or direct exterior lighting onto surfaces to minimize light pollution, including fixes to the existing plant. They must landscape property to screen most of the plants from outside viewers. Finally, to the extent possible, they must not place transmission line structures directly in front of residences or in direct line-of-sight from a residence to the Sutter Buttes.

Though the impacts to biological resources are expected to be minimal, Calpine must provide a biological monitor on site during all construction phases, and provide environmental awareness training for all employees. Certain restrictions must be observed, such as timing and monitoring of activities to minimize impacts to the giant garter snake, Swainson's hawk, and migratory birds. Finally, Calpine must provide funding to Wildlands, Incorporated, to acquire and manage lands to compensate for loss of habitat.

Using the dry-cooling alternative will minimize overall impacts to water resources, and the plant must not discharge any wastewater into streams or surface water. The plant will provide sufficient on site stormwater retention to control a 10-year, 24-hour storm event so that the plant does not contribute to drainage problems. Calpine must mitigate impacted wetlands by purchasing land through Wildlands, Incorporated, at a ratio of one acre of compensatory wetlands for every acre disturbed.

Qualified professionals must monitor all construction-related activities in all areas determined to be sensitive for cultural and paleontological resources.

Specific mitigative measures have been proposed for the actions needed to accommodate the interconnection with Western's transmission system. The Mitigation Action Plan, prepared under 10 CFR 1021.331 and adopted as part of this Record of Decision, details the specific mitigation needed for the interconnection. These include the conditions placed upon the siting of the transmission line, which are discussed above. Also adopted as part of the environmentally preferred alternative, is the transmission line route with the switching station at the end of O'Banion Road.

All practicable means have been taken to avoid or minimize the environmental harm of the environmentally preferred alternative. No significant environmental impacts will result from the construction, operation, and maintenance of the SPP or its ancillary facilities.

Dated: May 25, 1999.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 99–15126 Filed 6–14–99; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6358–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Agricultural Health Study: Pesticide Exposure Study

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB) entitled: ''Agricultural Health Study: Pesticide Exposure Study'' EPA ICR Number: 1906.01. Before submitting this

ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 16, 1999.

ADDRESSES: Public comments should be submitted to: Ms. Dianne Dean, US EPA (MD–56), Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Interested persons may obtain a copy of this ICR without charge by contacting Ms. Dianne Dean, 919–541–3085. Fax: 919–541–1486. E-mail: dean.dianne@epamail.epa.gov. For technical information on the proposed study, contact Mr. Gary Evans, 919–541–3124. FAX: 919–541–4046. E-mail: evans.gary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are private pesticide applicators in the Agricultural Health Study epidemiological cohort, their spouses, and children.

Title: Agricultural Health Study: Pesticide Exposure Study, EPA ICR Number: 1906.01.

Abstract: The National Cancer Institute (NCI), the National Institute of Environmental Health Sciences (NIEHS) and the U.S. Environmental Protection Agency (U.S. EPA) have agreed through a Memorandum of Understanding to perform a prospective epidemiological study of the risk of cancer and other diseases for 90,000 registered pesticide applicators and their spouses in the states of Iowa and North Carolina. Information Collection Requests prepared by NCI for survey data collection in the AHS epidemiological study have received OMB approval (current OMB #0925–04–06, expires November 30, 2001). The U.S. EPA will support the AHS by performing an exposure measurement study of private pesticide applicators in the cohort. The exposure measurement study is the subject of the information collection request cited in this notice.

Study respondents will be registered private pesticide applicators in the AHS prospective epidemiological cohort, their spouses, and up to two children (between the ages of 3–18 years old) selected from each home. An estimated total of 160 applicators will be selected into the study. Approximately 24 of these applicators will be asked to participate in the exposure study in each of two years. Participation will be entirely voluntary.

Applicator exposures will monitored around their application of a target pesticide. Observations of applicator pesticide handling, mixing, loading, and application (HMLA) work practices will be performed. A sample of the pesticide formulation will be collected. Measurements of applicator exposure will be obtained through collection of personal, environmental, and urinary biomarker samples. Urine samples will be collected from participating spouses and children to measure urinary biomarkers of exposure to the applied pesticide.

A screening questionnaire will be administered to cohort pesticide applicators to determine their eligibility for participation in the exposure study. A modified version of the NCI AHS Private Pesticide Applicator Followup Questionnaire (OMB #0925–04–06) will be administered to the applicator immediately after the observed HMLA activity. A Biomarker Questionnaire will be administered to the applicator at the end of the monitoring period to collect data for interpreting the measurements and to provide additional information about applicator and farm family exposure to pesticides. Spouse and child components of the Biomarker Questionnaire will be administered to participating spouses and up to two participating children in the applicator's family. The full NCI AHS Private Pesticide Applicator Followup Questionnaire (OMB ι0925–04–06) will be administered to the pesticide applicator several months after the observed application event.

The data will be used by scientists within ORD and the Agencies collaborating on AHS. Data will be used to:

(i) Assess the magnitude of cohort applicator exposures to applied target pesticides;

(ii) Assess the classification of cohort applicator exposures using data from AHS epidemiological study questionnaires and provide data for refining exposure classification algorithms;

(iii) Identify key exposure factors;

(iv) Assess the association between the application of target pesticides and potential exposure for the applicator's spouse and child.

The information will appear in the form of final EPA reports, journal articles, and will also be made publicly available.

The total cost of the study is estimated to be $1.8 M over a period of three years.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: Screening questionnaires will be administered by telephone to determine eligibility to participate in the study. It is estimated that 800 AHS cohort applicators will be screened to identify eligible pesticide applicators. Average respondent burden for screening is estimated to be 10 minutes. The total burden for the screening questionnaire is estimated to be 133 hours.

Average respondent burden for applicators participating in the exposure measurement study is estimated to be 4 hours for pesticide applicators, 60 minutes for applicator spouses and children providing urine samples, and 30 minutes for children only responding to the questionnaire. This time includes recruitment, training time, time the respondent will spend collecting or assisting collection of samples, and time spent completing interviewer-administered questionnaires. Approximately 24 of the 160 pesticide applicators will be monitored two times. It is estimated that 115 spouses and 96 children will provide urine samples and answer the questionnaire. An estimated additional 64 children will participate by answering the questionnaire only. The total burden for participating in the exposure study is estimated to be 983 hours.

The overall total estimated burden for screening and for participation in the exposure study is estimated to be 1116 hours. Data collection is scheduled to occur over a two-year period with work approximately 60 applicators in the first year, and the remainder of the applicators and repeat visits in the second year. Therefore, the annual

burden is estimated to be 410 hours for respondents for the first year, and 706 hours in the second year.

There are no direct respondent costs for this data collection. An incentive payment of $100 will be offered to defray the burden for pesticide applicators participating in the exposure measurement study. An incentive payment of $20 will be offered to spouses and children providing urine samples, and $5 to children responding to the questionnaire only.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: May 27, 1999.

Gary J. Foley,

Director, National Exposure Research Laboratory.

[FR Doc. 99–15168 Filed 6–14–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6359–5]

Agency Information Collection Activities; Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides; Submission of ICR No. 0161.08 to OMB for Review and Approval; Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of submission to OMB; request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) entitled: ''Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides'' (EPA No. 0161.08, OMB No. 2070–0027) has been forwarded to the Office of Management and Budget (OMB) for review and approval pursuant to the OMB procedures in 5 CFR 1320.12. This ICR, which is abstracted below, describes the nature of the information collection and its estimated cost and burden. The Agency is requesting that OMB renew for 3 years the existing approval for this ICR, which is scheduled to expire on June 30, 1999. Before submitting this ICR to OMB, EPA issued a **Federal Register** document announcing the Agency's intent to seek OMB approval for this ICR and providing a 60-day public comment opportunity (64 FR 3083, January 20, 1999). EPA did not receive any comments on this ICR during the comment period.

DATES: Additional comments, identified by ICR numbers EPA No. 0161.08 and OMB No. 2070–0027, must be received on or before July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone on (202) 260-2740, by e-mail: ''farmer.sandy@epa.gov.'' You may also obtain copies of the ICR document from the EPA Internet Home Page at http://www.epa.gov/icr/icr.htm and refer to EPA ICR No. 0161.08.

ADDRESSES: Send comments, referencing EPA ICR No. 0161.08 and OMB Control No. 2070-0027, to the following addresses:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Regulatory Information Division (Mail Code: 2137), 401 M Street, S.W., Washington, DC 20460;

and to:

Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

SUPPLEMENTARY INFORMATION:

Review Requested: This is a request to renew a currently approved information collection pursuant to 5 CFR 1320.12.

ICR Numbers: EPA ICR No. 0161.08; OMB Control No. 2070–0027.

Current Expiration Date: Current OMB approval expires on June 30, 1999.

Title: Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides.

Abstract: This data collection program is designed to provide notice to foreign purchasers of unregistered pesticides exported from the United States that the pesticide product cannot be sold in the United States. Section 17(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the Act) requires an exporter of any pesticide not registered under FIFRA section 3 or sold under FIFRA section 6(a)(1) to obtain a signed statement from the foreign purchaser acknowledging that the purchaser is aware that the pesticide is not registered for use in the United States and cannot be sold in the United States. A copy of this statement must be transmitted to an appropriate official of the government in the importing country. The purpose of the purchaser acknowledgment statement requirement is to notify the government of the importing country that a pesticide judged hazardous to human health or the environment, or for which no such hazard assessment has been made, will be imported into that country. This information is submitted in the form of annual or per-shipment statements to the EPA, which maintains original records and transmits copies thereof to appropriate government officials of the countries which are importing the pesticides. The burden for this information collection has been constant since the implementation of the 1993 pesticide export policy governing the export of pesticides, devices, and active ingredients used in producing pesticides.

A detailed description of the collection activity covered by this ICR is provided in the ICR. The other activities related to pesticide registration, e.g., labeling and recordkeeping, are covered by a separate ICR (EPA ICR No. 0277; OMB Control No. 2070–0060). In general, the records that are required to be maintained under section 8 of FIFRA are already covered by the Pesticide Registration ICR. In addition, this ICR does not include any estimated burden or costs related to pesticide product labeling, which is not considered to be a collection of information subject to approval under the PRA because the information that must be included as the product labeling has been approved and provided by EPA. In 1995, in the context of the Pesticide Registration ICR, OMB determined that the Agency does not need to estimate burden or costs for the third party disclosure requirement involving the registrant's disclosure of product specific information to potential users and the general public through the pesticide labeling is not considered to be a collection of information subject to approval under the PRA because the information that must be included as the product labeling has been approved and provided to the registrant by EPA. (5 CFR 1320.3(c)(2)). This ICR, therefore, only accounts for the incremental burden of maintaining records related to the foreign labeling, and providing appropriate translations of certain required labeling statements.

Burden Statement: The annual respondent burden for this information collection, which is based on a response

consisting of the submission of an FPAS and use of multi-lingual labeling, and varies slightly according to the registration status of the product, is estimated to average about 6.2 hours per response for registered products (1.081 hours for the FPAS+5.083 hours for multi-lingual labeling), and about 6.7 hours per response for unregistered products (1.081 hours for the FPAS+5.583 hours for multi-lingual labeling). The annual respondent cost for this information collection is estimated to average about $492.49 per response for registered products ($74.33 for the FPAS+$418.16 for multi-lingual labeling), and about $553.99 per response for unregistered products ($74.33 for the FPAS+$479.66 for multi-lingual labeling). Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. No person is required to respond to a collection of information subject to approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations, after initially appearing in the Final Rule, are displayed in 40 CFR part 9, and on any applicable information collection instrument.

The following is a brief summary of the estimates presented in this ICR:

Respondents/Affected Entities: Exporters of pesticide products.

Estimated total number of potential Respondents: 2,500.

Frequency of Response: As determined by the exporter.

Estimated total annual burden hours: 21,451.3.

Estimated total annual burden costs: $1,746,536.

Changes in Burden Estimates: The change in respondent burden is due to three factors: (1) EPA has revised the burden estimate for the purchaser acknowledgment requirement to reflect the numbers of FPASs submitted to EPA under the revised policy; (2) EPA has also adjusted the estimated burden imposed by the multi-lingual export labeling requirement, which requires exporters to translate the approved label provided by EPA, and (3) the estimated costs have increased significantly due to the use of the labor rates recently supplied by the Bureau of Labor Statistics. However, no changes have been made to the requirements for foreign purchaser acknowledgments.

Next Step in the process for this ICR: After providing a 30 day opportunity for additional comments from the public, OMB will review and take action on the Agency's request. If this ICR involves the renewal of a currently approved collection activity for which the renewal request was submitted to OMB before the current approval expires, then the current approval will be extended month-to-month until OMB takes an action on the pending request (see 5 CFR 1320.10(e)(2) and 1320.12(b)(2)). Periodically, EPA publishes a notice in the **Federal Register** listing recent OMB actions on the Agency's ICR submittals. If you have any questions about this ICR or the approval process, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: June 9, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–15171 Filed 6–14–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–140280; FRL–6082–8]

Access to Confidential Business Information by Versar Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor Versar, Incorporated, of Springfield, Virginia for access to information which has been submitted to EPA under sections 4, 5, 6, and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data by Versar occurred as a result of an approved waiver dated May 4, 1999, which requested granting Versar immediate access to TSCA CBI. This waiver was necessary to allow Versar to provide exposure assessment support for both new and existing chemicals.

FOR FURTHER INFORMATION CONTACT: Christine Augustyniak, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under contract number 68–W–99–041, contractor Versar Incorporated, of 6850 Versar Center, Springfield, VA, will assist the Office of Pollution Prevention and Toxics (OPPT) in providing exposure assessment support for both new and existing chemicals submitted under sections 4, 5, 6, and 8 of TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–W–99–041, Versar will require access to CBI submitted to EPA under sections 4, 5, 6, and 8 of TSCA to perform successfully the duties specified under the contract. Versar personnel will be given access to information submitted to EPA under sections 4, 5, 6, and 8 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, and 8 of TSCA that EPA may provide Versar access to these CBI materials on a need-to-know basis only.

All access to TSCA CBI under this contract will take place at U.S. EPA Headquarters and Versar's Springfield, VA site.

Versar will be authorized access to TSCA CBI at their office under the EPA *TSCA Confidential Business Information Security Manual.* Before access to TSCA CBI is authorized at Versar's office site, EPA will perform the required inspection of its facility and ensure that the facility is in compliance with the Manual. Upon completing review of the CBI materials, Versar will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until April 30, 2004.

Versar personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.

Dated: June 6, 1999.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution and Prevention and Toxics.

[FR Doc. 99–15175 Filed 6–14–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6359–8]

Exposure Factors Handbook

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of final document and CD–ROM.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the availability of a final document, Exposure Factors Handbook, Volumes I–III (EPA/600/P–95/002Fa, EPA/600/P–95/002Fb, and EPA/600/P–95/002Fc; August 1997) and Exposure Factors Handbook CD–ROM (EPA/600/C–99/001, February 1999), prepared by the National Center for Environmental Assessment-Washington (NCEA–W), within the Office of Research and Development of the EPA. The purpose of the document and CD–ROM is to provide a summary of the available statistical data on various factors used in assessing human exposure. This Handbook will serve as a resource for exposure assessors inside the Agency as well as outside, who need to obtain data on standard factors to calculate human exposure to toxic chemicals. These factors include: Drinking water consumption; soil ingestion; inhalation rates; dermal factors including skin area and soil adherence factors; consumption of fruits and vegetables, fish, meats, dairy products, and home-grown foods; breast milk intake; human activity factors; consumer product use; and residential characteristics. Recommended values are for the general population and also for various segments of the population who may have characteristics different from the general population. NCEA has strived to include full discussions of the issues that assessors should consider in deciding how to use these data and recommendations. The CD–ROM contains an interactive version of the Exposure Factors Handbook. The CD–ROM has word search capabilities, down-loadable tables, hypertext links to various chapters in the document, and key references.

ADDRESSES: The document is being made available electronically from the NCEA web site at http://www.epa.gov/ncea/exposfac.htm. A limited number of copies of both the printed and CD–ROM versions of the Handbook will be available from EPA's National Service Center for Environmental Publications (NSCEP) in Cincinnati, Ohio (telephone: 1–800–490–9198, or 513–489–8190; facsimile 513–489–8695). Please provide the title and EPA number when ordering from NSCEP. Documents may also be ordered via the internet at www.epa.gov/NCEPIhome/orderpub.html. Paper copies may be purchased from the National Technical Information Service (NTIS) in Springfield, VA (1–800–553–NTIS(6847) or 703–605–6000; facsimile 703–321–8547). Please provide the following numbers when ordering from NTIS: Vol. I—PB98–124225, Vol. II—PB98–124233, Vol. III—PB98–124241, and the Set—PB98–124217.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Jacqueline Moya (202–564–3245): mailing address: NCEA–W (8623D), U.S. Environmental Protection Agency, Washington, D.C. 20460; facsimile: 202–565–0079; e-mail moya.jacqueline@epa.gov.

Dated: June 7, 1999.

William H. Farland,

Director, National Center for Environmental Assessment.

[FR Doc. 99–15173 Filed 6–14–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6359–9]

Proposed CERCLA Administrative Cost Recovery Settlement; Circle Finishing Corporation

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the M&V Electroplating Corporation Superfund site in Newburyport, Massachusetts with the following settling party: Circle Finishing Corporation. The settlement requires the settling party to pay $1,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling party pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a). For thirty (30) days following the date of publication of this notice, the Agency the United States will receive written comments relating to the settlement. The United States will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency United States' response to any comments received will be available for public inspection at the Newburyport Public Library, Newburyport, Massachusetts, and U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100, Boston, MA 02114.

DATES: Comments must be submitted on or before July 15, 1999.

ADDRESSES: The proposed settlement is available for public inspection at U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100, Boston, MA 02114. A copy of the proposed settlement may be obtained from Sharon C. Fennelly, Site Evaluation and Response Section II, U.S. EPA, Region 1, One Congress Street, Suite 1100 (HBR), Boston, MA 02114, (617) 918–1263. Comments should reference the M&V Electroplating Corporation Superfund Site, Newburyport, Massachusetts and EPA Docket No. CERCLA I–99–0022 and should be addressed to Sharon C. Fennelly, Site Evaluation and Response Section II, U.S. EPA, Region 1, One Congress Street, Suite 1100 (HBR), Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Sharon C. Fennelly, Site Evaluation and Response Section II, U.S. EPA, Region 1, One Congress Street, Suite 1100 (HBR), Boston, MA 02114, (617) 918–1263.

Dated: June 3, 1999.

Dennis Huebner,

Acting Director, Office of Site Remediation and Restoration, U.S. EPA, Region 1.

[FR Doc. 99–15169 Filed 6–14–99; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for renewal of license of station WTVE(TV), Channel 51, Reading, Pennsylvania, and for a construction permit for a new television station on Channel 51 at Reading. [MM Docket No. 99–153; DA 99–865].

Applicant	City/State	File No.
A. Reading Broadcasting, Inc.	Reading, Pennsylvania	BRCT–940407KF
B. Adams Communications Corp.	Reading, Pennsylvania	BPCT–940630KG

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest; and

(2) To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

3. A copy of the complete Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 Twelfth Street, S.W., Washington, D.C. 20554. The complete text may also be purchased from the Commission's duplicating contractor, ITS, 445 Twelfth Street, S.W. (telephone 202–875–8324).

Federal Communications Commission.

James J. Brown,

Deputy Division Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99–15085 Filed 6–14–99; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2337]

Petitions for Reconsideration of Action in Rulemaking Proceeding

June 9, 1999.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by June 30, 1999. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 (CC Docket No. 96–128).

Number of Petitions Filed: 2.

Federal Communications Commission.

Magalie Roman Salas,

Secretary .

[FR Doc. 99–15176 Filed 6–14 –99; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission For OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: Renewal of a currently approved collection.

Title: Summary of Deposits.

OMB Number: 3064–0061.

Annual Burden:

Estimated annual number of respondents: 6,400.

Estimated time per response: 3 hours.

Average annual burden hours: 19,200 hours.

Expiration Date of OMB Clearance: July 31, 1999.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before July 15, 1999 to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The Summary of Deposits annual survey obtains data regarding the amount of deposits held at each office of all banks in the United States. The survey data provides a basis for measuring the competitive impact of bank mergers and has additional use in banking research.

Federal Deposit Insurance Corporation.

Dated: June 8, 1999.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–15069 Filed 6–15–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:

Pan-World Express, Inc., 5359 W. Valley Boulevard, Los Angeles, CA 90032, Officer: Adam D. Lam, President, (Qualifying Individual)

MC Trans USA Inc., 2908 Oregon Court, I–10, Torrance, CA 90503, Officers: Haruo Katono, President, Fusao Kiuchi, Exec. Vice President, (Qualifying Individual)

Neptune Shipping Company, Parker Plaza, 400 Kelby Street, PO Box #39, Fort Lee, NJ 07024, Officers: Jane J. Dong, President, Sammy Xiaoming Sheng, Managing Director, (Qualifying Individual)

American President Shipping, Ltd., 245 Dolphin Drive, Hewlett Neck, NY 11598, Officers: Vincent Icolari, President, (Qualifying Individual), Milton Heid, Vice President

Rical Logistics (SFO) Inc., 242–A Lawrence Avenue, South San Francisco, CA 94080, Officer: William Hom, Vice President, (Qualifying Individual)

Delmar Logistics, Inc., 8939 S. Sepulveda Blvd., Suite 302, Los Angeles, CA 90045, Officer: Vincent Iacopella, President, (Qualifying Individual)

Rical Air Express, Inc. d/b/a/ Rical Logistics, 147–29 182nd Street, Jamaica, NY 11413, Officers: Gabriel

Lee, President, (Qualifying Individual), Michael Ma, Vice President

U.S. Marine Lines Inc., 1333 Broadway, #1222, New York, NY 10018, Officers: Jacob T. Puthenparambil, President, (Qualifying Individual), Shantiial Fernado, Secretary

Rical Air Express Inc. d/b/a Rical Logistics, 9100 S. Sepulveda Blvd., Suite 117, Los Angeles, CA 90045, Officers: Gabriel Lee, President, Charles Cheung, Vice President, (Qualifying Individual)

EMO Trans L.A. Inc., 11100 Hindry Avenue, Los Angeles, CA 90045, Officers: Jo Frigger, President, Marco Rohrer, Exec. Vice President, (Qualifying Individual)

Japan Express America Inc. d/b/a, Japan Express, 18 Essex Road, Paramus, NJ 07652, Officers: Minoru Kawabata, President, Minoru Wada, Exec. Vice President, (Qualifying Individual)

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants:

Milana Holdings, Inc d/b/a M&M International Logistics, 472 Plaza Drive, Suite E & F, Atlanta, GA 30349, Officers: Peter D. Milana, President, (Qualifying Individual), Nara R. Milana, Secretary.

Dated: June 10, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–15116 Filed 6–14–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 9, 1999.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. AmericasBank Corp, Baltimore, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of AmericasBank, Baltimore, Maryland.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. First Bancshares Corporation, Gladstone, Michigan; to acquire an additional 5.84 percent, for a total of 10.84 percent of the voting shares of Baybank Corporation, Gladstone, Michigan, and thereby acquire Baybank, Gladstone, Michigan.

Board of Governors of the Federal Reserve System, June 9, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–15077 Filed 6–14–99; 8:45 am]

BILLING CODE 6210–01–F

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, June 21, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW, Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–15328 Filed 6–11–99; 3:41 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Office of Management Services, Administrative Policy and Information Management Division; Cancellation of an Optional Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Administrative Policy and Information Management Division eliminated the need for Optional Form 121, Communications Control because of low usage. Therefore, OF 121 is cancelled.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, (202) 501–0581.

DATES: Effective June 15, 1999.

Dated: June 7, 1999.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 99–15059 Filed 6–14–99; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR) Automation of Medical Standard Form 602

AGENCY: General Services Administration.

ACTION: Guideline on automating medical standard forms.

BACKGROUND: The Interagency Committee on Medical Records (ICMR) is aware of numerous activities using computer-generated medical forms, many of which are not mirror-like images of the genuine paper Standard/

Optional Form. With GSA's approval the ICMR eliminated the requirement that every electronic version of a medical Standard/Optional form be reviewed and granted an exception. The committee proposes to set required fields standards and that activities developing computer-generated versions adhere to the required fields but not necessarily to the image. The ICMR plans to review medical Standard/Optional forms which are commonly used and/or commonly computer-generated. We will identify those fields which are required, those (if any) which are optional, and the required form (if necessary). Activities may not add data elements that would change the meaning of the form. This would require written approval from the ICMR. Using the process by which overprints are approved for paper Standard/Optional forms, activities may add other data entry elements to those required by the committee. With this decision, activities at the local or headquarters level should be able to develop electronic versions which meet the committee's requirements. This guideline controls the ''image'' or required fields but not the actual data entered into the field.

SUMMARY: With GSA's approval, the Interagency Committee on Medical Records (ICMR) eliminated the requirement that every electronic version of a medical Standard/Option form be reviewed and granted an exception. The following fields must appear on the electronic version of the following form:

ELECTRONIC ELEMENTS FOR SF 602

Item	Placement *
TEXT:	
Title Serology Record	Top of form.
Form ID: Standard Form 602 (Rev. 8–98)	Bottom right corner of form.
Section I—History of Present Infection	Top of form.
I have been informed by the medical officer that I have been diagnosed as a having sexually transmitted disease as indicated above; the nature of this disease has been explained to me; I understand that my cooperation is necessary in the treatment and prolonged observation (including certain prescribed tests) for the care of this disease. Disclosure of this information is required by law.	Before patient's signature.
Section II—History of Past Sexually Transmitted Infections or Treatments	
Section III—Treatment	
Section IV—Laboratory Summary	
* Satisfactory result cannot be reported without normal spinal fluid findings	Below Section V—Evaluation of Therapy—Result—Satisfactory.*
** Specify: Infectious Relapse: Sero-Relapse, Neuro-Relapse, Incomplete data on Spinal Fluid, Other (Specify.	Below Section V—Evaluation of Therapy—Result—Unsatisfactory.**
DATA ENTRY FIELDS:	
Source of Referral—Voluntary (Check box)	
Source of Referral—Contact Report (Check box)	
Source of Referral—Physical Inspection (Check box)	
Source of Referral—Blood Transfusion (Check box)	
Incident To—Hospitalization (Check box)	
Incident To—Premarital (Check box)	
Incident To—Prenatal (Check box)	
Incident To—Other (Check box)	
Incident To—Other (Specify)	
Dates—Onset Symptoms	
Dates—Requested Treatment	
Dates—Diagnosis Established	
Diagnostic (include stage and diagnosis number)	
Diagnostic Criteria—Darkfield (Results of test)	
Diagnostic Criteria—S.T.S. (Results of test)	
Diagnostic Criteria—Spinal Fluid (If indicated)	
Diagnostic Criteria—Other (List)	
Clinical Data (Include chief complaint, physical findings—eye, cardiovascular and nervous system, even in early syphilis)	
STD Contact Form Serial Numbers (allow for up to 3 numbera)	
Recommended Treatment	
Recommended Follow-up	
Signature of Physician	
Name of Physician	
Date (Signed by Physician)	
Signature of Patient	
Date (Patient Signed)	
Date (Of Treatment) (Allow at least 3 entries)	
Disease (Give state) (Allow at least 3 entries)	
Prior to Federal Service—Yes (Check box) (Allow at least 3 entries)	
Prior to Federal Service—No (Check box) (Allow at least 3 entries)	
History * * *—Treatment (Give type, amount and dates) (Allow at least 3 entries)	
Treating Agency (Allow at least 3 entries)	
Place (Institution and City) (Allow at least 3 entries)	
Treatment—Treatment (Allows for at least 3 entries)	
Treatment—Date Started (Allow for at least 3 entries)	
Treatment—Date Ended (Allow for at least 3 entries)	
Treatment—Signature of Physician (Allow for at least 3 entries)	
Relationship to Sponsor	

ELECTRONIC ELEMENTS FOR SF 602—Continued

Item	Placement*
Sponsor's Name—Last	
Sponsor's Name—First	
Sponsor's Name—MI	
Sponsor's ID Number (SSN or other)	
Depart./Service	
Hospital or Medical Facility	
Records Maintained At	
Darkfield Examination—Date (Allow for at least 2 entries)	
Darkfield Examination—Results (Allow for at least 2 entries)	
Darkfield Examination—Source of Speciment (Allow for at least 2 entries)	
Darkfield Examination—Laboratory (Allow for at least 2 entries)	
Darkfield Examination—Name of Confirming Officer (Allow for at least 2 entries)	
Nonspecific Treponenal Tests (VDRL, RPR, ART)—Date (Allow for at least 6 entries)	
Nonspecific Treponenal Tests (VDRL, RPR, ART)—Type (Allow for at least 6 entries)	
Nonspecific Treponenal Tests (VDRL, RPR, ART)—Result (Include titer value) (Allow for at least 6 entries)	
Nonspecific Treponenal Tests (VDRL, RPR, ART)—Laboratory (Allow for at least 6 entries)	
Specific Treponenal Tests (FTA–ABS, MHA–TP, TPHA, TPI)—Date (Allow for at least 2 entries)	
Specific Treponenal Tests (FTA–ABS, MHA–TP, TPHA, TPI)—Test Type (Allow for at least 2 entries)	
Specific Treponenal Tests (FTA–ABS, MHA–TP, TPHA, TPI)—Results (Allow for at least 2 entries)	
Spinal Fluid Examinations—Date (Allow for at least 2 entries)	
Spinal Fluid Examinations—Cells (Allow for at least 2 entries)	
Spinal Fluid Examinations—Total Protein (Allow for at least 2 entries)	
Spinal Fluid Examinations—Nonspecific And/Or Specific Tests (Including titer) (Allow for at least 2 entries)	
Spinal Fluid Examinations—Laboratory Where Done (Allow for at least 2 entries)	
Section V—Evaluation of Therapy—Date (Allow for at least 3 entries)	
Section V—Evaluation of Therapy—Facility Where Evaluated (Allow for at least 3 entries)	
Section V—Evaluation of Therapy—Result—Satisfactory* (Check box) (Allow for at least 3 entries)	
Section V—Evaluation of Therapy—Result)—Unsatisfactory* (Allow for at least 3 entries)	
Section V—Evaluation of Therapy—Result—Date of Retreatment (Allow for at least 3 entries)	
Section V—Evaluation of Therapy—Result—Physician's Signature (Allow for at least 3 entries)	
Reason for Incomplete Follow-Up—Date	
Reason for Incomplete Follow-Up—Place	
Reason for Incomplete Follow-Up—Type of Separation	
Reason for Incomplete Follow-Up—Authority For Discharge	
Reason for Incomplete Follow-Up—Civilian Health Department to Which Case Resume Was Sent	
Patient's Home Address on Separation—Street Address	
Patient's Home Address on Separation—City	
Patient's Home Address on Separation—State	
Patient's Home Address on Separation—ZIP Code	
Reinfection (Give date new record was opened)	
Remarks (Include significant post-treatment clinical findings)	
Section VI—Medical Officer Closing This Record—Name (Typed or printed)	
Section VI—Medical Officer Closing This Record—Signature	
Section VI—Medical Officer Closing This Record—Station	
Section VI—Medical Officer Closing This Record—Date	
Section VII—Medical Officer Sending Abstract to Department of Veterans Affairs on Discharge—Name (Typed or printed)	
Section VII—Medical Officer Sending Abstract to Department of Veterans Affairs on Discharge—Signature	
Section VII—Medical Officer Sending Abstract to Department of Veterans Affairs on Discharge—Station	
Section VII—Medical Officer Sending Abstract to Department of Veterans Affairs on Discharge—Date	
Patient's Name—last, first, middle)	Bottom left corner of form.
Patient's ID No. or SSN	Do.
Patient's Rank/Grade	Do.
Patient's Date of Birth	Do.
Register No.	Do.
Ward No.	Do.

*If no placement indicated, items can appear anywhere on the form.

FOR FURTHER INFORMATION CONTACT: CDR Steven S. Kerrick, National Naval Medical Center, Department of Ophthalmology, Bethesda, MD 20889–5000 or E-Mail at StevenK966@aol.com.

Dated: May 12, 1999.

Steven S. Kerrick,

Chairperson, Interagency Committee on Medical Records.

[FR Doc. 99–15060 Filed 6–14–99; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science

Announcement of Availability of Grants for Adolescent Family Life Demonstration Projects

AGENCY: Office of Adolescent Pregnancy Programs, Office of Population Affairs, OPHS, HHS.

ACTION: Notice.

SUMMARY: This Notice is to inform potential applicants of recent legislation affecting the availability of grant funding for Adolescent Family Life (AFL) demonstration projects under Title XX of the Public Health Service Act. Notices published on May 12, 1999 at 64 FR 25776 and 64 FR 25782 advised that the availability of funding for different types of new AFL demonstration projects was contingent upon the enactment of a proposed amendment to the Fiscal Year (FY) 1999 appropriation for Title XX. In order to continue to fund a larger number of prevention projects than is allowable under the statute, the Department had asked Congress to amend the FY 1999 appropriation for Title XX to include a waiver of the statutory provision which requires that not more than one-third of the funds appropriated for demonstration projects shall be used for prevention demonstration projects. That amendment was recently enacted as part of the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106–31). Thus, FY 1999 funding is now available only for new abstinence education prevention projects, as announced at 64 FR 25782. FY 1999 funds are *not* available for new care, prevention and combination care/prevention projects, as announced at 64 FR 25776. Any applications received under that announcement will be held for review and consideration in the following fiscal year, although the availability of funding for FY 2000 is uncertain.

DATES: The 1999 Emergency Supplemental Appropriations Act (Pub. L. 106–31) was enacted on May 21, 1999. Thus funds became available only for new AFL prevention projects, and not for new care, prevention and combination care/prevention projects, as of that date.

FOR FURTHER INFORMATION CONTACT: The OAPP Program Office at (301) 594–4004.

SUPPLEMENTARY INFORMATION: Title XX of the Public Health Service Act, 42 U.S.C. 300z *et seq.*, authorizes the Secretary of Health and Human Services to award grants for demonstration projects to provide services to pregnant and non-pregnant adolescents, adolescent parents and their families. (Catalog of Federal Domestic Assistance Number 93.995). Title XX authorizes grants for three types of demonstration projects: (1) Projects which provide ''care services'' only; (2) projects which provide ''prevention services'' only; and (3) projects which provide a combination of ''care'' and ''prevention'' services.

The Title XX statute contains a provision limiting the amount of AFL funding which may be used for prevention projects to not more than one-third of the overall monies available for demonstration projects. In the FY 1997 and 1998 appropriations for Title XX, as amended, Congress waived this limitation by enacting legislation which earmarked the majority of AFL demonstration funding for prevention grants, specifically abstinence education projects as defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In order to continue to fund a larger number of prevention projects than is allowable under the statute, the Department asked Congress to amend the FY 1999 appropriation for Title XX to include a waiver of the ''not more than one-third for prevention'' restriction. On May 21, 1999, Congress enacted the 1999 Emergency Supplemental Appropriations Act (Pub. L. 106–31), which includes that amendment in a provision which states, in pertinent part, that appropriated funds shall be used for abstinence education prevention projects ''without application of the [not more than one-third for prevention] limitation of section 2010(c) of said title XX.''

Pending final action on the requested amendment, in order to ensure that there were adequate applications which could be funded, two separate notices regarding the availability of grants for AFL demonstration projects were published on May 12, 1999. A Notice at 64 FR 25776 requested applications for new care, prevention and combination care/prevention projects. The announcement advised potential applicants that funding for these projects would be available only if the requested amendment to the FY 1999 appropriations act did not pass. With the enactment of the amendment to the FY 1999 appropriation for Title XX, funds are not available to support new care, prevention and combination care/prevention projects, as announced at 64 FR 25776. Any applications received under that announcement will be held for review and consideration in the following fiscal year, although the availability of funding in FY 2000 is uncertain. A separate Notice at 64 FR 25782 requested applications for prevention projects. This announcement advised potential applicants that funding for these projects would be available only if the amendment to the FY 1999 appropriations act did pass. With the enactment of the amendment to the FY 1999 appropriation for Title XX, funding is available only for new abstinence education prevention projects, as announced at 64 FR 25782.

Dated: June 7, 1999.

Samuel Taylor,

Acting Deputy Assistant Secretary for Population Affairs.

[FR Doc. 99–15065 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice Inverting Applications for New Award for Fiscal Year 1999 Grants To Determine Trends in Demand for Emergency Services

AGENCY: Office of the Secretary, The Office of the Assistant Secretary for Planning and Evaluation (ASPE), HHS.

ACTION: Announcement of the availability of funds and request for applications from State, local, non-profit or for-profit (provided that grant funds may not be paid as profit) research institutions to determine the trends in and status of demand for emergency assistance services during the period of falling welfare caseloads since 1993 and any impact on that demand from implementation of Temporary Assistance to Needy Families (TANF).

SUMMARY: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) announces the availability of funds and invites applications for research to determine the trends in and status of demand for emergency assistance services (e.g., emergency and transitional shelters, soup kitchens, food pantries) during the period of falling

welfare caseloads and TANF implementation. Grant applicants are expected to conduct empirical analyses using existing provider-level data sources (e.g., homeless and other emergency provider management information systems) in conjunction with socio-economic (e.g., average income, unemployment rates) and caseload data (e.g., number of TANF recipients, number of Food Stamp recipients) to explore trends and relationships in the data associated with the demand for emergency assistance services. Applicants are expected to provide local descriptive data (e.g., labor markets, housing availability) to provide a context for their analyses. Applicants also may propose additional methods for supplementary studies, including surveys, qualitative analyses, or other methods as appropriate to explore particular trends identified in historical data. The funds could either support a newly designed project or could be used to add new data sources and analyses to an existing project.

CLOSING DATE: The deadline for submission of applications under this announcement is July 30, 1999.

MAILING ADDRESS: Application instructions and forms should be requested from and submitted to: Adrienne Little, Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Room 405F, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201. Telephone: (202) 690–8794. Requests for forms and administrative questions will be accepted and responded to up to ten (10) working days prior to the closing date.

Copies of this program announcement and many of the required forms may also be obtained electronically at the ASPE World Wide Web Page: hppt://aspe.hhs.gov (see section on available grants and contracts.) You may fax your request to the attention of the Grants Officer at (202) 690–6518. Application submissions may not be faxed or submitted electronically.

The printed **Federal Register** notice is the only official program announcement. Although reasonable efforts are taken to assure that the file on the ASPE World Wide Web Page containing electronic copies of this program announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete.

FOR FURTHER INFORMATION CONTACT: Administrative questions should be directed to the Grants Officer at the address or phone number listed above. Technical questions should be directed to Davy Norris or Mary Ellen O'Connell, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Room 404E, Hubert H. Humphrey Building, 200 Independence Avenue, SE, Washington, DC 20201. Telephone: 202–401–6643 (Davy) or 202–260–0391 (Mary Ellen). Questions may be faxed to 202–690–6562 or e-mailed to dnorris@osaspe.dhhs.gov and *moconnel@osaspe.dhhs.gov*.

SUPPLEMENTARY INFORMATION:

Legislative Authority

This grant is authorized by section 1110 of the Social Security Act (42 U.S.C. 1310) and awards will be made from funds appropriated under Pub. L. 105–277, Department of Health and Human Services Appropriations Act, 1999.

Eligible Applicants

Eligible applicants include state or local units of local government, and public or private nonprofit organizations, including universities and other institutions of higher education Private for-profit organizations may apply, with the recognition that grant funds may not be paid as profit (any amount in excess of allowable direct or indirect costs of the recipient) to any recipient of a grant or subgrant.

Available Funds

Approimately $310,000 is available from ASPE, in funds appropriate for fiscal year 1999. ASPE anticipate providing two to four grant awards. If additional funding becomes available in fiscal years 1999 or 2000, further projects may be funded. Applications for funding under this announcement should projects that can be completely carried to with fifteen months of funding at the above anticipated level. No federal funds received as a result of this announcement can be used to purchase computer equipment.

Background

Welfare caseload have declined precipitously in recent years. Since January 1993, the number of people receiving federally funded assistance under Title IV–A of the Social Security Act has fallen from 14.1 million to just under 8 million recipients, a reduction of 44 percent. This decline has occurred partly in response to the strong economy, the Administration's grants of Federal waivers to 43 States, and the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104–193). In response to the demand from the public and policymakers, many studies have been and are currently being carried out to study the circumstances of the large numbers of people who have left welfare. However, significantly fewer projects are underways to investigate the impact that declining caseloads and welfare reform may have on the demand for and utilization of services from the perspective of community-level emergency assistance providers, and reasons for any changes in the composition of clients using such services. Clients served by these programs are those most likely to be missed by studies which track current or former TANF recipients. This grant announcement contributes to a triangulation approach to the Department's portfolio of welfare research. ASPE-sponsored data-linkage or research efforts in this area include projects involving linking of administrative data, research on state diversion programs, and two rounds of grants to States and large counties to study the outcomes of welfare reform.

Homeless shelters, soup kitchens and food pantries are among the most prevalent emergency assistance providers. Administrators of these programs, local and national coalitions whose members include these providers, and to a lesser extent, researchers, have reported that provisions of the TANF program, and other recent changes to welfare programs, have led to an increase in the number of people requesting services from emergency assistance providers, an increase in the number of people requesting services who report recent loss of benefits, and related signs of hardship. In other cases, providers have identified changes in the case-mix of their clients and have attributed it to changes in TANF policies. For example, Milwaukee has witnessed an increased in the number of women requesting emergency shelter at shelters for single adults. They attribute this increase to loss of benefits and women either having their children taken away or being forced to place them with family or friends. Limited systematic analyses have been conducted, however, to test these hypotheses.

Purpose and Responsibilities

Purpose

The purpose of this announcement is to support the efforts of state or local

research organizations to examine the question of whether declining welfare caseloads and TANF implementation have led to a shift in the demand and/or utilization of emergency assistance programs, and to explore some of the reasons this may be occurring. ASPE anticipates that applicants will use an analysis of provider data (# e.g., of service requests, # of people served, demographics of people served) in conjunction with socio-economic (e.g., employment rates, housing data) and caseload (e.g., # of TANF recipients, # of food stamp recipients) data over time to describe and analyze trends in demand for and use of emergency assistance providers. ASPE also expects to support state or local efforts to explore reasons for these trends.

Each Grantee will be expected to use data from multiple emergency assistance programs over time. A proposed study should include data from as many emergency assistance providers in the community as possible. Preference will be given to those applicants who propose to include service request and/or utilization data from a comprehensive number of emergency assistance providers, relative to their local community. However, applications which propose to analyze data from a single type of provider will also be considered. Applications which propose analyzes of a single provider will not be considered. Applicants may propose analyses of data from a single community or multiple communities. Applications which include multiple communities will receive a single rating.

In addition to changes in the TANF program, shifts in the utilization of emergency assistance providers may be explained by numerous factors, such as changes in the local economy or job market, the local housing market, or availability of emergency assistance or other services. Applicants will be expected to analyze socio-economic and caseload data in conjunction with provider data to enrich interpretation of data trends and relationships. Socio-economic data might include: employment rates, wage rates, housing costs, and housing availability. The comprehensiveness of the proposed community-level socio-economic data and its relevance to the proposed analysis will be an important criterion under which proposals are evaluated. Applicants also will be expected to provide other descriptive information such as local demographics, local industry and occupational make-up and characteristics of the TANF system to provide a context for and to enhance the analysis.

Applicants are expected to utilize historical provider, socio-economic and caseload data to establish a baseline for the analysis and to propose meaningful and sufficiently frequent intervals (e.g., quarterly) to analyze trends. In addition, applicants are expected to analyze data at these same intervals for one year from the date of grant award.

Applicants for the ASPE grants may propose to supplement their administrative provider, socio-economic and caseload data with client survey data or other data sources to explore reasons for identified trends, or impact on clients. For example, surveys of clients requesting services can provide insights into the reasons they are requesting emergency assistance.

To enable applicants to include up to a year of new data, applicants may submit proposals for studies lasting up to fifteen months from the date the grant is awarded.

ASPE understands that there is substantial variation in the distribution of emergency assistance providers within States and localities, and in the amount and type of data available. Topical areas that applicants may wish to address, with examples of potential policy questions, are listed below. Again, comprehensiveness of data is strongly encouraged and will be an important criterion under which proposals are evaluated. It is not expected that all applicants will propose supplementary studies on the impacts on clients.

1. Trends in Demand for Emergency Assistance Services

Has there been a shift in demand for emergency assistance services during the recent period of welfare caseload decline and TANF implementation? Has there been a shift toward a particular type of emergency assistance? How does the shift relate to changes in the TANF program or state waivers? Has there been an increase in the number of people requesting services who can not be served? Are services provided by emergency assistance providers more or less costly than public benefits? Is there a shift in the demographics of clients requesting or receiving services?

2. Community Socioeconomic Considerations

What local factors are related to shifts in demand for emergency assistance (e.g., changes in the local economy, wage rates, housing availability)? Are TANF caseloads changing in a pattern consistent with changes in demand for or utilization of emergency assistance? Is there a relationship between utilization of emergency assistance and the availability of these or other services?

3. Impacts on Clients (Supplementary Analyses)

What factors explain shifts in clients demographics? What reasons do first-time users of emergency assistance give for needing this service?

Grantee Responsibilities

1. No later than thirty (30) days after the award, the Grantee shall submit a final work plan, including a proposed analysis strategy and dissemination plan. The final work plan will update the work plan submitted in the original application to incorporate suggestions from the ASPE project officers.

2. No later than ninety (90) days after the date of award, the Grantee shall submit an initial progress report. Subsequent progress reports shall be submitted on a quarterly basis.

3. After completing the analysis, the Grantee shall prepare a final report describing the results of the study, including the procedures and methodology used to conduct the analysis, the research questions answered, the knowledge and information gained from the project, and any barriers encountered in completing the project. A draft of this report shall be delivered to the Federal Project Officer no later than thirty (30) days before the completion of the project. After receiving comments on the draft report from the Federal Project Officer, the Grantee shall deliver at least three (3) copies of a final report to the Grants Officer before the completion of the project. One of these copies must be unbound, suitable for photocopying; if only one is the original (has the original signature, is attached to a cover letter, etc.), it should not be this copy. The report also must be submitted on a 3½″disk.

4. The Grantee should budget for one meeting in Washington, DC during the grant period to meet with ASPE project officers.

ASPE Responsibilities

1. ASPE shall provide consultation and professional advice in the planning and operation of grant activities, including providing comments on the data analysis plan and other components of the work plan, progress reports, and draft report.

2. ASPE shall assist in information exchange and the dissemination of reports to appropriate Federal, State, and local entities.

3. ASPE shall plan and organize a grantee meeting.

Application Preparation and Evaluation Criteria

This section contains information on the preparation of applications for submission under this announcement, the forms necessary for submission, and the evaluation criteria under which the applications will be reviewed. Potential grant applications should read this section carefully in conjunction with the information provided above. The application must contain the required Federal forms, title page, table of contents, and sections listed below. All pages of the narrative should be numbered.

The application should include the following elements:

1. *Abstract:* A one page summary of the proposed project.

2. *Goals and Objectives of the Project:* An overview that describes (1) the project; (2) the specific research questions to be investigated and data sources to be used; and (3) knowledge and information to be gained from the project by the applicant, Federal, State and/or local government, and the research community. The proposed project should demonstrate an understanding of the range of variables that may affect trends in the utilization of emergency assistance services. If the proposal builds on any current project, the application should describe how funding under this announcement will enhance, not substitute for, current efforts.

3. *Methodology and Design:* Provide a description and justification of how the proposed research project will be implemented, including methodologies, chosen approach, specification of emergency assistance providers included, description of provider and socio-economic data, data sources, and a research plan that is consistent with the available data. The proposed research plan should:

(a) Describe the components of the emergency assistance system to be included in the study, the criteria for selection, and provide data to be utilized. Applicants should include one or more of the following: Homeless shelters (emergency and/or transitional) soup kitchens, food pantries, utility and/or rent assistance programs, and clothing banks. Applications should describe the emergency assistance system within the state or locality to be studied, the proportion of that system covered by available data, and any changes in the size or configuration of this system during the period of the study. This will provide reviewers an understanding of the emergency system generally and the comprehensiveness of the study. Applicants should also describe the format and method by which the data is to be obtained and specify whether permission has already been obtained from providers to utilize the data.

(b) Describe in detail the socio-economic and caseload data to be used as part of the analysis, the criteria for selection, and how the data will be obtained. In this description, identify important issues for which data currently are not available, and strategies for dealing with this lack of data when it pertains to the research questions in the proposal.

(c) Describe the time period to be used as a baseline and the reason this time period was chosen. Specify the data intervals to be used for the analysis.

(d) Describe the descriptive data to be used to frame the analysis and why it is relevant to the proposed analysis.

(e) If survey data collection is planned, identify and describe the methodology used to gather survey data. In particular, identify the sampling plan and the survey mode (e.g., telephone, in-person, mail), provide a description of the questions to be asked (as an alternative, applicants may provide a draft of their proposed survey instrument as a supplement to the application) and the steps that will be taken to address any biases inherent in each. These should include steps planned to ensure a high response rate, such as a mixed mode design, multiple attempts to contact sample members, or incentive payments to respondents, and steps taken to analyze differences between respondents and non-respondents. Because of the importance of a high response rate in ensuring reliability, these procedures will be an important part of the evaluation of proposals. Grant applicants must assure that the collected data will only be used for research purposes, and that all identifying information will be kept completely confidential, and should present the methods that will be used to ensure confidentiality of client-level information.

(f) If qualitative research such as focus groups or a qualitative description of emergency assistance clients' experiences are planned, the application should include a complete plan for data collection procedures and analysis. This plan should include an approach for reviewing written documents, identification of key informants, the composition of any proposed focus groups, planned discussion topics, a plan for summarizing and organizing the results, and the value that this part of the project will add to the final report. The application should demonstrate a familiarity with the difficulties and potential biases of qualitative research, and include plans to avoid or resolve them.

(g) Identify methodology the Grantee will use to analyze the data and organize the final report. Complex data analysis is not expected. Simple tabular analysis and descriptive statistics are appropriate. The description should include frequency of data periods, report organization and proposed tabulations, including table shells illustrating how the results will be presented. The application should explain how proposed supplementary analyses will be combined with and enhance analyses of provider data.

4. *Experience, capacity, qualifications, and use of staff:* Briefly describe the grant applicant's organization and research capabilities, and experience in conducting pertinent research projects. The description should document the applicant's ability to conduct unbiased, methodologically sound research and detail the applicant's experience utilizing the proposed or similar data sources. If the proposal involves survey work, the proposal should describe the applicant's experience in conducting relevant surveys. Similarly, if the proposal involves qualitative data collection or analysis, the applicant's experience with this type of research and with these populations must be described in detail. If the applicant proposes to utilize subcontractors, the experience of the subcontractor in relation to the work to be performed by the subcontractor much be fully described. If the grant applicant plans to contract for any of the work (e.g., survey design or administration, qualitative analysis), and the contractors have not been retained, the applicant should describe the process by which they will be selected. Identify the key staff who are expected to carry out the project and provide a resume or curriculum vitae for each person. Provide a discussion of how key staff will contribute to the success of the project, including the percentage of each staff member's time that will be devoted to the project. Finally, applicants should demonstrate access to computer hardware and software for storing and analyzing the data necessary to complete this project.

5. *Work plan:* A work plan should be included which lists the start and end dates of the project, a time line which indicates the sequence of tasks necessary for the completion of the project, and the responsibilities of each of the key staff. The plan should identify the time commitments of key staff members in both absolute and

percentage terms, including other projects and teaching or managerial responsibilities. Due to the desirability of including a full year of prospective data, work plans with time lines of up to fifteen months will be accepted. The work plan also should include plans for dissemination of the results of the study (e.g., articles in journals, presentations to state or local officials and at conferences).

6. *Budget:* Grant applicants must submit a request for federal funds using Standard Form 424A and include a detailed breakdown of all Federal line items. A narrative explanation of the budget should be included that states clearly how the funds associated with this announcement will be used and describes the extent to which funds will be used for purposes that would not otherwise be incorporated within the project. Cost sharing-matching is a mandatory requirement under this award. Applicants must demonstrate the amount and details of the cost sharing-matching arrangements. The applicant should also document the level of funding from other sources and describe how these funds will be expended.

Review Process and Funding Information

A Federal review panel will review and score all applications submitted by the deadline date that meet the screening criteria (all information and documents as required by this announcement.)

The panel will use the evaluation criteria listed below to score each application. The panel results will be the primary element used by the ASPE when making funding decisions. The Department reserves the option to discuss applications with other Federal or State staff, specialists, experts and the general public. Comments from these sources, along with those of the reviewers, will be kept from inappropriate disclosure and may be considered in making an award decision.

As a result of this competition, between two and four grants are expected to be made from funds appropriated for fiscal year 1999. Additional awards may be made depending on the policy relevance of proposals received and the available funding, including funds that may become available in fiscal years 1999 or 2000.

Reports

As noted in the Grantee Responsibilities, two substantive reports are required under the grant: a final work plan (due no later than thirty (30) days after the date of award), and a final report containing all results and analysis (draft version due no later than thirty (30) days before the end of the project and final version due at the conclusion of the project). A digital copy of the final report may be submitted on a 3½″ disk formatted in the DOS (FAT 16) format to allow APSE to make the report available via the Internet, in addition to the conventional written format.

In addition, Grantees shall provide concise quarterly progress reports. The specific format and content of these reports will be provided in the notification of grant award.

State Single Point of Contact (E.O. No. 12372)

DHHS has determined that this program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' Applicants are not required to seek intergovernmental review of their applications within the constraints of E.O. 12372.

Deadline for Submission of Applications

The closing date for submission of applications under this announcement is July 30, 1999. Hand-delivered applications will be accepted Monday through Friday, excluding Federal holidays, during the working hours of 9 a.m. to 4:30 p.m. in the lobby of the Hubert H. Humphrey building, located at 200 Independence Avenue, SW in Washington, DC. When hand-delivering an application, call (202) 690–8794 from the lobby for pick up. A staff person will be available to receive applications.

An application will be considered as having met the deadline if it is either received at, or hand-delivered to, the mailing address on or before July 30, 1999 or postmarked before midnight three days prior to July 30, 1999 and received in time to be considered during the competitive review process (within one week of the deadline).

When mailing applications, applicants are strongly advised to obtain a legibly dated receipt from the U.S. Postal Service or from a commercial carrier (such as UPS, Federal Express, etc.) as proof of mailing by the deadline date. If there is a question as to when an application was mailed, applicants will be asked to provide proof of mailing by the deadline date. If proof cannot be provided, the application will not be considered for funding. Private metered postmarks will not be accepted as proof of timely mailing. Applications which do not meet the deadline will be considered late applications and will not be considered or reviewed in the current competition. DHHS will send a letter to this effect to each late applicant.

DHHS reserves the right to extend the deadline for all proposals due to: (1) Natural disasters, such as floods, hurricanes, or earthquakes; (2) a widespread disruption of the mail; or, (3) if DHHS determines a deadline extension to be in the best interest of the Federal government. The Department will not waive or extend the deadline for any applicant unless the deadline is waived or extended for all applicants.

Application Forms

Application instructions and forms should be requested from and submitted to: Adrienne Little, Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Room 405F, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201. Telephone: (202) 690–8794. Requests for forms and questions (administrative and technical) will be accepted and responded to up to ten (10) working days prior to closing date of receipt of applications.

Copies of this program announcement and many of the required forms may also be obtained electronically at the ASPE World Wide Web Page: *http://aspec.hhs.gov* (see section on available grants and contracts.) You may fax your request to the attention of the Grants Officer at (202) 690–6518. Application submissions may not be faxed or submitted electronically.

The printed **Federal Register** notice is the only official program announcement. Although reasonable efforts are taken to assure that the files on the ASPE World Wide Web Page containing electronic copies of this program announcement are accurate and complete, they are provided for information only. The applicant bears sole responsibility to assure that the copy downloaded and/or printed from any other source is accurate and complete. This notice was printed in the **Federal Register** on July 30, 1999.

Also see section entitled ''Components of a Complete Application.'' All of this documents must accompany the application package.

Length of Application

In no case shall an application for the ASPE grant (excluding the resumes, appendices and other appropriate attachments) be longer than thirty (30) double-spaced pages. Applications should not be unduly elaborate, but should fully communicate the applicant's proposal to the reviewers.

Only relevant attachments should be included, for example, resumes of key personnel. Videotapes, brochures, and other promotional material, will be discarded and not reviewed. Project narratives should be formatted with 1-inch margins, double-spaced lines, and 12 point type, with consecutively numbered pages.

Selection Process and Evaluation Criteria

Selection of successful applicants will be based on the technical and financial criteria described in this announcement. Reviewers will determine the strengths and weaknesses of each application in terms of the evaluation criteria listed below, provide comments, and assign numerical scores. The review pane will prepare a summary of all applicant scores, strengths and weaknesses, and recommendations and submit it to the ASPE for final decisions on the award.

The point value following each criterion heading indicates the maximum numerical weigh that each section will be given in the review process. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, grant applicants should take care to ensure that all criteria are fully addressed in the applications. Grant applications will be reviewed as follows:

1. *Goals, Objectives, and Potential Usefulness of the Analysis* (20 points). The potential usefulness of the objectives and how the anticipated results of the proposed project will advance policy knowledge and development. If the proposed project builds on previous work, the application should explain how. Applications will be judged on the quality and policy relevance of the proposed projects.

2. *Quality and Soundness of Methodology and Design* (25 points). The appropriateness, soundness, and cost-effectiveness of the methodology, including the research design, selection of existing data sets, data gathering procedures, statistical techniques, and analytical strategies,

Other design considerations include the level of access the applicant currently has to the data to be included (e.g. already authorized to use the data, already collected the data), plans to obtain data not already collected, and how confidentiality of the records and information will be ensured. If applicants are unable to ensure the privacy and confidentiality of information included in the project, then it is highly unlikely that they will receive funding.

If surveys are planned, reviewers will also evaluate the methodology proposed to gather survey data. In particular, reviewers will evaluate the sampling plan, the survey mode (e.g., telephone, in-person, mail), and the steps that will be taken to address any biases inherent in each. This will include evaluating steps planned to ensure a high response rate, such as a mixed mode design, multiple attempts to contact sample members, or respondent payments, and steps planned to analyze differences between respondents and non-respondents, such as comparison of linked administrative data. Because of the important of a high response rate in ensuring reliability, these procedures will be an important part of the evaluation of proposals containing surveys. If qualitative research such as focus groups or a qualitative description of the TANF application, enrollment and closure policies and procedures are planned, reviewers will evaluate the plan for data collection procedures and analysis, including the planned approach for reviewing written documents, identification of key informants, the composition of any proposed focus groups, planned discussion topics, a plan for summarizing and organizing the results, and the value that this part of the project is expected to add to the final report. The extent to which the application demonstrates a familiarity with the difficulties and potential biases of this approach, and plans to avoid or resolve them, will also be a scoring factor.

Reviewers also will evaluate the proposed data analysis, including the proposed tabulations and table shells, the planned organization of the final report, and the proposal's discussion of how different data sources (e.g., data from administrative source, survey data collection, other research) will be synthesized to enhance the proposed analyses.

3. *Comprehensiveness of Data* (15 points). The comprehensiveness of the proposed emergency assistance provider data in relation to the local emergency assistance system. The comprehensiveness of socio-economic and caseload data in relation to the proposed project. Reviewers will also consider the ability of the applicant to provide historical data to establish a reasonable baseline and the rationale for the proposed time period to be used as a baseline.

4. *Qualifications of Personnel and Organizational Capability*. (20 points). The qualifications of the project personnel for conducting the proposed research as evidenced by professional training and experience, and the capacity of the organization to provide the infrastructure and support necessary to support the project and conduct an unbiased analysis. Reviewers will evaluate the principal investigator and staff on research experience and demonstrated research skills, relative to the work proposed. If the applicant plans to contract for any of the work (e.g., survey design or administration, qualitative analysis), and the contractors have not been retained, reviewers will consider the process by which they will be selected.

Reviewers may consider references for work completed on prior research projects. Principal investigator and staff time commitments also will be a factor in the evaluation. Reviewers will rate the applicant's pledge and ability to work in collaboration with other scholars or organizations in search of similar goals

5. *Ability of the Work Plan and Budget to Successfully Achieve the Project's Objectives.* (20 points). Reviewers will examine if the work plan and budget are reasonable and sufficient to ensure timely implementation and completion of the study and whether the application demonstrates an adequate level of understanding by the applicant of the practical problems of conducting such a project. Adherence to the work plan is necessary in order to produce results in the time frame desired; demonstration of an applicant's ability to meet the schedule will therefore be an important part of this criterion. Reviewers will also examine the use of any additional funding and the role that funds provided under this announcement will play in the overall project. The proposal should also discuss in detail how results will disseminate to state and local officials, researchers, and other interested parties.

Disposition of Application

1. Approval, disapproval, or deferral. On the basis of the review of the application, the Assistant Secretary will either (a) approve the application as a whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review.

2. Notification of disposition. The Assistant Secretary for Planning and Evaluation will notify the applicants of the disposition of their applications. If approved, a signed notification of the award will be sent to the business office named in the ASPE checklist.

3. The Assistant Secretary's Discretion. Nothing in this announcement should be construed as to obligate the Assistant Secretary for

Planning and Evaluation to make any awards whatsoever. Awards and the distribution of awards among the priority areas are contingent on the needs of the Department at any point in time and the quality of the applications that are received.

The Catalog of Federal Domestic Assistance Number is 93–239

Components of a Complete Application

A complete application consists of the following items in this order:

1. Application for Federal Assistance (Standard Form 424);
2. Budget Information—Non-construction Programs (Standard Form 424A);
3. Assurances—Non-construction Programs (Standard Form 424B);
4. Table of Contents;
5. Budget Justification for Section B Budget Categories;
6. Proof of Non-profit Status, if appropriate;
7. Copy of the applicant's Approved Indirect Cost Rate Agreement, if necessary;
8. Project Narrative Statement, organized in five sections, addressing the following topics (limited to thirty (30) double-spaced pages):
   1. Abstract,
   2. Goals, Objectives and Usefulness of the Project,
   3. Methodology and design,
   4. Background of the Personnel and Organizational Capabilities and
   5. Work plan (timetable);
9. Any appendices of attachments;
10. Certification Regarding Drug-Free Workplace;
11. Certification Regarding Debarment, Suspension, or other Responsibility Matters;
12. Certification and, if necessary, Disclosure Regarding Lobbying;
13. Supplement to Section II—Key Personnel;
14. Application for Federal Assistance Checklist.

Dated: June 8, 1999.

Margaret A. Hamburg,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 99–15128 Filed 6–14–99; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation.

DATES: The meeting will be held on Friday, July 9, 1999, from 9:30 a.m. to 3:00 p.m..

ADDRESSES: The meeting will be held at 6010 Executive Boulevard, Fourth Floor, Rockville, Maryland, 20852.

FOR FURTHER INFORMATION CONTACT: Jackie Eder, Coordinator of the Advisory Council, at the Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 600, Rockville, Maryland, 20852, (301) 594–6662. For press-related information, please contact Karen Migdail at 301/594–6120.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistant Administrator for Equal Opportunity, AHCPR, on (301) 594–6662 no later than July 6, 1999.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Health Care Policy, Research, and Evaluation. In accordance with its statutory mandate, the Council provides advice to the Secretary and the Administrator, Agency for Health Care Policy and Research (AHCPR), on matters related to AHCPR activities to enhance the quality, appropriateness, and effectiveness of health care services and access to such services through scientific research and the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services. The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. Harold S. Luft, Ph.D., the Council chairman, will preside.

II. Agenda

On Friday, July 9, 1999, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairman. The Administrator, AHCPR, will present the status of the Agency's current research, programs and initiatives. Tentative agenda items include issues relating to inclusion of children in research, aging health services research, and building a community of researchers. Agenda items are subject to change as priorities dictate. The official agenda will be available on AHCPR's website at *www.ahcpr.gov* no later than June 15, 1999. The meeting will adjourn at 3:00 p.m.

Dated: June 7, 1999.

John M. Eisenberg,

Administrator.

[FR Doc. 99–15038 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Meetings

In accordance with section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C. Appendix 2) announcement is made by the Agency for Health Care Policy and Research (AHCPR) of meetings of scientific peer review groups. The below-listed subcommittees are part of the Agency's Health Services Research Initial Review Group.

The subcommittee meetings will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6). Grant applications are to be reviewed and discussed at the meetings. These discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of Subcommittee:* Health Systems Research.

Date: June 23–24, 1999 (Open from 7:30 a.m. to 7:45 a.m. and closed for remainder of meeting).

Place: Ramada Inn, 1775 Rockville Pike, Conference Room TBD Rockville, Maryland 20852.

2. *Name of Subcommittee:* Health Care Research Training.

Date: July 29–30, 1999 (open from 8:00 a.m. to 8:15 a.m. and closed for remainder of meeting).

Place: AHCPR Executive Office Center, 6010 Executive Boulevard, 4th Floor, Conference Room TBD, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of the meetings should contact Ms. Jenny Griffin, Committee Management Officer, Office of Research Review, Education and Policy, AHCPR, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1847.

Agenda items for these meetings are subject to change as priorities dictate.

This notice is being published less than 15 days prior to the June 23–24 and June 29–30 meetings due to the time constraints of review and funding cycle.

Dated: June 8, 1999.

John M. Eisenberg,

Administrator.

[FR Doc. 99–15040 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Meetings

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of Special Emphasis Panel (SEP) meetings of the Agency for Health Care Policy and Research (AHCPR).

SEPs are committees used for scientific review activities. These committees have members drawn from a list of experts who are designated to serve for particular individual meetings rather than for extended fixed terms of service.

Substantial segments of the upcoming SEP meetings listed below will be closed to the public in accordance with the Federal advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6). Grant applications are to be reviewed and discussed at these meetings. These discussions are likely to reveal personal information concerning individuals associated with the applications. The information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of SEP:* ''HIV/AIDS.''

Date: June 15, 1999 (Open from 8 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHCPR Executive Office Center, 6010 Executive Boulevard, 4th Floor, Conference Room TBD, Rockville, Maryland 20852.

2. *Name of SEP:* ''Centers for Education and Research on Therapeutics.''

Date: June 30, 1999 (Open from 8:30 a.m. to 8:45 a.m. and closed for remainder of the meeting).

Place: AHCPR Executive Office Center, 6010 Executive Boulevard, 4th Floor, Conference Room TBD, Rockville, Maryland 20852.

3. *Name of SEP:* ''Health Care Access, Quality and Insurance for Low-Income Children.''

Date: July 1, 1999 (Open from 8 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: AHCPR Executive Office Center, 6010 Executive Boulevard, 4th Floor, Conference Room TBD, Rockville, Maryland 20852.

4. *Name of SEP:* ''Translating Research Into Practice.''

Date: July 7–8, 1999 (Open from 8 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: Ramada Inn, 1775 Rockville Pike, Conference Room TBD, Rockville, Maryland 20852.

5. *Name of SEP:* ''Assessment of Quality Improvement Strategies in Health Care.''

Date: July 8–9, 1999 (Open from 8 a.m. to 8 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: Bethesda Hyatt Regency, One Metro Center, Conference Room TBD, Bethesda, Maryland 20850.

6. *Name of SEP:* ''Health Research Dissemination and Implementation.''

Date: July 9, 1999 (Open from 8 a.m. to 8:15 a.m. and closed for remainder of the meeting).

Place: Ramada Inn, 1775 Rockville Pike, Conference Room TBD, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of the meeting should contact Ms. Jenny Griffith, Committee Management Officer, Office of Research Review, Education and Policy, AHCPR. 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1847.

Agenda items for this meeting are subject to change as priorities dictate.

This notice is being published less than 15 days prior to the June 15 and June 30 meetings due to the *time constraints of* review and funding cycles.

Dated: June 8, 1999.

John M. Eisenberg,

Administrator.

[FR Doc. 99–15039 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Contract Review Meetings

In accordance with section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), announcement is made of an Agency for Health Care Policy and Research (AHCPR) Technical Review Committee (TRC) meeting. This TRC's charge is to provide, on behalf of AHCPR, review of contract proposals and recommendations to the Administrator, AHCPR, regarding the technical merit of proposals submitted in response to a Request for Proposals (RFPs) regarding ''Assisting Chronic Care Management'', issued on April 23, 1999. The contracts will constitute AHCPR's participation in the Small Business Innovation Research program.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) of 5 U.S.C., Appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR section 315.604(d). The discussions at this meeting of contract proposals submitted in response to the above-referenced RFP are likely to reveal proprietary and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: Technical Review Committee on the Agency for Health Care Policy and Research SBIR Topic 2000—''Assisting Chronic Care Management''.

Date: June 22, 1999 (Closed to the public).

Place: Agency for Health Care Policy and Research, Conference Center, Conference Room C, 6010 Executive Boulevard, 4th Floor, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Sandra Robinson, Center for Quality Measurement and Improvement, Agency for Health Care Policy and Research, 2101 Executive Boulevard, Suite 502, Rockville, Maryland 20852, 301–594–1703.

This notice is being published less than 15 days prior to the June 22 meeting due to the timing limitations imposed by the review and funding cycle.

Dated: June 7, 1999.

John M. Eisenberg,

Administrator.

[FR Doc. 99–15036 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research; Contract Review Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), announcement is made of an Agency for Health Care Policy and Research (AHCPR) Technical Review Committee (TRC) meeting. This TRC's charge is to provide, on behalf of AHCPR, review of contract proposals and recommendations to the Administrator, AHCPR, regarding the technical merit of proposals submitted in response to a Request for Proposals (RFPs) regarding ''Assisting Purchasers to Use Information on Health Plan Performance'', issued on April 23, 1999. The contracts will constitute AHCPR's participation in the Small Business Innovation Research program.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) of 5 U.S.C., Appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR section 315.604(d). The discussions at this meeting of contract proposals submitted in response to be the above-referenced RFP are likely to reveal proprietary and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: Technical Review Committee on the Agency for Health Care Policy and Research SBIR Topic 1000—''Assisting Purchasers to Use Information on Health Plan Performance''.

Date: June 22, 1999 (Closed to the public).

Place: Agency for Health Care Policy and Research, Conference Center, Conference Room C, 6010 Executive Boulevard, 4th Floor, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Sandra Robinson, Center for Quality Measurement and Improvement, Agency for Health Care Policy and Research, 2101 Executive Boulevard, Suite 502, Rockville, Maryland 20852, 301–594–1703.

This notice is being published less than 15 days prior to the June 22 meeting due to the timing limitations imposed by the review and funding cycle.

Dated: June 7, 1999.

John M. Eisenberg,

Administrator.

[FR Doc. 99–15037 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99104]

Innovative Demonstration Projects To Screen and Treat Asymptomatic Males for Chlamydia Trachomatis Infection Using Urine-Based Diagnostic Tests: Translational Research Availability of Funds; Amendment

A notice announcing the availability of fiscal year 1999 funds for Innovative Demonstration Projects to Screen and Treat Asymptomatic Males for Chlamydia Trachomatis Infection Using Urine-Based Diagnostic Tests: Translational Research was published in the **Federal Register** on May 17, 1999, (Vol.64 No. 94, pp. 26761—26766). The notice is amended as follows:

On page 26761, third column, paragraph B., subparagraph titled ''Eligible Applicants'' replace entire paragraph with the following:

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations. All applications must include the participation of a State or local health department.

In addition, on page 26762, third column, paragraph F., subparagraph titled ''Letter of Intent (LOI)'' replace entire paragraph with the following:

F. Letter of Intent (LOI)

A letter of intent to submit an application is optional, but highly desired. The letter of intent will be used to determine the level of interest in the announcement so that CDC can adequately staff an independent review group. Submit the letter of intent on or before June 21, 1999, to:

Curtis Meusel, Grants Management Specialist, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4246.

Dated: June 9, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–15083 Filed 6–14–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1220]

Draft Civil Money Penalty Reduction Policy for Small Entities; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of Tuesday, May 18, 1999 (64 FR 26984). The document announced that FDA was issuing a draft civil money penalty reduction policy for small entities as required by the Small Business Regulatory Enforcement Fairness Act of 1996. The document was published with minor errors. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Governale, Division of Compliance Policy (HFC–230), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0411, FAX 301–827–0482.

SUPPLEMENTARY INFORMATION: In FR Doc. 99–12390, appearing on page 26984 in the **Federal Register** of Tuesday, May 18, 1999, the following corrections are made:

1. On page 26985, in the first column, in paragraph (b), in line three, ''in'' is corrected to read ''under''.

2. On page 26986, in the 1st column, in the 2d paragraph, in line 14, ''scientist'' is corrected to read ''scienter''.

Dated: June 8, 1999.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 99–15057 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Subcommittee of the Antiviral Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.
ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Subcommittee of the Antiviral Drugs Advisory Committee on Immunosuppressive Drugs.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 27, 1999, 8:30 a.m. to 5 p.m.

Location: Holiday Inn, Goshen/Walker/Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Rhonda W. Stover, or John Schupp, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12531. Please call the Information Line for up-to-date information on this meeting.

Agenda: The subcommittee will discuss the new drug application (NDA) 21–083, Rapamune® (sirolimus, Wyeth-Ayerst Laboratories) for the prophylaxis of organ rejection in patients receiving renal transplants.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the subcommittee. Written submissions may be made to the contact person by July 20, 1999. Oral presentations from the public will be scheduled between approximately 8:30 a.m. and 9:30 a.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before July 20, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 7, 1999.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 99–15058 Filed 6–14–99; 8:45 am]
BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 30-Day Proposed Collection: Indian Health Service Medical Staff Credentials and Privileges Files

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Indian Health Service (IHS) provided an opportunity for public comment on the proposed agency information collection project. A notice was previously published in the **Federal Register** on May 1, 1998, (63 FR 24185) and allowed 60 days for public comment. No public comment was received in response to the notice. As required by section 3507(a)(1)(D) of the Act, the proposed information collection has been submitted to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow an additional 30 days for public comment to be submitted directly to OMB.

Proposed Collection

Title: 0917–0009, ''Indian Health Service Medical Staff Credentials and Privileges Files''. *Type of Information Collection Request:* Reinstatement, with minor change, of a previously approved information collection for which approval expired October 31, 1998. *Form Number:* Instruction and information collection formats are contained in an IHS Circular, ''Credentials and Privileges Review Process for the Medical Staff.'' *Need and Use of Information Collection:* The IHS operates health care facilities that provide health care services to American Indians and Alaska Natives. To provide these services, the IHS employs (directly and under contract) several categories of health care providers, including physicians (M.D. and D.O.), dentists, psychologists, optometrists, podiatrists, and audiologists; and in some States, physician assistants, certified registered nurse anesthetists, nurse practitioners, and certified nurse midwives. The IHS policy specifically requires physicians and dentists to be members of the health care facility medical staff where they practice. Health care providers become medical staff members, depending on the local health care facility's capabilities and medical staff bylaws. There are three types of IHS medical staff applicants: (1) Health care providers applying for direct employment with the IHS, (2) contract health care providers who do not seek to become IHS employees, and (3) employed IHS health care providers who seek to transfer between IHS health care facilities.

National health care standards developed by the Health Care Financing Administration and by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) require health care facilities to review, evaluate, and verify the credentials, training, and experience of medical staff applicants prior to granting medical staff privileges. To meet these standards, IHS health care facilities require each medical staff applicant to provide information concerning their education, training, licensure, and work experience and any adverse disciplinary actions taken against them or medical malpractice payments made on their behalf based on clinical services they performed. This information is then verified with references supplied by the applicant and may include former employers, educational institutions, licensure and certification boards, the American Medical Association, the Federation of State Medical Boards, the National Practitioner Data Bank, and the applicants themselves.

In addition to the initial granting of medical staff membership and clinical privileges, JCAHO standards require that a review of the medical staff be conducted no less than every two years. This review evaluates the current competence of the medical staff and verifies whether they are maintaining their licensure and the certification requirements of their speciality.

The medical staff credentials and privileges records are maintained at the heatlh care facility where the health care provider is a medical staff member. The establishment of these records at IHS health care facilities is not optional; such records must be established and maintained at all health care facilities in the United States that are accredited by JCAHO. This information collection activity is used to evaluate individual health care providers applying for medical staff privileges at IHS health care facilities. *Affected Pubic:* Individuals, businesses or other for-profit, not-for-profit institutions, and State, local or tribal governments. *Type of Respondents:* Health care providers requesting Medical staff privileges at IHS health facilities.

The table below provides the following: types of data collection instruments, estimated number of respondents, number of responses per respondent, annual number of responses, average burden hour per response, and total annual burden hour.

TABLE 1

Data collection instrument	Estimated number of respondents	Responses per respondent	Annual number of responses	Average burden hour per response *	Total annual burden hours
Application to Medical Staff	600	1	600	0.75 (45 mins)	450.0
Reference letter	1800	1	1800	0.33 (20 mins)	600.0
Reappointment request	644	1	644	1.00 (60 mins)	644.0
Medical Privileges	387	1	387	1.00 (60 mins)	387.0
Ob-Gyn Privileges	25	1	25	1.00 (60 mins)	25.0
Surgical Privileges	23	1	23	1.00 (60 mins)	23.0
Psychiatric Privileges	18	1	18	1.00 (60 mins)	18.0
Anesthesia Privileges	16	1	16	1.00 (60 mins)	16.0
Dental Privileges	128	1	128	0.33 (20 mins)	42.2
Optometic Privileges	21	1	21	0.33 (20 mins)	6.9
Psychology Privileges	23	1	23	0.17 (10 mins)	3.9
Audiologic Privileges	6	1	6	0.08 (5 mins)	0.5
Podiatric Privileges	6	1	6	0.08 (5 mins)	0.5
Radiology Privileges	9	1	9	0.33 (20 mins)	3.0
Pathology Privileges	3	1	3	0.33 (20 mins)	1.01
Total	3,709		3,709		2,221.0

* For ease of understanding, burden hours are also provided in actual minutes.

There are no capital costs, operating costs or maintenance costs to report.

Request for Comments

Your written comments and/or suggestions are invited on one or more of the following points: (1) Whether the information collection activity is necessary to carry out an agency function; (2) whether the IHS processes the information collected in a useful and timely fashion; (3) the accuracy of the public burden estimate (this is the amount of time needed for individual respondents to provide the requested information); (4) whether the methodology and assumptions used to determine the estimate are logical; (5) ways to enhance the quality, utility, and clarity of the information being collected; and (6) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB: Send your written comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time, to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for IHS.

To request more information on the proposed collection or to obtain a copy of the data collection instrument(s) and/or instruction(s), contact: Mr. Lance Hodahkwen, Sr., M.P.H., IHS Reports Clearance Officer, 12300 Twinbrook Parkway, Suite 450, Rockville, MD 20852–1601; call non-toll free (301) 443–5938 or send via fax to (301) 443–1522; or send your e-mail requests, comments, and return address to: 1hodahkw@hqe.ihs.gov.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before August 16, 1999.

Dated: June 7, 1999.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 99–15086 Filed 6–14–99; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4458–N–01]

Loan Guarantee Recovery Fund; Solicitation for Participation in the National Rebuilding Initiative Financial Consortium

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development is seeking financial institutions interested in making HUD-guaranteed rebuilding loans to certain nonprofit organizations, including places of worship, that have been damaged or destroyed by an act or acts of arson or terrorism. Such financial institutions would become candidates to participate in HUD's National Rebuilding Initiative Financial Consortium.

FOR FURTHER INFORMATION CONTACT: Financial institutions interested in participating in the National Rebuilding Initiative Financial Consortium, should contact Tony Johnston, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, Room 7178, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–0614, ext. 4560; FAX (202) 708–1798 (these numbers are not toll-free). Hearing or speech-impaired individuals may access these telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Secretary of HUD has authority under the Church Arson Prevention Act of 1996 (18 U.S.C. 241 note; Pub.L. 104–155, approved July 3, 1996, 110 Stat. 1392) (the ''Act'') to guarantee rebuilding loans through the use of a ''Loan Guarantee Recovery Fund.'' Specifically, HUD may guarantee loans made by financial institutions to certain nonprofit organizations, including places of worship, that have been damaged or destroyed by an act or acts of arson or terrorism. Proceeds of rebuilding loans are used to construct and rehabilitate structures, replace and restore personal property, and to carry out other eligible activities. HUD's regulations implementing the Act are located in 24 CFR part 573 (entitled ''Loan Guarantee Recovery Fund'').

President Clinton established the National Church Arson Task Force (NCATF) in June, 1996 due to the sharp rise in the number of arsons and other acts against places of worship in early 1996. According to the NCATF Second Year Report to the President, approximately 670 investigations have been opened in connection with fires at places of worship. While the Report indicates that the number of these incidents has decreased since 1995, arsons continue to occur at places of worship.

In addition to administering the Loan Guarantee Recovery Fund authorized by the Act, HUD has established the National Rebuilding Initiative (the ''NRI'') to bring together as many resources as possible to aid affected places of worship. The NRI is a partnership of the National Council of Churches, the Congress of National Black Churches, and HUD. While its two partners make grants available for rebuilding, HUD guarantees private sector loans made by banks and other financial institutions for rebuilding purposes.

Although there have been reports of arson cases in the southern United States (where African-American places of worship have been disproportionately affected), the fires have not been limited to one particular geographic area. There have been arson reports in 39 states and the District of Columbia. Accordingly, HUD seeks to address the problem of rebuilding through a system of assistance that is nationwide in scope.

HUD is especially interested in identifying financial institutions that:

1. Value the HUD guarantee of rebuilding loans so as to effect a reduction in the standard interest rate charged for similar loans without the HUD guarantee; and

2. Are knowledgeable of an entity or entities willing to assist nonprofit organizations seeking rebuilding loans in preparing the financial aspect of their applications for such loans.

For purposes of this notice, the term ''financial institution'' means a lender which may be a bank, trust company, savings and loan association, credit union, mortgage company, or other issuer regulated by the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the Credit Union Administration, or the U.S. Comptroller of the Currency. A Financial Institution may also be a Pension Fund. (See 24 CFR 573.2.)

To date, places of worship assisted in rebuilding their damaged properties have ranged in size from less than fifty congregants to as high as 1000 congregants.

Financial institutions interested in participating in the National Rebuilding Initiative Financial Consortium, should contact Tony Johnston of HUD's Office of Community Planning and Development, at the address or telephone/fax numbers listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Dated: June 9, 1999.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

[FR Doc. 99–15105 Filed 6–14–99; 8:45 am]

BILLING CODE 4458–N–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE 012889

Applicant: Cheryl A. Schmidt, Central Missouri State University, Warrensburg, Missouri.

The applicant requests a permit to take (capture and release) Indiana bat (Myotis sodalis), gray bat (Myotis grisescens), and Ozark big-eared bat (Corynorhinus towsendii ingens) at various locations in Missouri. Activities are proposed for the purpose of enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application is available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/713–5343); FAX: (612/713–5292).

Dated: June 8, 1999.

Stanley L. Smith,

Acting Program Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 99–15072 Filed 6–14–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–01; N–57453]

Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described public lands in Nye County, Nevada, have been examined and found suitable for conveyance (patent) to Nye County under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C 869 *et seq.*). Nye County is proposing to use the identified lands for the expansion of the solid waste disposal site now serving the town of Round Mountain, Nevada, and the surrounding area.

Mount Diablo Meridian, Nevada

T. 10 N., R. 43 E.,
Sec. 12, N½SW¼NW¼; S½NW¼NW¼;
containing 40 acres, more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest. The patent, when issued will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. All mineral deposits shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits under applicable laws and regulations as the Secretary of the Interior may prescribe; will contain the following provisions:

1. Nye County, its successors or assigns, assumes all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability

(hereinafter referred to in this clause as claims) resulting from, brought for, or on account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from Mount Diablo Meridian, Nevada, T. 10 N., R. 43 E., Sec. 12, N½SW¼NW¼; S½NW¼NW¼;, regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States;

2. Provided, that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the land in accordance with the approved plan of development on or before the date five years after the date of conveyance. No portion of the land shall under any circumstances revert to the United States if any such portion has been used for solid waste disposal or for any other purpose which may result in the disposal, placement, or release of any hazardous substance;

3. If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose specified in the application and approved plan of development, the patentee shall pay the Bureau of Land Management the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon;

4. The above described land is to be used as a solid waste disposal site by Nye County, Nevada. Upon closure, the site may contain small quantities of commercial and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the site unless excavation is conducted subject to applicable State and Federal requirements; and will be subject to valid existing rights.

An environmental assessment and other detailed information concerning this action is available for review at the office of the Bureau of Land Management, Tonopah Field Station, 1553 South Main Street, Tonopah, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed conveyance or classification of the lands to the Acting Assistant Field Manager, Tonopah Field Station, P.O. Box 911, Tonopah, Nevada 89049.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a municipal solid waste transfer station. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a municipal solid waste transfer station.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be conveyed until after the classification becomes effective.

Dated: June 1, 1999.

Alan Buehler,

Acting Assistant Field Manager, Tonopah.

[FR Doc. 99–15068 Filed 6–14–99; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Extension of Public Comment Period for a Study Recommending a Timbisha Shoshone Tribal Homeland in and Around Death Valley National Park Inyo County, California and Esmeralda and Nye Counties, Nevada

SUMMARY: Pursuant to Section 705(b) of the 1994 California Desert Protection Act (P.L. 103–433), the National Park Service, Department of the Interior convened a joint Federal-Tribal negotiating team to prepare a draft suitability report to Congress regarding establishment of a permanent Timbisha Shoshone Tribal land base in and around Death Valley National Park. In deference to public interest expressed to date from local government agencies, organizations, and other interested parties, the original public comment period expiring June 15, 1999 has been extended an additional 30 (thirty) calendar days to July 15, 1999.

SUPPLEMENTARY INFORMATION: Written comments on the draft document must now be received or post-marked *not later than July 15, 1999*, and should be directed to the Superintendent, Death Valley National Park, P.O. Box 579, Death Valley, CA 92328; phone (760) 786–3243. The study document and other background information are available as noted above, or may be obtained via the park website (*www.nps.gov/deva*).

Dated: June 8, 1999.

Sondra S. Humphries,

Acting Regional Director, Pacific West.

[FR Doc. 99–15214 Filed 6–14–99; 8:45 am]

BILLING CODE 7510–70–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–380–382 and 731–TA–797–804 (Final)]

Certain Stainless Steel Sheet and Strip From France, Germany, Italy, Japan, Mexico, the Republic of Korea, Taiwan, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigations.

EFFECTIVE DATE: June 8, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202–205–3172), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by

accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On June 3, 1999, the Department of Commerce notified the Commission of its final determinations. The Commission must make its final determinations in antidumping and countervailing duty investigations within 45 days after notification of Commerce's final determinations, or in this case by July 19, 1999. The Commission is revising its schedule to conform with this statutory deadline.

The Commission's new schedule for the investigations is as follows: the Commission will make its final release of information on June 25, 1999; and final party comments are due on June 29, 1999.

For further information concerning these investigations see the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority

These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: June 8, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–15117 Filed 6–14–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–253 (Review)]

Welded Carbon Steel Line Pipe From Turkey

AGENCY: United States International Trade Commission.

ACTION: Termination of five-year review.

SUMMARY: The subject five-year review was initiated in May 1999 to determine whether revocation of the existing countervailing duty order would be likely to lead to continuation or recurrence of subsidization and of material injury to a domestic industry. On June 7, 1999, the Department of Commerce published notice that it was revoking the order because no domestic interested party responded to its notice of initiation by the applicable deadline (64 FR 30305, June 7, 1999). Accordingly, pursuant to § 207.69 of the Commission's rules of practice and procedure (19 CFR 207.69), the subject review is terminated.

EFFECTIVE DATE: June 7, 1999.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: June 8, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–15118 Filed 6–14–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Agency Information Collection Activities Proposed Collection; Comment Request

ACTION: Notice of information collection under review; (new collection); generic clearance of customer satisfaction surveys.

The following agencies have submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995: The Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office for Victims of Crime (OVC), and the Office of National Drug Control Policy (ONDCP). This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until August 16, 1999.

If you have additional comments or suggestions please contact Bill Ballweber, (202) 305–2975, National Institute of Justice, U.S. Department of Justice, 810 Seventh Street, NW., Washington, DC 20531.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) Type of information collection: New collection.

(2) The title of the form/collection: Generic clearance for Customer Satisfaction Surveys.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Respondents will be current and potential users of agency products and services. Respondents may represent Federal agencies, State, local, and tribal governments, members of private organizations, research organizations, the media, non-profit organizations, international organizations, as well as faculty and students.

The Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Justice Program (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office for Victims of Crime (OVC), and the Office of National Drug Control Policy (ONDCP), in accordance with the requirements of E.O. 12862 and the GPRA, wish to conduct customer satisfaction surveys. The purpose of such surveys is to assess needs, identify problems, and plan for programmatic improvements in the delivery of agency products and services.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to

respond/reply: It is estimated that there will be a maximum of 2,500 respondents per mail survey; 1,500 respondents per email survey; and 3,000 respondents per World Wide Web survey. It is estimated that each survey will take between 3 to 18 minutes to complete.

(6) An estimate of the total public burden (in hours) associated with the collection: An estimate of the total hour burden to complete a mail survey is 750 hours; the email survey is 300 hours; and the World Wide Web survey is 600 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, U.S. Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530, or via facsimile at (202) 514–1534.

Dated: June 9, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, U.S. Department of Justice.

[FR Doc. 99–15074 Filed 6–14–99; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Extension of a currently approved collection; Trust '99.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 8, 1999, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until July 15, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

The proposed collection is listed below:

(1) Type of information collection. Extension of a currently approved collection.

(2) The title of the form/collection. Trust '99.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: None. Office of Community Oriented Policing Services, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: Tribal Governments. Other: None. The information collected is used to determine applicant eligibility for the TRUST '99 Grant Program. The program could provide funding for federally recognized tribes that currently have law enforcement agencies interested in participation in the COPS Funds to Tribal Communities '99 grant program. Funds to Tribal Communities is a grant which would fund salaries and benefits of new police officer, academy/basic training, departmental/field training, supplemental community policing training, computer training, uniforms, and equipment for eligible federally recognized tribal communities.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 500 respondents at 1.5 hours response.

(6) An estimate of the total public burden (in hours) associated with the collection. 750 annual burden hours. Public comment on this proposed information collection is strongly encouraged.

Dated: June 8, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 99–15073 Filed 6–14–99; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Antitrust Division

Agency Information Collection Activities; Proposed collection; Comment Request

AGENCY: Antitrust Division, Department of Justice (DOJ).

ACTION: Notice of information collection under review; Department of Justice Federal Coal Lease Review Information.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the **Federal Register.** This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. Extension of a currently approved collection.

(2) The title of the form/collection. Department of Justice Federal Coal Lease Review Information.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Forms: ATR–139, ATR–140. Antitrust Division, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: Business or other for-profit. Other: None.

The Department of Justice evaluates the competitive impact of issuances, transfers and exchanges of Federal coal leases. These forms seek information regarding a prospective coal lessee's coal reserves and the reserves subject to the federal lease. The Department uses this information to determine whether the lease transfer is consistent with the Antitrust laws.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 20 responses per year at 2 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 40 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: June 10, 1999.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 99–15084 Filed 6–14–99; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; New collection (Reinstatement, with change, of a previously approved collection for which approval has expired); Equal employment opportunity plan certification and short form.

The Department of Justice, Office of Justice Programs, Office for Civil Rights, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until August 16, 1999.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael Alston 202–307–0692, Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, N.W., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information:

(1) Type of information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) The title of the form/collection: Equal Employment Opportunity Plan Certification and Short Form.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection: N/A.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: State and Local governmental instrumentalities.

Other: For Profit Institutions.

28 CFR 301 *et seq.* authorizes the Department of Justice to collect information from State or local units of government, agencies of State and local governments, and private entities, institutions or organizations to which financial assistance is extended regarding their employment practices.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that 1,500 respondents receiving a grant of $500,000 or more will complete a 1-hour Equal Employment Opportunity Plan Short Form and submit it to the Office of Justice Programs. In addition, an estimated 10,000 of respondents seeking grants ranging from $25,000 up to $500,000 will be required to complete the ¼ hour certification stating that they are maintaining a current Equal Employment Opportunity Plan on file and submit the certification to the Office of Justice Programs.

(6) An estimate of the total public burden (in hours) associated with the collection: The total hour burden to complete the Equal Employment Opportunity Plan Short Form is 24,000 hours. The total hour burden to complete the EEOP certification is 40,000. The annual burden hours is 64,000.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, N.W., Washington, DC 20530, or via facsimile at (202) 514–1534.

Dated: June 9, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 99–15075 Filed 6–14–99; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (99–082)]

NASA Advisory Council (NAC), Aero-Space Technology Advisory Committee (ASTAC); Flight Research Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aero-Space Technology Advisory Committee, Flight Research Subcommittee meeting.

DATES: Monday, July 19, 1999, 2:00 p.m. to 5:00 p.m. and Tuesday, July 20, 1999, 8:00 a.m. to 5:00 p.m., and Wednesday, July 21, 1999, 8:00 a.m. to 12:00 noon.

ADDRESSES: National Aeronautics and Space Administration, Dryden Flight Research Center, Building 4800, Executive Conference Room 2102, Edwards, CA 93535.

FOR FURTHER INFORMATION CONTACT: Ms. Dennie Gonia, National Aeronautics and Space Administration, Dryden Flight Research Center, Edwards, CA 93523, 661/258–2380.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda topics for the meeting are as follows:

—Review of Flight Research Base R&T Program
—Review of the Costs Associated with Varying Types of Flight Research
—High Altitude, Long Endurance Aircraft
—Advanced Systems Concepts
—REVCON
—Atmospheric-Space Systems

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: June 9, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–15143 Filed 6–14–99; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before August 16, 1999.

ADDRESSES: Comments should be sent to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Ms. Maya Bernstein, Desk Officer for NARA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–713–6730 or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on April 9, 1999 (64 FR 17423). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Request Pertaining to Military Records.

OMB number: 3095–0029.

Agency form number: SF 180.

Type of review: Regular.

Affected public: Veterans, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 850,100.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent wishes to request information from a military personnel record).

Estimated total annual burden hours: 172,300 hours.

Abstract: In accordance with rules issued by the Department of Defense (DOD) and Department of Transportation (DOT, US Coast Guard), the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers military service records of veterans after discharge, retirement, and death. When veterans and other authorized individuals request information from or copies of documents in military service records, they must provide in forms or in letters certain information about the veteran and the nature of the request. Federal agencies, military departments, veterans, veterans' organizations, and the general public use Standard Forms (SF) 180, Request Pertaining to Military Records, in order to obtain information from military service records stored at NPRC. The authority for this information collection is contained in 36 CFR 1228.162.

Dated: June 9, 1999.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 99–15137 Filed 6–14–99; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings; Notice of Change in Time and Subject of Meetings

The National Credit Union Administration Board determined that its business requires the previously announced open meeting scheduled for 1:00 p.m. to be rescheduled for 2:00 p.m. and the closed meeting scheduled for 2:30 p.m. to be rescheduled for 3:30 p.m. on Monday, June 14, 1999.

The National Credit Union Administration Board determined that its business requires the deletion of the following item from the previously announced closed meeting (**Federal Register**, Vol. 64, No. 111, Page 31320,

Thursday, June 10, 1999) scheduled for Monday, June 14, 1999.

3. Request from a Corporate Credit Union for a National Field of Membership. Closed pursuant to exemption (8).

The National Credit Union Administration Board also determined that its business requires the addition of that item to the previously announced open meeting.

4. Request from a Corporate Credit Union for a National Field of Membership.

The Board voted unanimously that agency business requires that this item be deleted from the closed agenda and added to the open agenda, and that no earlier announcement of these changes were possible.

The previously announced agenda was:

TIME AND DATE: 1:00 p.m., Monday, June 14, 1999.

PLACE: Board Room 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Two (2) Requests from Federal Credit Unions to Convert to Community Charters.

2. Final Rule: Amendment to Part 707, NCUA's Rules and Regulations, Truth In Savings—Disclosure of the Annual Percentage Yield.

3. Final Rule: Amendments to Part 712, NCUA's Rules and Regulations, Credit Union Service Organizations (CUSOs).

RECESS: 2:15 p.m.

TIME AND DATE: 2:30 p.m., Monday, June 14, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, Virginia 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 205 or Section 208 of the Federal Credit Union Act. Closed pursuant to exemption (8).

2. Administrative Action under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).

3. Request from a Corporate Credit Union for a National Field of Membership. Closed pursuant to exemption (8).

4. Five (5) Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304,

Becky Baker,

Secretary of the Board.

[FR Doc. 99–15280 Filed 6–11–99; 2:21 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Panel, Museums Section (Creation & Presentation and Planning & Stabilization categories) to the National Council on the Arts will be held on August 17–20, 1999 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506. The panel will meet from 9 a.m. to 6 p.m. on August 17th and 19th, from 9 a.m. to 5:30 p.m. on August 18th, and from 9 a.m. to 3:30 p.m. on August 20th. A portion of this meeting, from 11 a.m. to 12:30 p.m. on August 20th, will be open to the public for policy discussion.

The remaining portions of this meeting, from 9 a.m. to 5 p.m. on August 17th and 19th, from 9 a.m. to 5:30 p.m. on August 18th, and from 9 a.m. to 11 a.m. and 12:30 p.m. to 3:30 p.m. on August 20th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: June 7, 1999.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 99–15154 Filed 6–14–99; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Panel, Visual Arts Section (Creation & Presentation category) to the National Council on the Arts will be held on August 3–6, 1999 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506. The panel will meet from 9 a.m. to 6 p.m. on August 3rd and 5th, from 9 a.m. to 5:30 p.m. on August 4th, and from 9 a.m. to 3:30 p.m. on August 6th. A portion of this meeting, from 11 a.m. to 12:30 p.m. on August 6th, will be open to the public for policy discussion.

The remaining portions of this meeting, from 9 a.m. to 6 p.m. on August 3rd and 5th, from 9 a.m. to 5:30 p.m. on August 4th, and from 9 a.m. to 11 a.m. and 12:30 p.m. to 3:30 p.m. on August 6th, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 1999, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100

Pennsylvania Avenue, NW, Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506 or call 202/682–5691.

Dated: June 7, 1999.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 99–15155 Filed 6–14–99; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8681–MLA–7; ASLBP No. 99–767–07–MLA]

International Uranium (USA) Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and Sections 2.1201 and 2.1207 of Part 2 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

International Uranium (USA) Corporation (IUSA) (Request for Materials License Amendment)

The hearing, if granted, will be conducted pursuant to 10 CFR part 2, subpart L, of the Commission's Regulations, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' This proceeding concerns a request for hearing submitted by Ken Sleight in response to a notice of consideration of a license amendment for International Uranium (USA) Corporation's White Mesa Uranium Mill. International Uranium (USA) Corporation has applied for an amendment to its license to receive and process uranium bearing material removed from Formerly Utilized Sites Remedial Action Program sites located in the St. Louis, Missouri area. The notice of the proposed amendment request was published in the **Federal Register** at 64 FR 23,876, May 4, 1999.

The Presiding Officer in this proceeding is Administrative Judge Peter B. Bloch. Pursuant to the provisions of 10 CFR §§ 2.722, 2.1209, Administrative Judge Richard F. Cole has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents, and other materials shall be filed with Judge Bloch and Judge Cole in accordance with 10 CFR § 2.1203. Their addresses are:

Administrative Judge Peter B. Bloch, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001

Dr. Richard F. Cole, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001

Issued at Rockville, Maryland, this 9th day of June 1999.

G. Paul Bollwerk, III,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 99–15100 Filed 6–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–09 & License No. SNM–2504]

(Fort St. Vrain Independent Spent Fuel Storage Installation); Order Approving Transfer and Notice of Issuance of License Amendment

In the Matter of Public Service Company of Colorado, United States Department of Energy

I

On November 4, 1991, pursuant to 10 CFR Part 72, License No. SNM–2504 was issued, under which Public Service Company of Colorado (PSCo) was authorized to receive, possess, and store spent fuel at the Fort St. Vrain (FSV) Independent Spent Fuel Storage Installation (ISFSI), which is located near Platteville, Colorado.

II

In October 1995, the State of Idaho, the U.S. Department of Energy (DOE), and the U.S. Department of the Navy entered into a settlement agreement that, among other things, prohibited spent fuel currently stored in Colorado at the FSV ISFSI from being shipped to Idaho for storage. In December 1995, the DOE notified the Nuclear Regulatory Commission (NRC or Commission) of its intent to procure the FSV ISFSI from PSCo, take possession of the spent nuclear fuel stored there, and obtain approval from the NRC to transfer NRC license SNM–2504 to DOE. In February 1996, PSCo and DOE's Idaho Operations Office (DOE–ID) formalized a contract modification by which DOE took immediate title to all of the spent fuel at FSV. Under the contract, PSCo continued to manage the spent fuel at the FSV ISFSI under NRC License SNM–2504 until such time as the NRC license was transferred to DOE.

On December 17, 1996, DOE submitted an application seeking transfer of the FSV ISFSI license from PSCo to DOE. Notice of the application for transfer and license amendment was published in the **Federal Register** on March 7, 1997 (62 FR 10596). An environmental assessment and finding of no significant impact regarding the proposed transfer was published in the **Federal Register** on April 2, 1997 (62 FR 15737).

III

The transfer of rights under Materials License SNM–2504 is subject to the NRC's approval under 10 CFR 72.50. Based on information provided by DOE, the Commission has determined that DOE is qualified to be the holder of SNM–2504 and that the transfer of the FSV ISFSI license, subject to the conditions set forth herein, is consistent with applicable provisions of the law and the regulations and orders issued by the Commission. The proposed transfer was evaluated by the NRC staff as documented in a Safety Evaluation dated May 1999. The conditions of the transfer, to which DOE has not objected, are:

A. For the duration of the license, the licensee shall inform the Director, Office of Nuclear Material Safety and Safeguards, at least 90 days in advance, of the replacement of the entity contracted by the licensee to perform the management and operation (the M&O contractor) of the FSV ISFSI.

B. Within 180 days after the replacement of the M&O contractor, the licensee shall assess the performance of the M&O contractor and provide a statement to the NRC verifying that the replacement of the M&O contractor has had no effect on the execution of licensed responsibilities for the FSV ISFSI.

IV

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 USC §§ 2201(b), 2201(I), and 2234 and 10 CFR 72.50, IT IS HEREBY ORDERED that the Commission consents to the proposed transfer of control of SNM–

2504 from PSCo to DOE, and NOTICE IS GIVEN that a license amendment providing for the transfer of control, operation, and ownership of the FSV ISFSI is issued. The amendment is subject to the condition that should this transfer not be completed by October 1, 1999, this ORDER will be null and void, except that upon application and for good cause, the date upon which the transfer is to be completed may be extended for a short time beyond October 1, 1999.

The documents related to this proposed action are available for public inspection and for copying at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland this 4th day of June, 1999.

This ORDER is effective upon issuance.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–15104 Filed 6–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NUREG–1600, Rev. 1]

Revision of NRC Enforcement Policy; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement: Amendment; Correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on May 19, 1999 (64 FR 27310), that addresses examples of violations involving operators' licenses. This action is necessary to correct a typographical error in the numbering of the Severity Level IV violation example in Supplement B of the Enforcement Policy.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, (301) 415–2741.

SUPPLEMENTARY INFORMATION: On page 27312, in the first column, under ''D. Severity Level IV—Violations involving for example:,'' replace the number ''5'' at the start of the next paragraph with the number ''2.''

Dated at Rockville, Maryland, this 10th day of June 1999.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 99–15099 Filed 6–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on July 13, 1999, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Tuesday, July 13, 1999—1:00 p.m. until the conclusion of business.

The Subcommittee will discuss proposed ACRS activities and related matters. It may also discuss the status of appointment of a new member to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Date: June 8, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–15101 Filed 6–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee on Plant License Renewal; Revised

The ACRS Subcommittee meeting on Plant License Renewal scheduled for June 30 and July 1, 1999, 8:30 a.m. each day, in Room T–2B3, 11545 Rockville Pike, Rockville, Maryland has been revised to include a discussion regarding credit given in the license renewal review process to existing programs. Notice of this meeting was published in the **Federal Register** on Tuesday, June 1, 1999 (64 FR 29366). All other items pertaining to this meeting remain the same as previously published.

For further information contact: Mr. Noel F. Dudley, cognizant ACRS staff engineer (telephone 301/415–6888) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: June 9, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–15102 Filed 6–14–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of June 14, 21, 28, and July 5, 1999.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED: .

Week of June 14

Monday, June 14

2:00 p.m.
Briefing on 10 CFR part 70—Proposed Rule For Revised Requirements for Domestic Licensing of Special Nuclear Material (Public Meeting) (Contact: Ted Sherr, 301–415–7218)

Tuesday, June 15

10:30 a.m.
All Employees Meeting (Public Meeting) (''The Green'' Plaza Area)
1:30 p.m.
All Employees Meeting (Public Meeting) (''The Green'' Plaza Area)

Wednesday, June 16

9:00 a.m.
Briefing on Proposed Export of High Enriched Uranium to Canada (Public Meeting) (Contact: Ron Hauber, 301–415–2344)

Thursday, June 17

9:00 a.m.
Briefing on Status of Uranium Recovery (Public Meeting) (Contact: King Stablein, 301–415–7238)
11:00 a.m.
Affirmation Session (Public Meeting) (If needed)
1:30 p.m.
Discussion of Management Issues (Closed—Ex. 2 and 6)

Friday, June 18

9:30 a.m.
Briefing on NRC International Activities (Public Meeting) (Contact: Karen Henderson, 301–415–1771)

Week of June 21—Tentative

There are no meetings scheduled for the Week of June 21.

Week of June 28—Tentative

There are no meeting scheduled for the Week of June 28.

Week of July 5—Tentative

There are no meetings scheduled for the Week of July 5.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meeting call (recording)—(301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http/www.nrc.gov/SECY/smj/schedule.htm.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: June 11, 1999.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 99–15279 Filed 6–11–99; 2:21 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–220 and 50–410 and License Nos. DPR–63 and NPF–69]

Niagara Mohawk Power Corporation; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated April 5, 1999, Mr. Robert Norway (the Petitioner) has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Nine Mile Point Nuclear Station, Units 1 and 2. The Petitioner requests that the NRC (1) take enforcement action against Niagara Mohawk Power Corporation (NMPC) and its senior nuclear and corporate management and, as a minimum, against three named individuals for submitting an altered 1994 employee record to the NRC at an enforcement conference on May 10, 1996; (2) take enforcement action against these same parties for presenting at this enforcement conference a false written record of the Administrative Law Judge's (ALJ's) determination in the Department of Labor proceeding in Case No. 95–ERA–005; (3) take enforcement action against these same parties for the placement of confidential employee information into the public record in violation of 10 CFR 2.790; and (4) take enforcement action against these same parties for an additional act of discrimination, pursuant to 10 CFR 50.7, for destroying the Petitioner's credibility and reputation in the nuclear industry. In addition, the Petitioner requested that the NRC forward these issues to the Department of Justice for consideration of criminal prosecution.

Finally, in addition to these requests for enforcement actions, the Petitioner also requested that various other actions be implemented. These actions include the following: (1) that the agency perform an independent review of all NMPC's docketed files associated with the individuals who committed the alleged fraud; (2) that the NRC forward a complaint to the Office of the Inspector General for investigation of possible deliberate misconduct on the part of the NRC staff; (3) that an Independent Oversight Group be established to provide oversight of the NMPC Human Resources Department and Employee Concerns Program; (4) that a public meeting be held to obtain public comments pertaining to a number of issues, including discrimination and the placement of fraudulent documentation into public records; and (5) that the NRC publicly post NMPC's Nine Mile Point Unit 2 Residual Heat Removal (RHR) Alternate Shutdown Cooling Safety Evaluation 96–091 to make it available for public comment or require NMPC to re-perform this safety evaluation.

As a basis for all of the Petitioner's requests, he alleged that NMPC deliberately created a false employee record and fraudulently submitted this record, as well as a false written record of an ALJ decision, into the public record, under false pretenses and perjury, during a 1996 enforcement conference with the NRC. Regarding the alleged false written record of an ALJ decision, correspondence from Mr. James Lieberman, Director of the Office of Enforcement, to the Petitioner, dated May 3, 1999, stated that the NRC staff had reviewed the transcript of the enforcement conference and had determined that the NRC staff understood that the document represented the position of NMPC management and not that of the ALJ. Therefore, the submittal of such a document cannot be the basis for taking enforcement action against NMPC. In addition, the Petitioner also submitted a technical concern about his continued efforts to address RHR alternate shutdown cooling safety.

The remaining issues in the Petition are being treated pursuant to 10 CFR 2.206 of the Commission's regulations and have been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

By letter dated June 9, 1999, the Director acknowledged receipt of the Petition. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, D.C. 20555–0001.

Dated at Rockville, Maryland, this 9th day of June 1999.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–15103 Filed 6–14–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Amendments to Accounting for Property, Plant, and Equipment—Definitional Changes

AGENCY: Office of Management and Budget.

ACTION: Notice of document availability.

SUMMARY: This Notice indicates the availability of the eleventh Statement of Federal Financial Accounting Standards (SFFAS), ''Amendments to Accounting for Property, Plant, and Equipment—Definitional Changes.'' The statement was recommended by the Federal Accounting Standards Advisory Board (FASAB) and adopted in its entirety by the Office of Management and Budget (OMB).

ADDRESSES: Copies of SFFAS No. 11, ''Amendments to Accounting for Property, Plant, and Equipment—Definitional Changes,'' may be obtained for $2.25 each from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–512–1800), Stock No. 041–001–00519–6.

FOR FURTHER INFORMATION CONTACT: James Short (telephone: 202-395–3124), Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, N.W., Room 6025, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: This Notice indicates the availability of the eleventh Statement of Federal Financial Accounting Standards (SFFAS), ''Amendments to Accounting for Property, Plant, and Equipment—Definitional Changes.'' The standard was recommended by the Federal Accounting Standards Advisory Board (FASAB) and adopted in its entirety by the Office of Management and Budget (OMB) on December 15, 1998.

Under a Memorandum of Understanding among the General Accounting Office, the Department of the Treasury, and OMB on Federal Government Accounting Standards, the Comptroller General, the Secretary of the Treasury, and the Director of OMB decide upon accounting principles and standards after considering the recommendations of FASAB. After agreement to specific principles and standards, a notice of document availability is published in the **Federal Register** and distributed throughout the Federal Government.

This Notice is available on the OMB home page on the Internet which is currently located at http://www.whitehouse.gov/WH/EOP/omb, under the caption ''**Federal Register** Submissions.''

Norwood Jackson, Jr.,

Acting Controller.

[FR Doc. 99–15076 Filed 6–14–99; 8:45 am]

BILLING CODE 3110–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in June 1999. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in July 1999.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in June 1999 is 4.94 percent (*i.e.*, 85 percent of the 5.81 percent yield figure for May 1999).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between July 1998 and June 1999.

For premium payment years beginning in:	The assumed interest rate is:
July 1998	4.85
August 1998	4.83
September 1998	4.71
October 1998	4.42
November 1998	4.26
December 1998	4.46
January 1999	4.30
February 1999	4.39
March 1999	4.56
April 1999	4.74
May 1999	4.72
June 1999	4.94

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in July 1999 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 7th day of June 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–14996 Filed 6–14–99; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23867; 812–11528]

Mercury Asset Management International Ltd. and Mercury Asset Management V.I. Funds, Inc.; Notice of Application

June 9, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under (a) sections 6(c), 17(b) and 10(f) of the Investment Company Act of 1940 (the ''Act'') granting relief from sections 17(a), 17(e) and 10(f) of the Act, and rules 17e–1 and 10f–3 under the Act; and (b) under section 6(c) of the Act granting relief from sections 9(a), 13(a), 15(a) and 15(b) of the Act, and rules 6e–2(b)(15) and 6e-3(T)(b)(15) under the Act.

Summary of the Application: Applicants seek to amend two existing orders to permit additional entities to rely on the orders.[1]

Applicants: Mercury Asset Management International Ltd. (''MAM'') and Mercury Asset Management V.I. Funds, Inc. (''Mercury V.I. Fund'').

Filing Dates: The application was filed on March 3, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 30, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 800 Scudders Mill Road, Plainsboro, New Jersey 08536.

FOR FURTHER INFORMATION CONTACT: Susan K. Pascocello, Senior Counsel, at (202) 942–0674, Michael W. Mundt, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation), or Kevin Kirchoff, Branch Chief, at (202) 942–0670 (Division of Investment Management, Office of Insurance Products).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. MAM is registered as an investment adviser under the Investment Advisers Act of 1940 and is a wholly owned subsidiary of Mercury Asset Management Group plc (''Mercury''), which was acquired by Merrill Lynch & Co. Inc. (''Merrill Lynch'') in January, 1998. MAM serves as subadviser to a portfolio of TIFF International Equity Fund, a series of TIFF Investment Program, an open-end investment company registered under the Act.[2] MAM also will serve as investment adviser to Mercury V.I. Fund, an open-end investment company registered under the Act and currently consisting of two series. Mercury V.I. Fund would offer shares representing interests in its current and future series to separate accounts of affiliated and unaffiliated insurance companies to serve as the investment vehicle for variable annuity contracts and variable life insurance contracts, as well as directly to qualified pension and retirement plans (''Qualified Plans'') outside of the separate account context. Mercury V.I. Fund has not yet commenced operations.

2. Merrill Lynch Asset Management, L.P. (''MLAM''), on behalf of its separate operating division Hotchkis and Wiley (''H&W''), and Merrill Lynch, Pierce, Fenner & Smith Incorporated (''MLPF&S'') previously obtained an order to permit certain principal and brokerage transactions with ''multi-manager'' investment companies advised by H&W and at least one other investment adviser that has no affiliation with Merrill Lynch (''Brokerage Order''). The transactions are between MLPF&S and those portions of the Multi-Managed Portfolios that are not subadvised by H&W.

3. The requested order would amend the Brokerage Order so that it would apply to both the Unaffiliated Portion of the portfolio of TIFF International Equity Fund for which MAM currently serves as subadviser, as well as to any other Multi-Managed Portfolios to which MAM or other entities that are controlled by, in control of, or under common control with MLPF&S (each an ''Affiliate'') may in the future provide investment advisory services (MAM and the Affiliates each an ''Affiliated Subadviser'') and which is operated in a manner consistent with the terms and conditions of the application relating to the Brokerage Order (the ''Brokerage Application''). Specifically, the order sought would exempt MAM, MLPF&S and Affiliates from certain provisions of the Act in order to permit, subject to the conditions set forth below, (i) MLPF&S and Affiliates to engage in principal transactions with the Unaffiliated Portion of each of the Multi-Managed Portfolios; (ii) MLPF&S and Affiliates to provide brokerage services to the Unaffiliated Portion of each of the Multi-Managed Portfolios, and the Unaffiliated Portion of each of the Multi-Managed Portfolios to utilize such brokerage services; and (iii) the Unaffiliated Portion of each of the Multi-Managed Portfolios to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is MLPF&S or an Affiliate. In addition, the amended Brokerage Order would permit a portion of a Multi-Managed Portfolio advised by an Affiliated Subadviser to make purchases from certain underwritings in reliance on rule 10f–3 without aggregating the purchases with purchases made by an Unaffiliated Portion for purposes of determining compliance with rule 10f-3(b)(7) under the Act. MAM states that , under the amended Brokerage Order, an Affiliated Subadviser will be subject to all of the terms and conditions of the Brokerage Application applicable to H&W.

4. MLAM and MLPF&S previously obtained an order to allow shares of Hotchkis and Wiley Variable Trust and any investment company or portfolio designed to fund insurance products and for which H&W may serve as investment adviser, administrator, manager, principal underwriter, or sponsor to be sold to and held by variable annuity and variable life insurance separate accounts (''Separate Accounts'') of both affiliated and unaffiliated life insurance companies (''Participating Insurance Companies'') and by Qualified Plans outside of the

[1] Merrill Lynch Asset Management, L.P., et al., Investment Company Act Release Nos. 22616 (April 14, 1997) (notice) and 22659 (May 12, 1997) (order); Hotchkis and Wiley Variable Trust, et al., Investment Company Act Release Nos. 22749 (July 14, 1997) (notice) and 22786 (August 13, 1997) (order).

[2] Such portfolio together with any other portfolio advised by MAM and at least one other investment adviser that has no affiliation with Merrill Lynch is referred to as a ''Multi-Managed Portfolio.'' The potion of a Multi-Managed Portfolio advised by an investment adviser that has no affiliation with Merrill Lynch is an ''Unaffiliated Portion.''

separate account context (''Mixed and Shared Funding Order''). The requested order would amend the Mixed and Shared Funding Order to apply to MAM and any Affiliate; any investment company or separate series of the investment company that is designed to fund insurance products for which MAM or any Affiliate serves or may in the future serve as investment adviser, administrator, manager, principal underwriter or sponsor (each, including Mercury V.I. Fund, a ''Trust''); any insurance company and insurance company separate account supporting variable annuity or variable life insurance contracts which currently invest or may invest in a Trust; and any Qualified Plan to which a Trust may offer and sell shares representing interests in its portfolios. Specifically, applicants seek an amended order to the extent necessary to permit shares of a Trust to be offered and sold to, and held by: (i) both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company; (ii) separate accounts of unaffiliated life insurance companies (including both variable annuity separate accounts and variable life insurance separate accounts); and (iii) trustees of Qualified Plans.

Applicants' Legal Analysis

A. Brokerage Order

1. MAM seeks an exemption, pursuant to Sections 6(c), 17(b) and 10(f) of the Act, from the provisions of sections 17(a), 17(e) and 10(f) of the Act and rules 17e–1 and 10f–3 under the Act. MAM states that all of the terms and representations of the Brokerage Application are equally applicable with respect to this application and are incorporated by reference, with the exception of the discussion relating to rule 10f–3(d). Rule 10f–3(d) has been deleted since the filing of the Brokerage Application and replaced by rule 10f–3(b)(7).

2. Rule 10f–3(b)(7) generally limits the securities purchased by an investment company in reliance on rule 10f–3 to 25% of the principal amount of the offering of the class of securities. Applicants seek relief from this provision so that investments by an Affiliated Subadviser will not be aggregated with investments by Unaffiliated Portions. Applicants submit that the legal discussion and analysis in the Brokerage Application relating to relief from rule 10f–3(d) are equally relevant to rule 10f–3(b)(7).

B. Mixed and Shared Funding Order

As in the application relating to the Mixed and Shared Funding Order (the ''Mixed and Shared Funding Application''), applicants seek an exemption, pursuant to section 6(c) of the Act, from the provisions of sections 9(a), 13(a), 15(a) and 15(b) of the Act and rules 6e–2(b)(15) and 63–3(T)(15) under the Act. Applicants state that all of the terms and representations of the Mixed and Shared Funding Application are equally applicable with respect to this application and are incorporated by reference.

Applicants' Conditions

1. MAM agrees that MAM and any Affiliate relying on the amended Brokerage Order will be subject to the terms and conditions contained in the Brokerage Application and Brokerage Order.

2. Applicants agree that: (1) MAM and any Affiliate; (2) any Trust; (3) any insurance company and insurance company separate account supporting variable annuity or variable life insurance contracts which currently invest or may invest in a Trust; and (4) any Qualified Plan to which a Trust may offer and sell shares representing interests in its portfolios will be subject to the terms and conditions provided in the Mixed and Shared Funding Application applicable to H&W, Trusts, Participating Insurance Companies and their Separate Accounts, and Qualified Plans, respectively.[3]

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–15094 Filed 6–14–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 5000–1]

Net Command Tech, Inc.; Order of Suspension of Trading

June 11, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Net Command Tech, Inc. f/k/a Corsaire, Inc. (''NCT'') an Internet technology company whose common stock is being quoted in the over-the-counter market, because of questions regarding the accuracy and adequacy of publicly available information disseminated by NCT and others to market makers of the stock of NCT, other broker dealers, and to investors concerning, among other things: (1) The purported acquisition by NCT of certain companies' assets and stock and the value of those assets and stock; (2) a $1.5 million line of credit purportedly secured by NCT from a European bank; (3) the revenue generated by an American company purportedly acquired by NCT; and (4) the business success and reputation of NCT's CEO and presient.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period from 9:30 a.m. EDT, on June 11, 1999, through 11:59 p.m. EDT, on June 24, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–15246 Filed 6–11–99; 2:07 pm]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Office of Defense Trade Controls

[Public Notice No. 3062]

Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. § 2776).

EFFECTIVE DATE: As shown on each of the seven letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State ((703) 875–6644).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the

[3] The Applicants agree that in the event the Mercury V.I. Fund, or any other Trust, operates as a ''feeder'' fund in a ''master/feeder'' fund structure, such Trust shall ensure that, to the extent necessary, the ''master,'' as well as such Trust, will comply with the conditions to the application.

Congress pursuant to section 36(c) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: June 8, 1999.

William J. Lowell,

Director, Office of Defense Trade Controls.

BILLING CODE 4710–25–P

United States Department of State

Washington, D.C. 20520

MAY 25 1999

Dear Mr. Speaker:

Pursuant to section 36 (c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement for the export of defense services under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the manufacture and production of the VHF Radio Sub-system (ADR+) and High Capacity Data Radio (HCDR), defined as the BOWMAN Radio, in the United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 5-99

The Honorable
J. Dennis Hastert,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

MAY 14 1999

Dear Mr. Speaker:

Pursuant to section 36 (c)&(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Norway.

The transaction described in the attached certification involves the manufacture of components and subassemblies for the Follow-on Low Initial Production (LRIP) and Full Rate Production (FRP) Phases for the NATO Evolved SeaSparrow Surface Missile Program for use by Australia, Belgium, Canada, Denmark, Germany, Greece, Italy, Netherlands, Norway, Portugal, Spain, Turkey, and the U.S.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 10-99

The Honorable
J. Dennis Hastert,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

MAY 25 1999

Dear Mr. Speaker:

Pursuant to section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing and Technical Assistance Agreement for the export of defense services under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the manufacture and production of F100-PW-220 and F100-PW-229 Engine components and parts, in the Netherlands and Germany.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 11-99

The Honorable
J. Dennis Hastert,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

MAY 14 1999

Dear Mr. Speaker:

Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture in the United Kingdom of C-130 air-to-air refueling wing pod tanker kits for use by U.S. and Canadian armed forces.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 13-99

The Honorable
J. Dennis Hastert,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

MAY 14 1999

Dear Mr. Speaker:

Pursuant to section 36 (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Poland.

The transaction described in the attached certification involves the transfer of engineering and design services supporting the design and construction of a new class of Corvettes for the Polish Navy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 28-99

The Honorable
J. Dennis Hastert,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

MAY 13 1999

Dear Mr. Speaker:

Pursuant to section 36(c)&(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for defense articles and defense services in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export of the PATRIOT Air Defense System and Manufacturing License Agreements with Greece for the manufacture of parts, components, and subsystems for the PATRIOT Air Defense System for end use by the Hellenic Republic.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 111-98

The Honorable
J. Dennis Hastert,
Speaker of the House of Representatives.

United States Department of State

Washington, D.C. 20520

MAY 14 1999

Dear Mr. Speaker:

Pursuant to section 36(c)&(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Turkey.

The transaction described in the attached certification involves the manufacture of 665 armored combat vehicles for use by the Turkish Land Forces.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin
Assistant Secretary
Legislative Affairs

Enclosure:
Transmittal No. DTC 136-98

The Honorable
Newt Gingrich,
Speaker of the House of Representatives.

[FR Doc. 99–15142 Filed 6–14–99; 8:45 am]
BILLING CODE 4710–25–C

DEPARTMENT OF STATE

[Public Notice No. 3061]

Office of Mexican Affairs; Issuance of a Finding of No Significant Impact for Farm to Market Road 3464 From Interstate Highway 35 to the Laredo Northwest International Bridge (Bridge IV), Laredo, TX

AGENCY: Department of State.

SUMMARY: Notice is hereby given that the Department of State has issued a finding of no significant impact on the environment for Farm to Market Road 3464 from Interstate Highway 35 to the Laredo Northwest International Bridge (Bridge IV), Laredo, Texas. On October 7, 1994, the Department of State issued a Presidential Permit (''Permit'') to the sponsor, the City of Laredo, Texas (''City''), for construction of the Laredo Northwest International Bridge (''Bridge'') between Laredo, Texas, and Nuevo Laredo, Tamaulipas, Mexico. Issuance of the Permit was predicated, in part, upon the Department's Finding of No Significant Impact (''FONSI''), which it made on October 3, 1994, concluding that the issuance of the Permit would not have a significant impact on the quality of the human environment within the United States.

The Permit specifies that it relates to construction, operation, and maintenance of the Bridge ''facilities,'' which include ''the bridge, its approaches, and any land, structure or installations appurtenant thereto.'' For purposes of the Permit, the approach road (''Approach Road'') consists of an extension of Farm to Market Road (''FM'') 3464, connecting the Bridge to the nearest crossroad, FM 1472 (''Mines Road''), as specified in the City's February 1994 permit application and in the environmental assessment upon which it was predicated.

Following issuance of the Permit, the City became interested in realigning FM 3464, including the portion to be constructed as the Approach Road, approximately 1,000 feet to the south of the location described in the February 1994 permit application and environmental assessment. (The realignment would cover not only the Approach Road, but also the portion of FM 3464 beyond Mines Road, extending to Interstate Highway (''IH'') 35.)

In 1997, the City initiated an environmental assessment (''Assessment'') of the FM 3464 realignment project proposal's potential environmental effects. Four alignment options were considered (the original alignment, the proposed realignment and two alternative routes) from IH 35 to the Bridge. The Assessment was prepared by Parsons, Brinkerhoff, Quade & Douglas, Inc., of Austin, Texas, and is dated December 1997. It was amended on February 16, 1998. The Federal Highway Administration (''FHWA'') acted as the lead federal agency supervising preparation of the Assessment. In March 1998, after review of the Assessment by a large number of federal, state and local agencies, the FHWA made a ''finding of no significant impact'' on the quality of the human environment within the United States with respect to each of the four alternatives. The Laredo City Council then passed a resolution accepting the alternative realigning FM 3464, from IH 35 to the Bridge, 1,000 feet to the south of the initial alignment.

In late 1998, the Department, acting in a manner consistent with its regulations for implementation of the National Environmental Policy Act in the context of its responsibilities with respect to Presidential Permits, conducted its own independent review of the Assessment. Thereupon, the Department proposed to adopt the Assessment and make its own ''finding of no significant impact'' with respect to each of the four alternative routes between IH 35 and the Bridge. For purposes of the Permit, the Approach Road consists only of the extension of FM 3464 to be constructed between Mines Road and the Bridge. Nevertheless, since each alternative alignment of the Approach Road has been presented as a component of an alignment that would extend all the way to IH 35, the Department's analysis has included review of each roadway alignment alternative in full.

The Assessment that the Department proposed to adopt was reviewed by numerous federal and sub-federal agencies (many of which had already reviewed it in the context of the FHWA process). Each Agency, with the exception of the Texas Parks and Wildlife Department, has expressed no objection to the Department's proposed action and has approved or accepted the Assessment, provided, in certain cases, that mitigation recommendations are followed (as described below). These cooperating agencies are: U.S. Department of the Interior, U.S. Department of Treasury, U.S. Customs Service, U.S. Environmental Protection Agency, U.S. Department of Defense, U.S. Department of Health and Human Services, U.S. Food and Drug Administration, International Boundary and Water Commission—U.S. Section, U.S. Department of Commerce, U.S. Department of Agriculture, U.S. Federal Highway Administration, U.S. General Services Administration, U.S Coast Guard, U.S. Immigration and Naturalization Service, Texas Water Development Board, Texas Department of Transportation, Texas Historical Commission, and Texas Natural Resource Conservation Commission. The Texas Parks and Wildlife Department, citing its preference for Alternative 1, which in its view ''impacts the least amount of critical habitat and reduces the potential for wildlife and vehicle collisions,'' indicated that it unable to support a FONSI with respect to Alternative 2. The U.S. Department of the Interior has advised the Department that there is no ''critical habitat in the area under examination as that term is defined in the Endangered Species Act.''

For the reasons set forth in the summary, above, and based on the foregoing analysis, a finding of no significant impact is adopted and an environmental impact statement will not be prepared.

The environmental assessment and finding of no significant impact are available for inspection in the Office of Mexican Affairs during normal business hours, from 8:15 AM to 5:00 PM. Please contact David E. Randolph, Coordinator for U.S.-Mexico Border Affairs, U.S. Department of State, 2201 C. Street NW Room 4258, Washington, DC 20520, telephone (202) 647–8529.

SUPPLEMENTARY INFORMATION:

Factors Considered

The Department considered thoroughly four alternative alignment options in this case, described in detail in the Assessment and in summary fashion as follows.

Alternative 1

Utilize the alignment of existing FM 3464 between IH 35 and Mines Road and extend that alignment to the Bridge as approved in the October 1994 Permit.

Alternative 2

Build a new roadway approximately 1,000 feet south of that described in Alternative 1.

Alternative 3

Initially re-stripe existing FM 3464 as a one-way roadway with traffic traveling southwest toward the Bridge; in addition, construct a two-lane, one-way roadway 290 feet south of existing FM 3464 from Mines Road to Auburn Road and expand the separation to a maximum of 1,500 feet beyond Auburn Road, with traffic traveling Northeast toward IH 35. Ultimately, the roadway would consist of a reconstruction of the one-way facility from Mines Road northeast to IH 35 as a four-lane

controlled access facility with frontage roads.

Alternative 4

Build a new roadway approximately 500 feet south of that described in Alternative 1.

Three other options are addressed in the Assessment: (a) a no build/do nothing option; (b) a transportation system management option; and (c) a mass transit option. The Department has determined that these options, each of which is an alternative to construction of the Bridge itself, are not feasible.

In considering option (a), the no build/do nothing option, and option (c), the option of the City providing expanded public transportation services between Laredo, Texas and Nuevo Laredo, Tamaulipas, the Department notes the continuing increase in commercial truck traffic on the existing Laredo bridges. (Trucks use IH 35 as a staging area and line up on IH 35 for several miles during peak travel periods, waiting to cross the existing downtown bridges.)

The Department also notes the significant need for effective transportation of people, goods, and services between the United States and Mexico. (The value of imports and exports between the U.S. and Mexico increased 71% to $129.7 billion between 1992 and 1996.) Trade with Mexico is likely to continue to increase as a result of the increase in twin plants or maquiladoras located in Laredo and Nuevo Laredo. The most significant travel demand relates to commercial freight. The provision of mass transit services for the existing international bridges would not meet projected commercial, non-passenger demands. Moreover, fiscal constraints face the City's passenger transit system. In sum, increasing population, urbanization, and commerce in the Laredo area mean that existing problems of air pollution and traffic congestion caused by heavy truck traffic will continue to cause the quality of the environment of the Laredo/Nuevo Laredo downtown areas to deteriorate if no acceptable alternative route for such traffic is provided. These options were considered thoroughly in connection with the Department's review of the City's 1994 permit application (see October 3, 1994, FONSI, 59 FR 59268 *et seq.*). They were not chosen at that time and a decision was made then to issue the Permit. For the reasons described above, the Department's 1994 analysis applies with at least equal force in 1999.

Option (b), the transportation system management option, would involve re-routing heavy, commercial vehicle traffic from two existing international bridges in Laredo (both of which connect to the Mexican State of Tamaulipas) to the Laredo Colombia Solidarity Bridge, which provides access to the Mexican State of Nuevo Leon. Such an alternative approach would effectively deny heavy commercial vehicles direct access to Tamaulipas. In so doing, it would also damage or destroy the livelihood of long-standing and vibrant business interests in Tamaulipas. Such economic dislocation could, in turn, have negative effects on relations between the United States and Mexico. Accordingly, the Department finds option (b) not to be viable.

Analysis of the Environmental Assessment Submitted by the City

The Assessment submitted by the City provides information on the environmental effects of the four alternatives outlined above regarding the alignment of FM 3464. On the basis of the Assessment and information developed by the Department and the other federal and state agencies in the process of reviewing the Assessment, the Department makes the following determinations regarding the impact of these alignment alternatives.

Air Quality

This project is in an area that is in attainment of the National Ambient Air Quality Standards (NAAQS). Concentrations of carbon monoxide under the worst case meteorological conditions are not expected to exceed the NAAQS at any time. While there is potential during the construction phase for any of the alternatives involving new construction to adversely affect air quality in the short term, even these effects may be mitigated by requiring contractors to minimize exhaust emissions through emissions control devices and to limit unnecessary idling of construction vehicles.

River Channel and Floodplains

Each of the four roadway alternatives would cross three stream channels: Las Manadas Creek and two unnamed drainage areas. Channel realignments are currently not anticipated. Roadway construction may involve some channelization and excavation within the right-of-way for the placement of culverts. The U.S. Department of the Interior has stated that Alternative 2 would be acceptable to it provided certain mitigation recommendations made by its Fish and Wildlife Service are followed. The Fish and Wildlife Service has requested and the City has agreed to work with the Texas Department of Transportation to accomplish appropriate culvert designs for incorporation into the roadway planning to provide safe and viable travel corridors for endangered cats. The proposed project will not alter the existing hydrological characteristics and will not increase backwater elevation in the Rio Grande River, Las Manadas Creek, or the two other large drainage areas by more than one foot. Encroachment on floodplains was analyzed to determine any effects caused by the roadway in the event of the 100-year flood. The Bridge and roadway will permit the conveyance of the hundred-year flood, inundation of the roadway being acceptable without causing it or the Bridge significant damage.

Historical and Archeological Resources

In October 1996, an intensive cultural resource survey was conducted for the corridor containing the roadway alternatives. In addition, a single corridor from 0.5 miles north of the current alignment of FM 3464 to 0.5 miles south of the proposed FM 3464 realignment's southern-most right of way, which includes each of the four alternatives, was investigated for historic standing structures through a ''windshield survey'' and archival map review. Each alternative was found to affect a number of prehistoric sites that had been disturbed previously. No historic properties were listed in the National Register of Historic Places (NRHP) and no pre-1950 standing structures were observed 0.5 miles north of the existing alignment of FM 3464 nor 0.5 miles south of the southern-most realignment proposal's southern right-of-way. One archeological site would be impacted by each of the four alternative routes: state trinomial number 41WB429. The Texas Department of Transportation (TXDOT) completed a program of archeological testing at this site and based upon the results of that study the Texas Historical Commission concurred with TXDOT's recommendation that the site lacks significant research potential and therefore is ineligible for inclusion in the NRHP. In reviewing the project according to the procedures set forth in 36 C.F.R. 800, the Advisory Council on Historic Preservation's guidelines for the implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, and in light of the absence of properties eligible for inclusion in the NRHP, the Texas Historical Commission concluded that the proposed project including each of the four access road alternatives will have no effect on historic properties.

Land Use and Local Development Impacts

The current area land use along the existing FM 3464 corridor is predominately warehousing, light industrial and commercial. Short-term development impacts are considered insignificant because of the site's rural nature and consist of increased traffic resulting from roadway construction. Alternative 1 (expanding FM 3464 while maintaining its existing alignment and extending this roadway from Mines Road to the Bridge) may result in minimal traffic delays as a result of construction activities. Alternatives 2, 3, and 4 each involve building a new roadway within 1000 feet of existing FM 3464 and traffic would use the existing facility during construction activities. Long-term impacts will be determined by the rate and intensity of development associated with the Bridge and roadway construction between it and IH 35. Under Alternative 1, development would likely continue to be centered around the improved roadway and traffic patterns would not likely change significantly. If Alternative 2, 3, or 4 were chosen, development would probably be centered around the relocated roadway facility. Though traffic patterns would change, the existing roadway would remain open to traffic and would be maintained as a city street.

Threatened and Endangered Species

None of the four roadway alternatives would result in a significant reduction in range and brush land available for habitat. In October 1996 a biological survey was completed regarding the Bridge facilities and alternative road alignments (an area of almost 441 acres). The survey area has two riparian woodlands/wetlands areas comprising 55.4 acres. No endangered plant species were found and impacts to threatened or endangered plants are not anticipated under the four alternatives. Impacts to endangered ocelots and other wildlife may be direct in the form of death through vehicular collision. Such direct impacts appear to be lowest for Alternative 1 and similar as between Alternatives 2 and 4 as each of these alternatives would involve construction of a new roadway across linear habitat features (wetlands and riparian corridors) used by wildlife. Alternative 3 includes an additional two-lane, one-way roadway, which would increase the potential occurrence of mortality from road kill. In addition to the mitigation measures referred to above (see discussion of floodplains), the U.S. Department of the Interior has indicated that Alternative 2 would be acceptable to it provided that recommendations of the Fish and Wildlife Service were followed. In accordance with the recommendations of the Fish and Wildlife Service, the City has agreed to work with the Texas Department of Transportation so that permanent street lighting is directed only on the roadway and not on surrounding vegetation near crossings and activities resulting in vegetation disturbance are avoided during the general migratory bird nesting period of March through August.

Traffic Noise

Construction noise is difficult to predict. Provisions should be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise through abatement measures such as work-hour controls and proper maintenance of equipment muffler systems. Post-construction traffic noise analysis of the four roadway alternatives indicates no impact will result.

Wetlands

Two potential Palustrine wetland areas were identified occupying 15.23 acres of the survey area. These lie at the Las Manadas Creek headwaters. Alternative 1 would widen the existing FM 3464 crossing at the headwaters of Las Manadas Creek wetland and would impact 1.85 acres of potential wetlands. Similar direct impacts would be anticipated with respect to Alternatives 2 and 3, which would involve constructing a new road across the wetland area and could involve 3.72 acres of wetlands. Alternative 4 would involve constructing a new roadway across the narrowest portion of the wetland along Las Manadas Creek. This alternative could produce direct impacts to 1.98 acres of wetlands. Cumulative impacts are similar for each of the four roadway alternatives. These may include for each, additional non-point source pollutant discharge into Las Manadas Creek, increased surface runoff, and erosion and degradation of wetland function. Additional consultations with the U.S. Army Corps of Engineers are required in order to obtain a permit under Section 404 of the Clean Water Act and 40 CFR 230, which authorizes the discharge of dredge and fill materials into waters of the United States. The City and the Texas Department of Transportation have assured the Department that they will comply with Section 404.

Environmental Justice

The Bridge, ancillary facilities and the roadway connection to IH 35 are located in census tract 001075, which the 1990 census indicated had a population of 3,320. The 1996 population is estimated to be 7,167 and over 96 percent are estimated to be Hispanic. No residential population is located within 4,000 feet of the proposed project. Median household income was $30,149. Therefore, minority and low-income populations will not be impacted disproportionately in an adverse manner by any of the proposed roadway alignment alternatives, nor will there be any negative impacts to community cohesion or neighborhood stability.

Dated: June 9, 1999.

David E. Randolph,

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

[FR Doc. 99–15141 Filed 6–14–99; 8:45 am]

BILLING CODE 4710–29–U

DEPARTMENT OF STATE

[Public Notice No. 3060]

Office of Mexican Affairs; Notice of Issuance of an Amended Presidential Permit for the Laredo Northwest International Bridge (Bridge IV), Laredo, TX

AGENCY: Department of State.

ACTION: Notice of Issuance of an Amended Presidential Permit for the Laredo Nortwhest International Bridge (Bridge IV), Laredo, Texas.

SUMMARY: Notice is hereby given that the Department of State has issued an Amended Presidential Permit for the Laredo Northwest International Bridge (Bridge IV) project sponsored by the City of Laredo, Texas. The amended permit was issued April 12, 1999 pursuant to the International Bridge Act of 1972 (33 U.S.C. 535 *et seq.*) and Executive Order 11423 of 1968, as amended by Executive Order 12847 of 1993.

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, DC 20520, telephone (202) 647–8529.

SUPPLEMENTARY INFORMATION: Notice of the application by the City of Laredo, Texas for a permit to build a new bridge, with access road, to be constructed across the Rio Grande River between Laredo, Texas and Nuevo Laredo, Tamaulipas, Mexico was published in the **Federal Register** on October 3, 1991

at 56 FR 50148. Notice of issuance of the Presidential Permit and Finding of No Significant Impact was published in the **Federal Register** on November 16, 1994 at 59 FR 59267. The bridge will carry pedestrian and commercial traffic, and is intended to relieve the traffic burden on existing bridges in the downtown area. As a condition for the Presidential Permit, the City of Laredo has agreed to route all commercial traffic to this new bridge or to the Colombia Bridge, which connects the City of Laredo to the State of Nuevo Leon. Further, the City has agreed that all hazardous materials will be directed to the Colombia Bridge, where the U.S. Customs Service operates a hazardous materials containment facility. The new bridge is needed because the two existing international bridges between downtown Laredo and Nuevo Laredo cannot accommodate additional traffic without further safety and environmental degradation. The permit was amended to specify that the permit holder (City of Laredo) is authorized to align the approach road to the bridge in accordance with any of four alternatives that have been found to have no significant environmental impact.

The application for the Amended Presidential Permit was reviewed and approved by numerous federal, state and local agencies. The final application and environmental assessment were reviewed and approved or accepted by the Immigration and Naturalization Service, General Services Administration, Department of Interior, Department of Agriculture, Department of Commerce, U.S. Customs Service, U.S. Coast Guard, Federal Highway Administration, Food and Drug Administration, International Boundary and Water Commission—U.S. Section, Department of Defense, the Environmental Protection Agency, the Department of State and the appropriate Texas State Agencies—the Parks and Wildlife Department, the Department of Transportation, the Historical Commission and the Natural Resource Conservation Commission.

Dated: June 9, 1999.

David E. Randolph,

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

[FR Doc. 99–15140 Filed 6–14–99; 8:45 am]

BILLING CODE 4710–29–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

Agency Holding the Meeting: Tennessee Valley Authority (Executive Meeting No. 1).

Time and Date: 9 a.m. (CDT), June 16, 1999.

Place: TVA Environmental Research Center Auditorium, Muscle Shoals, Alabama.

Status: Open.

Agenda

New Business

Energy

C1. Supplement to Contract No. 96NNX–161365–003 with Stone & Webster Construction Company, Inc., for modification and supplemental maintenance services at TVA nuclear plants.

C2. Contracts with Adecco, Westaff, and Midpoint International, Inc., for staff augmentation engineering and technical support services for TVA.

C3. Supplement to Blanket Purchase Order No. 97X1E–197652 with ABB Power T&D for transmission and distribution equipment.

C4. Contract with Indus International, Incorporated, for PassPort Supply Chain Management Software, implementation services, EMPAC work management software, and maintenance support.

C5. Contract with Anixter, Inc., for miscellaneous telecommunications equipment.

C6. Contracts with Siemens Information and Communication Networks, Inc., and Ameritech Data Networking Solutions, Inc., for local area network equipment.

C7. Contract with Government Technology Services, Inc., and Federal Data Corporation for network management tools.

C8. Contract with AEI Resources, Inc., to replace renegotiated contracts with Crockett Collieries, Inc.; Mountain Coals Corporation; and Leslie Resources, Inc., all of which are subsidiaries of AEI Resources, Inc.

C9. Delegation of authority to the Vice President, Fuel Supply and Engineering Services, or a designee, to award a 10-year coal contract under Requisition 36, Request for Proposals of Bituminous Term Coal to Oxbow Mining, Inc.

C10. Fixed-price contracts with ABB CE Services, Inc., and Babcock & Wilcox Company for long-term alliances to furnish pulverizer parts and technical support.

Information Items

1. Filing of condemnation cases to acquire a temporary right to enter to survey and appraise for an electric power transmission line: Madison West-South Jackson Transmission Line, Madison County, Tennessee.

2. Filing of condemnation cases to acquire a temporary right to enter to survey and appraise for an electric power transmission line: Murfreesboro-Smyrna No. 2 Transmission Line, Rutherford County, Tennessee.

3. Filing of condemnation cases to acquire easements and rights-of-way for pipeline and access road affecting the following transmission line: Johnsonville Fossil Plant Pipeline, Humphreys County, Tennessee.

4. Contribution to Tennessee Aquarium, a nonprofit organization, located in Chattanooga, Tennessee.

5. Agreement with The University of Tennessee at Knoxville to cover all future activities being conducted by the respective TVA business units, with a monetary limit of $6 million.

6. Approval of recommendations resulting from negotiations with the Office and Professional Employees' International Union over compensation for annual and hourly employees.

7. New investment manager and proposed new Investment Management Agreement between the TVA Retirement System and Smith Breeden Associated, Inc.

8. Amendments to the Rules and Regulations of the TVA Retirement System and the provisions of the TVA Savings and Deferral Retirement Plan (401(k) Plan).

9. Approval to sell TVA Power Bonds.

10. Delegation of authority to the Chief Financial Officer to authorize loan write-offs of up to $250,000 on loans managed by Economic Development and authority to execute any appropriate documents to effectuate the write-off.

11. Approval to establish a Public Power Institute within the Chief Operating Officer's organization to be located in Muscle Shoals.

12. Approval of member of and designation of chair of the Land Between The Lakes Advisory Committee and delegation of authority to the Chief Operating Officer, subject to the concurrence of the Board during such periods as there are at least two Board members in office and in the absence of at least two Board members in office with the concurrence of the Chairman, to fill future vacancies.

13. Award of contract to Carl E. Smith, Incorporated, for the construction, testing, and commissioning of a 28-mile natural gas pipeline, meter station, pressure regulation, and plant piping for Johnsonville Combustion Turbines and

pressure regulation, and plant piping for Gallatin Combustion Turbines.

14. Approval of a distributor bill credit program, to be implemented in conjunction with the reinstatement of wholesale reactive demand charges, under which distributors could receive credits (up to the amount of such reactive charges) as a rebate to the cost of purchasing and installing capacitors on their systems.

15. Sale of noncommercial, nonexclusive permanent easements affecting less than 1 acre of land on Tellico Lake in Loudon and Monroe Counties. Tennessee, for the construction, operation, and maintenance of private water-use facilities (Tract Nos. XTELR–280RE and XTELR–209RE).

16. Grant of a permanent easement to the State of Alabama for a highway improvement project, affecting approximately 1.83 acres of land on Wheeler Lake in Morgan County, Alabama (Tract No. XTWR–109H).

17. Grant of a permanent easement to Morgan County, Alabama, for highway improvement purposes affecting approximately 2.64 acres of land on Wheeler Lake, Morgan County, Alabama (Tract No. XTWR–110H).

18. Public auction sale, under Section 31 of the TVA Act, of the Tupelo Line Crew Headquarters property, affecting approximately 3.07 acres of TVA land in Tupelo, Mississippi (Tract No. XTLCH–1).

19. Approval of various actions affecting TVA land, including the sale of real property and interests in real property, the grant of easements, the modification of deeds, and certain delegations with respect to the disposition of real property and the approval and modification of reservoir land use plans: (1) Delegation of authority to approve disposition of real property and to approve and modify reservoir land use plans; (2) sale of nonexclusive permanent easement to resolve encroachments for a driveway affecting 0.16 acres of land and a second nonexclusive permanent easement for an access road affecting 0.12 acre of land on Nickajack Lake in Marion County, Tennessee (Tract No. XNJR–24H); (3) Deed modification relative to flood elevations affecting 0.03 acre of land on Chickamauga Lake in Hamilton County, Tennessee (Tract No. XCR–30); (4) Deed modifications relative to flood elevations affecting approximately 4.2 acres of land on Watts Bar Lake in Roane County, Tennessee (Tract Nos. XWBR–446 and XWBR–447); (5) Grant of permanent easement to Charles H. Smith for residential and commercial purposes affecting approximately 1.2 acres of land on Chickmauga Lake in Rhea County, Tennessee (Tract No. XCR–669E); (6) Noncommercial, nonexclusive permanent easement for a private water-use facility 0.48 acre of land on Tellico Lake in Loudon County, Tennessee (Tract No. XTELR–207RE); and (7) Public auction sale of approximately 13.5 acres of TVA land located on Norris Lake in Campbell County, Tennessee (Tract No. XNR–907).

20. Nonexclusive, permanent easement for access road purposes to Charles Wilkens, affecting approximately 0.03 acre of the Mayfield-Paducah Customer Service Center Site, Graves County, Kentucky (Tract No. XTMPCSC–1AR).

21. Delegation of Authority to the Chief Administrative Officer during such time as a Board quorum does not exist, with the concurrence of the Chairman, to execute agreements with the Tennessee Valley Trades and Labor Annual Council.

22. Delegation of authority to the Chief Administrative Officer, or a designated representative, to negotiate and enter into Amendment No. 3 to TVA Contract No. TV–96619V between TVA and the University of Kentucky Research Foundation.

23. Approval of the Charter for the Regional Resource Stewardship Committee and designation of the Chief Operating Officer to complete the chartering process and appoint committee members.

24. Delegation of authority to the Chief Nuclear Officer, or a designee, subject to the concurrence of the individual Board member or members prior to execution of any agreement, to enter into an interagency agreement with the Department of Energy for TVA to provide irradiation services for the production of tritium at the Sequoyah and Watts Bar Nuclear Plants and acquire uranium, uranium hexaflouride, and enriched uranium from DOE for use in the units that may provide irradiation services.

25. Approval to award one or more contracts for the supply and turnkey installation of new combustion turbine units to provide additional peaking generation capacity beginning in Fiscal Year 2002.

26. Amendments to the Trust Agreement between the Board of Directors of the TVA Retirement System and Fidelity Management Trust Company.

27. Filing of condemnation cases to acquire easements and rights-of-way for pipeline affecting the following transmission line: Johnsonville Fossil Plant Pipeline, Humphreys County, Tennessee.

28. Revisions to the Economy Surplus Power Program to limit its availability and to otherwise better match the needs of the TVA power system.

For more information: Please call TVA Public Relations at (423) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999.

Dated: June 9, 1999.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 99–15181 Filed 6–10–99; 4:24 pm]

BILLING CODE 8120–08–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Sector Advisory Committee on Small and Minority Business (ISAC–14)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of meeting.

SUMMARY: The Industry Sector Advisory Committee on Small and Minority Business (ISAC–14) will hold a meeting on June 28, 1999, from 9:15 a.m. to 2:15 p.m. The meeting will be open to the public from 9:15 a.m. to 12:30 p.m. and closed to the public from 12:30 p.m. to 2:15 p.m.

DATES: The meeting is scheduled for June 28, 1999, unless otherwise notified.

ADDRESSES: The meeting will be held at the Department of Commerce Room 4830, located at 14th Street and Constitution Avenue, N.W., Washington, D.C., unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Millie Sjoberg or Susan Toohey, Department of Commerce, 14th St. and Constitution Ave., N.W., Washington, D.C. 20230, (202) 482–4792 or Ladan Manteghi, Office of the United States Trade Representative, 1724 F St. N.W., Washington, D.C. 20508, (202) 395–6120.

SUPPLEMENTARY INFORMATION: The ISAC–14 will hold a meeting on June 28, 1999 from 9:15 a.m. to 2:15 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code and Executive Order 11846 of March 27, 1975, the Office of the U.S. Trade Representative has determined that part of this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the

United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. During the discussion of such matters, the meeting will be closed to the public from 12:30 p.m. to 2:15 p.m. The meeting will be open to the public and press from 9:15 a.m. to 12:30 p.m., when other trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committees will not be invited to comment.

Pate Felts,

Acting Assistant United States Trade Representative, Intergovernmental Affairs and Public Liaison.

[FR Doc. 99–15110 Filed 6–14–99; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending June 4, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–5801.

Date Filed: June 4, 1999.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0340 dated 8 June 1999, Mail Vote 008—Resolution 001b/090ww r1–r2, TC3 Intermediate Class Companion Fares from Japan to Guam, Saipan.

Intended effective date: 1 July 1999.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–15121 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending May 28, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–5740.

Date Filed: May 27, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: June 24, 1999.

Description: Application of Emery Worldwide Airlines, Inc., pursuant to 49 U.S.C. 41102 and Subpart Q, applies to amend its Route 743 certificate authority to permit it to engage in scheduled foreign air transportation between El Paso, Texas, and Chihuahua, Mexico. Emery Air request authority to integrate its amended Route 743 authority with its existing certificate and exemption authority.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–15119 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 4, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–5757.

Date Filed: June 1, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: June 29, 1999.

Description: Application of Pakistan International Airlines Corporation pursuant to 49 U.S.C. 41301 and Part 211 and Subpart Q, applies for an amendment to its foreign air carrier permit to engage in: (a) foreign air transportation of persons, property and mail from points behind Pakistan via points in Pakistan and intermediate points to points in the United States and points beyond; and (b) all-cargo service or services, between the United States and any point or points; and (c) foreign charter air transportation of persons, property, and mail between any point or points in Pakistan and any point or points in the United States and any point or points not in Pakistan or the United States, and any other charter flights authorized pursuant to Part 212 of the Department's Regulations.

Docket Number: OST–99–5768.

Date Filed: June 2, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: June 30, 1999.

Description: Application of Tie Aviation, Inc. d/b/a Trans International Express pursuant to 49 U.S.C. 41102, Parts 201 and 204 and Subpart Q, applies for a certificate of public convenience and necessity authorizing Trans International Express to conduct foreign scheduled air transportation of persons, property, and mail between points in the United States and points in Israel, with service beginning on or about September 1, 1999 between New York, New York and Tel Aviv, Israel.

Docket Number: OST–99–5798.

Date Filed: June 4, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: July 2, 1999.

Description: Application of Cardinal Airlines, Inc. pursuant to 49 U.S.C. Section 41102, Parts 201 and 204 and Subpart Q, applies for authority to engage in schedule interstate air transportation of persons, property, and mail between points in the United States and its possessions.

Docket Number: OST–99–5799.

Date Filed: June 4, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: July 2, 1999.

Description: Application of Cardinal Airlines, Inc. pursuant to 49 U.S.C. Section 41102, Parts 201 and 204 and Subpart Q, applies for authority to engage in world wide foreign charter air transportation of persons, property, and mail.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–15120 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG—1999–5717]

Agency Information Collection Activities Under OMB Review

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520, the Coast Guard intends to request the Office of Management and Budget's (OMB) approval for the renewal of nine Information Collection Requests (ICRs). These ICRs comprise: 1. (A) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge, (B) Application for Equivalents, Exemptions and Alternatives, (C) Voluntary Reports of Pollution Sightings; 2. Private Aids to Navigation Application and Application for Class 1 Private Aids to Navigation on Artificial Islands and Fixed Structures; 3. Bridge Permit Application Guide; 4. Electrical Equipment and Fire Protection Materials/Systems; 5. Defect/Noncompliance Report and Campaign Update Report; 6. Application for Vessel Inspection and Waiver; 7. Course Approvals for Merchant Marine Training Schools; 8. Ships' Stores Certification for Hazardous Materials Aboard Ships; and 9. Licensing and Manning Requirements for Towing Vessels. Before submitting the ICRs to OMB, the Coast Guard is asking for comments on the collections described below.

DATES: Comments must reach the Coast Guard on or before August 16, 1999.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG–1999–5717), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW, Washington DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this document. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

Copies of the complete Information Collection Request are available through this docket on the Internet at http://dms.dot.gov and also from Commandant (G–SII–2), U.S. Coast Guard Headquarters, room 6106, (Attn: Barbara Davis), 2100 Second Street SW., Washington, DC 20593–0001. The telephone number is 202–267–2326.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document. Should there be questions on the docket, contact Dorothy Walker, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–9330.

Request for Comments

The Coast Guard encourages interested persons to submit written comments. Persons submitting comments should include their names and addresses, identify this document (USCG–1999–5717) and the specific ICR to which each comment applies, and give the reason(s) for each comment. Please submit all comments and attachments in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Information Collection Requests

1. Title: (A) Report of MARPOL 73/78 Oil, Noxious Liquid Substance (NLS) and Garbage Discharge, (B) Application for Equivalent, Exemptions and Alternatives, (C) Voluntary Reports of Pollution Sightings

OMB Control Number: 2115–0556.

Summary: The information in this report is needed by the Coast Guard to ensure compliance with pollution prevention standards and to respond and investigate pollution incidents.

Need: Title 33 U.S.C. 1321 and 1903 authorize the Coast Guard to establish regulations that promote the protection of the environment. Title 33 CFR, Subchapter O (parts 151 to 159) prescribe the Coast Guard pollution prevention regulations.

Respondents: Vessel owners and operators for (A) and (B) and the public for (C).

Frequency: On occasion.

Burden: The estimated burden is 15 hours annually.

2. Title: Private Aids to Navigation Application and Application for Class 1 Private Aids to Navigation on Artificial Islands and Fixed Structures (CG–4143)

OMB Control Number: 2115–0038.

Summary: The collection of information requires respondents to provide to the Coast Guard , on two applications (CG–2554 and CG–4143), vital information about private aids to navigation.

Need: 33 CFR Parts 66 and 67 authorize the Coast Guard to collect and process the information furnished from the private aids applications to ensure that private aids to navigation appropriately mark the associated hazard or waterway.

Respondents: Owners of Private Aids to Navigation.

Frequency: On occasion.

Burden: The estimated burden is 3,073 hours annually.

3. Title: Bridge Permit Application Guide

OMB Control Number: 2115–0050.

Summary: The collection of information is a bridge permit request submitted as an application for Coast Guard approval of proposed bridge projects. Applicants will submit to the Coast Guard a letter of application along with letter size drawings (plans) and maps showing the proposed bridge project and its location.

Need: Title 33 U.S.C. 401, 491, 525, and 535, authorize the Coast Guard to approve plans and locations for all bridges or causeways that are to be constructed over navigable waters of the United States.

Respondents: Public and private owners of bridges over navigable waters of the United States.

Frequency: On occasion.

Burden: The estimated burden is 2,800 hours annually.

4. Title: Electrical Equipment and Fire Protection Materials/Systems—46 CFR Subchapter Q

OMB Control Number: 2115–0121.

Summary: The information in this report is needed to ensure compliance with U.S. regulations for the design and construction of certain electrical equipment and fire protection materials/systems.

Need: Title 46 U.S.C. 3306, 3703, and 4302 authorized the Coast Guard to establish regulations to protect life, property, and the environment. Title 46 CFR subchapter Q prescribes the Coast Guard regulations for the design and construction of certain electrical equipment and fire protection materials/systems.

Respondents: Electrical equipment and fire protection material/system manufacturers.

Frequency: On occasion.

Burden: The estimated burden is 268 hours annually.

5. Title: Defect/Noncompliance Report and Campaign Update Report

OMB Control Number: 2115–0035.

Summary: The information in this report is needed to ensure compliance with requirements for defect notification applicable to manufacturers of recreational boats, inboard engines, outboard motors, and sterndrive units.

Need: Title 46 U.S.C. 4310 requires boat and engine manufacturers to conduct defect notification for failures to comply with applicable U.S. Coast Guard safety standards or regulations, and for defects which create a substantial risk of personal injury to the public. 46 U.S.C. 4310 and 33 CFR Part 179 prescribe requirements for certain reports to the Coast Guard concerning potential impacts on recreational boating safety, how problems will be corrected, and progress in notifying owners and repairing affected units.

Respondents: Manufacturers of recreational boats, inboard engines, outboard motors, and sterndrive units.

Frequency: Quarterly.

Burden: The estimated burden is 312 hours annually.

6. Title: Application for Vessel Inspection and Waiver

OMB Control Number: 2115–0007.

Summary: The collection of information requires the owner, operator, agent, or master of a vessel to apply in writing to the Coast Guard before commencing the inspection for certification, or when, in the interest of national defense, a waiver is desired from the requirements of navigation and vessels inspection.

Need: Title 46 U.S.C. 3306 and 3309 authorize the Coast Guard to establish regulations to protect life, property, and the environment. The reporting requirements of the Application for Inspection of U.S. Vessels and the Application for Waiver and Waiver Order are part of the Coast Guard's Marine Safety Program.

Respondents: Vessel owner, operator, agent, master or interested U.S. Government agency.

Frequency: On occasion, biennially, and triennially.

Burden: The estimated burden is 1,504 hours annually.

7. Title: Course Approvals for Merchant Marine Training Schools

OMB Control Number: 2115–0111.

Summary: The information for this report is necessary to ensure that merchant marine training schools meet minimal statutory requirements. The information is used to approve the curriculum, facility and faculty for these schools.

Need: Title 46 U.S.C. 7315 authorizes a license or document applicant to substitute the completion of an approved course for a portion of the required sea service. Title 46 CFR 10.302 prescribe the Coast Guard regulations for course approval.

Respondents: Merchant marine training schools.

Frequency: Once every five years for reporting; annually for recordkeeping.

Burden: The estimated burden is 19,026 hours annually.

8. Title: Ships' Stores Certification for Hazardous Materials Aboard Ships

OMB Control Number: 2115–0139.

Summary: The information is this report is needed to ensure that personnel abroad ships are made aware of the proper usage and stowage instructions for certain hazardous materials.

Need: Title 46 United States Code 3306 authorizes the Coast Guard to prescribe regulations for the transportation, stowage, and use of ships' stores and supplies of a dangerous nature. Title 46 Code of Federal Regulations part 146 prescribe the regulations for hazardous ships' stores.

Respondents: Suppliers and manufacturers of hazardous products used on ships.

Frequency: On occasion.

9. Title: Licensing and Manning Requirements for Towing Vessels

OMB Control Number: 2115–0623.

Summary: The Coast Guard has requirements for licensing individuals that operate towing vessels. The requirements ensure that towing vessels operating in the navigable waters of the U.S. are under the control of licensed officers who meet certain qualification and training standards.

Need: Title 46 Code of Federal Regulations Part 10 prescribes regulations for the licensing of maritime personnel. This information collection is necessary to ensure that a mariner's training information is available to assist in determining his or her overall qualifications to hold certain licenses.

Respondents: Mariners licensed to operate towing vessels, prospective towing-vessel officers, and companies employing these mariners.

Frequency: On occasion.

Burden: The estimated burden is 1,590 hours annually.

Dated: June 2, 1999.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Director of Information and Technology.

[FR Doc. 99–15122 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–5666]

National Preparedness for Response Exercise Program (PREP)

AGENCY: Coast Guard, DOT.

ACTION: Request for comments on PREP triennial exercise schedule for 1999, 2000, and 2001 and new equipment deployment exercise.

SUMMARY: The Coast Guard, the Environmental Protection Agency (EPA), the Research and Special Program Administration (RSPA) and the Minerals Management Service (MMS), in concert with the states, the oil industry and concerned citizens, developed the Preparedness for Response Exercise Program (PREP). This notice announces the PREP triennial cycle, 1999–2001; requests comments from the public; and requests industry participants to volunteer for scheduled PREP Area exercises.

DATES: Comments are due by August 16, 1999.

ADDRESSES: Please submit your comments and related material by only one of the following methods to avoid multiple listings in the public docket:

(1) By mail to the Docket Management Facility (USCG–1999–5666), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW, Washington, DC 20590–0001.

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at htt://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this notice and general information regarding the PREP program and the schedule, contact Ms. Karen Adams, Marine Safety and Environmental Protection, Office of Response, (G–MOR–2), (202) 267–2850. For questions on viewing, or submitting material to, the docket, contact Ms. Dorothy Walker, Chief, Dockets, Department of Transportation, telephone (202) 366–9329.

SUPPLEMENTARY INFORMATION: The PREP Area exercise schedule and exercise design manual are available on the internet at htt://www.uscg.mil/hq/g-m/gmhome.htm (see index, then oil

response). To obtain a hard copy of the exercise design manual, contact Ms. Melanie Barber at the Research and Special Programs Administration, Office of Pipeline Safety, at (202) 366–4560. The 1994 PREP Guidelines book is available at no cost by writing or faxing the TASC Dept Warehouse, 3341 Q 75th Avenue, Landover, MD 20785, fax: 301–386–5394. The stock number of the manual is USCG–X0191. Please indicate the quantity when ordering. Quantities are limited to 10 per order.

Background and Purpose

A. Vessel-Owned Equipment Deployment Exercise

The Preparedness for Response Exercise Program (PREP) has guidelines for equipment deployment exercises for the owners or operators of tank vessels. These guidelines provide recommendations for the deployment and operation of response equipment identified in the response plans. Specifically, objectives include demonstrating the ability of the personnel to deploy and operate equipment, and ensuring that equipment is being maintained in proper working order.

The equipment deployment guidelines for vessels focus on exercising a plan holder's oil spill removal organizations (OSROs) and do not address exercising ''vessel-owned response equipment'' operated by vessel crews. For plan holders who employ a mixture of both vessel-owned response equipment and OSROs, the current guidelines do not provide for vessel-owned equipment to be exercised and deployed in addition to the OSROs. As the vessel-owned equipment is likely to be critical to the response in such plans, it is important to exercise these resources.

This notice establishes guidelines for equipment deployment exercises for response plans that employ vessel-owned equipment as part of their response arrangements. The most common occurrences of such arrangements are for owners or operators that provide their own coverage for an average most probable discharge (AMPD) or those involved in alternate compliance programs. Both arrangements typically involve company-owned equipment, either onboard the vessel, or strategically located at shore-based facilities, as the primary means for meeting some or all of their spill response requirements. At a minimum, the new guidelines will apply to the owners or operators of tank vessels that employ the following arrangements:

(1) Average Most Probable Discharge (AMPD) With ''Vessel-Owned'' Response Equipment

The vessel response plan regulations [33 CFR 155.1050(d)] require that the owner or operator of a vessel that carries groups I through IV petroleum oil as a primary cargo identify in the response plan and ensure the availability of, through contract or other approved means, the response resources that will respond to a discharge up to the vessel's average most probable discharge [defined as a discharge of the lesser of 50 barrels of oil or 1 percent of the cargo from the vessel during cargo oil transfer operations to or from the vessel]. Since the requirements for AMPD coverage involve quick response times and typically small amounts of equipment, many tank vessel owners have chosen to provide their own response for such spills. This coverage usually involves the use of company-owned equipment, either stored in land-based locations near a transfer site, or stowed onboard the tank vessel itself (or in the case of many unmanned vessels, on the accompanying towing vessel).

(2) Alternate Compliance Arrangements With ''Vessel-Owned'' Response Equipment

The vessel response plan regulations provide for the development of such alternative compliance arrangements. 33 CFR 155.1065(f) provides that an owner or operator of a vessel who believes that the national planning criteria is inappropriate to the vessel for the areas in which it is intended to operate, then the owner/operator may request acceptance of alternative planning criteria. Since the initial submission of vessel response plans more than five years ago, both primary and secondary carriers carrying non-persistent cargoes in remote locations such as Alaska have developed alternate compliance arrangements. Many of these arrangements rely heavily on the use of onboard spill response equipment to meet some or all of the response planning requirements.

Secondary Carriers

The vessel response plan regulations, 33 CFR 155.1045, require secondary carriers of petroleum cargoes to prepare and submit vessel response plans. The term ''secondary carrier'' refers to any vessel that carries oil in bulk as cargo other than a vessel carrying oil in bulk as a primary cargo. ''Cargo'' is defined as oil that is transported to and offloaded at a destination by a vessel. Large fishing tenders (greater than 750 gross tons) and processors are considered secondary carriers when they transfer fuel from their vessel to other smaller fishing vessels in their fleet. These vessels, as secondary carriers, are required by regulation to consider approximately 25% of their total fuel capacity as ''secondary cargo'' for planning purposes.

The regulations mandates secondary carriers plan for a worst case discharge, and identify resources, which can commence containment and recovery within twenty-four hours. This has been a difficult standard to attain in many remote locations (such as western Alaska) because of the lack of response resources available in these areas.

Due to the distances between their fishing grounds and any existing response organizations, many secondary carriers believe that the services of any OSRO would arrive too late to have any appreciable benefit in most spill scenarios as a result of the non-persistent nature of their cargo. As a result, many secondary carriers have indicated that they would prefer to develop their own response capabilities.

Primary Carriers

Like the fishing tenders, many tank barge operators in Alaska face similar response planning challenges for transporting their non-persistent cargoes to remote locations throughout the state. These primary cargo carriers have also preferred to develop alternate compliance arrangements that involve the use of onboard spill response equipment to address some of their response planning requirements. Proposed addition to PREP Guidelines:

Equipment Deployment Exercises (Vessel-owned equipment)

Applicability: Vessels using ''owned'' equipment [equipment owned by the vessel owner or operator] to meet their planning standards for response equipment.

Frequency: Annual.

Initiating Authority: Company policy.

Participating Elements: Owner or operator personnel supporting or operating the ''owned'' response equipment.

Scope: Deploy and operate vessel-owned response equipment identified in the response plan. The equipment to be deployed would be either (1) the minimum amount of equipment for deployment as described in ''Guiding Principles''; or (2) the equipment necessary to respond to an average most probable discharge [for plans using owned equipment to provide AMPD coverage].

Equipment deployment exercises should be conducted annually for each

vessel within a plan using owned onboard response equipment. For owners or operators using owned shore-based equipment and personnel to meet their response standard, one annual deployment should be conducted for each location where owned equipment is located. For operators or owners that use owned onboard response equipment, but also use a limited number of vessel crews to operate a larger fleet of vessels, the number of vessels exercised in one annual cycle may be limited to the number of vessel crews employed to operate the owned equipment. For example, a large tank barge fleet using three crews would conduct three exercises annually. In another example, where the response equipment is located on two towing vessels instead of the tank vessels, then they would conduct two exercises annually. However, all vessels using owned onboard equipment by an owner or operator under the plan should be exercised within a rotation that does not exceed a three-year cycle.

Objectives: Demonstrate ability of vessel personnel to deploy and operate equipment. Ensure equipment is in proper working order.

Certification: Self certification.

Verification: U.S. Coast Guard.

Records:

Retention: 3 years.

Location: In accordance with 33 CFR 155.1060(e)(1).

Evaluation: Self-evaluation.

B. Exercise Schedule

The Coast Guard, EPA, RSPA and MMS developed the National Preparedness for Response Exercise Program (PREP) to provide guidelines for compliance with the Oil Pollution Act of 1990 (OPA 90) pollution response exercise requirements (33 U.S.C. 1321(j)). OPA 90 requires periodic unannounced drills. See 33 U.S.C. 1321(j)(7). However, the working group (comprised of Coast Guard, EPA, RSPA, MMS, state representatives, and industry representatives) determined that the PREP Guidelines should also include announced drills. See 33 CFR 154.1055(a)(5) and 155.1060(c), and 40 CFR 112. The guiding principles for PREP distinguish between internal and external exercises. Internal exercises are conducted within the plan holder's organization. External exercises extend beyond the plan holder's organization to involve other members of the response community. External exercises are separated into two categories: (1) Area exercises, and (2) Government-initiated unannounced exercises. These exercises are designed to evaluate the entire response mechanism in a given area to ensure adequate pollution response preparedness.

Since 1994, the USCG, EPA, MMS, and Office of Pipeline Safety (OPS) have published a triennial schedule of Area exercises. In short, the Area exercises involve the entire response community (Federal, State, local, and industry participants) and therefore, require more extensive planning than other oil spill response exercises. The PREP Guidelines describe all of these exercises in more detail. This notice announces the next triennial schedule of Area Exercises. Some exercises are scheduled with industry participants, but where participants have not been listed, the USCG and EPA request volunteers.

If a company wants to volunteer for an Area exercise, a company representative may call either the Coast Guard or EPA On-Scene Coordinator (OSC) where the exercise is scheduled. Alternatively, if a company is interested in participating in an exercise where Coast Guard is the OSC, a representative may call Ms. Karen Adams at 202–267–2850, and she can facilitate scheduling the volunteer. Although either method will provide the same result, contact at the local level, with the OSC, is preferred.

The following is the revised PREP schedule for calendar years 1999, 2000, and 2001.

PREP SCHEDULE—GOVERNMENT-LED AREA EXERCISES

Area	Agency	Date/Qtr [1]	Participant
1999			
LA/LB South Area (MSO LA/LB OSC)	CG	2/8–12	Blue Star Shipping.
Hampton Roads (MSO Hampton Rds OSC)	CG	3/15–19	Maris Transportation.
Maine & New Hampshire Area (MSO Portland OSC)	CG	6/3–4	Kent Lines.
EPA Region VI (EPA OSC)	EPA	8/2–6	
Providence Area (MSO Providence OSC)	CG	9/20–24	
Portland, OR (MSO Portland OSC)	CG	12/6–10	
2000			
North Coast Area (MSO San Francisco OSC)	CG	2/7–11	
Florida Panhandle Area (MSO Mobile OSC)	CG	4/10–14	
Houston/Galveston Area (MSO Houston OSC)	CG	6/12–16	
EPA Region IX (EPA OSC)	EPA	8/14–18	
Western Lake Erie Area (MSO Toledo OSC)	CG	9/18–22	
Detroit Area (MSO Detroit OSC)	CG	12/8–11	
2001			
SW Louisiana/SE Texas Area (MSO Port Arthur OSC)	CG	2/14–15	
New York, NY Area (COTP NY OSC)	CG	4/18–19	
Saulte Ste. Marie, MI Area (COTP Saulte Ste.)	CG	6/20–21	
EPA Region I Area (EPA OSC)	EPA	8/21–22	
Chicago Area (MSO Chicago OSC)	CG	9/26–27	
Maryland Coastal Area (COTP Baltimore OSC)	CG	12/5–6	

PREP SCHEDULE—INDUSTRY-LED EXERCISES

Area	Ind[2]	Date/Qtr	Lead
1999			
Alabama/Mississippi Area (MSO Mobile OSC)	p		
South Florida Area (MSO Miami OSC)	p		
Boston Area (MSO Boston OSC)	f		
EPA Region VIII (EPA OSC)	f (nonmtr)		
Hawaii/Samoa Area (MSO Honolulu OSC)	v		
Central Coast Area (MSO San Francisco OSC)	v		
Eastern Wisconsin Area (MSO Milwaukee Area)	f (mtr)		
EPA Region Oceania Area (EPA OSC)	f (nonmtr)		
Buffalo, NY Area (MSO Buffalo Area)	f		
EPA Region II Area (EPA Caribbean OSC)	f (nonmtr)		
Tampa, FL Area (MSO Tampa OSC)	v		
Puget Sound (MSO Puget Sound OSC)	v		
2000			
Caribbean Area (MSO San Juan OSC)	v		
EPA Region III Area (EPA OSC)	f (nonmtr)		
Duluth-Superior Area (MSO Duluth OSC)	f		
Jacksonville Area (MSO Jacksonville OSC)	v		
EPA Region IX Oceania (EPA OSC)	f (nonmtr)		
New Orleans Area (MSO New Orleans OSC)	p		
Commonwealth of N. Mariannas Islands Area (MSO Guam OSC)	v		
EPA Alaska Area (EPA OSC)	f (nonmtr)		
EPA Region IV Area (EPA OSC)	f (nonmtr)		
EPA Region IX Area (EPA OSC)	p		
Southeast Alaska Area (MSO Juneau OSC)	v		
Philadelphia Area (MSO Philadelphia OSC)	f (mtr)		
Charleston Area (MSO Charleston OSC)	f (mtr)		
EPA Region II (EPA OSC)	f (nonmtr)		
2001			
Guam Area (MSO Guam OSC)	v		
San Diego, CA Area (MSO San Diego OSC)	f		
Morgan City Area (MSO Morgan City OSC)	v		
EPA Region VII Area (EPA OSC)	f (nonmtr)		
Long Island Sound Area (COTP Long Island Sound)	f		
Savannah Area (MSO Savannah)	p		
Southern Coastal NC Area (MSO Wilmington OSC)	v		
San Francisco Bay & Delta Region Area (MSO San Francisco OSC)	f (mtr)		
Cleveland, OH Area (MSO Cleveland OSC)	f (mtr)		
EPA Region V Area (EPA OSC)	f		
South Texas Coastal Zone Area (MSO Corpus Christi OSC)	v w/OPS		
LA/LB North Area (MSO LA/LB OSC)	v		
Prince William Sound (MSO Valdez OSC)	p		

[1] Quarters: 1 (Jan–March); 2 (April–June); 3 (July–Sept); 4 (Oct–Dec).
[2] Industry: v-vessel; f (mtr)—marine transportation-related facility; f (nonmtr)—nonmarine transportation-related facility; p—pipeline.

Dated: June 4, 1999.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–15041 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (99–13–U–00–CHO) To Use the Revenue From a Passenger Facility Charge (PFC) at Charlottesville-Albemarle Airport, Charlottesville, VA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Charlottesville-Albemarle Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before July 15, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Arthur Winder, Project Manager, Washington, Airports District

Office, P.O. Box 16780, Washington, DC 20041–6780.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Bryan O. Elliott, Director of Aviation, of the Charlottesville-Albermarle Airport Authority at the following address: Charlottesville-Albermarle Airport, 201 Bowen Loop, Charlottesville, Virginia 22901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Charlottesville-Albemarle Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Arthur Winder, Program Manager, Washington Airports District Office, P.O. Box 16780, Washington, DC 20041–6780, (703) 661–1363. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Charlottesville-Albemarle Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On May 28, 1999, the FAA determined that the application to use the revenue from a PFC submitted by Charlottesville-Albemarle Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 2, 1999.

The following is a brief overview of the application.

PFC Application No.: 99–13–U–00–CHO.

Level of the proposed PFC: $3.00.

Proposed charge effective date: April 1, 1995.

Proposed charge expiration date: April 1, 2005.

Total estimated PFC revenue: $1,005,500.

Brief description of proposed project(s): Air Carrier Terminal Access Road.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators filing FAA form 1800–31 and foreign air carriers.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports Office located at: Fitzgerald Federal Building #111, Airports Division, AEA–610, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Charlottesville-Albemarle Airport.

Issued in Washington, DC 20041–6780, June 4, 1999.

Terry J. Page,

Manager, Washington Airports District Office.

[FR Doc. 99–15123 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application (99–03–C–00–RIC) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Richmond International Airport, Richmond, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a passenger facility charge (PFC) at Richmond International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158.

DATES: Comments must be received on or before July 15, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Arthur Winder, Project Manager, Washington Airports District Office, P.O. Box 16780, Washington, DC 20041–6780.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Robert Brammer, Acting Executive Director, Capital Region Airport Commission, at the following address: Capital Region Airport Commission, 1 Richard E. Byrd Terminal Drive, Richmond International Airport, Virginia 23250–2400.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Capital Region Airport Commission under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Arthur Winder, Program Manager, Washington Airports District Office, P.O. Box 16780, Washington, DC 20041–6780, (703) 661–1363. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Richmond International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On May 28, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by Capital Region Airport Commission was substantially complete with the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 3, 1999.

The following is a brief overview of the application.

PFC Application No.: 99–03–C–00–RIC.

Level of the proposed PFC: $3.00.

Proposed charge effective date: May 1, 2001.

Proposed charge expiration date: November 1, 2016.

Total estimated PFC revenue: $75,846,839.

Brief description of proposed project(s):

Terminal Roadways and Elevated Platform (Impose & Use)

Terminal Building Addition and Modification (Impose only)

Early Retirement of PFC Funded Debt (Alternate Project)

Class of classes of air carriers which the public agency has requested not be required to collect PFCs: FAR Part 135 On-demand air taxi/commercial operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the FAA Regional Airports Office located at: Fitzgerald Federal Building #111, Airports Division, AEA–610, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other document germane to the application in person at the Richmond International Airport.

Issued in Washington, DC 20041–6780, June 4, 1999.

Terry J. Page,

Manager, Washington Airports District Office.

[FR Doc. 99–15124 Filed 6–14–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33748 (Sub-No. 1)]

Union Pacific Railroad Co.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Co.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33748 [1] to permit the trackage rights to expire on June 28, 1999, in accordance with the agreement of the parties.

DATES: This exemption will be effective on June 28, 1999. Petitions to reopen must be filed by June 21, 1999.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 33748 (Sub-No. 1) must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of all pleadings must be served on petitioner's representative Joseph D. Anthofer, 1416 Dodge Street, #830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600. (TDD for the hearing impaired (202) 565–1695.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 289–4357. (Assistance for the hearing impaired is available through TDD services (202) 565–1695.)

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 9, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–15156 Filed 6–14–99; 8:45 am]

BILLING CODE 4915–00–P

[1] On May 21,1999, Union Pacific Railroad Company (UP) filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary overhead trackage rights to UP over 146.4 miles of BNSF's rail line between Shawnee, Jct., WY, at milepost 117.4 (Orin Subdivision), and Northport, NE, at milepost 33.8 (Angora Subdivision). *See Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 33748 (STB served June 1, 1999). The trackage rights operations under the exemption are scheduled to become effective on June 13, 1999, and are subject to standard labor protective conditions. The trackage rights agreement is scheduled to expire on June 28, 1999.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Internal Revenue Service (IRS), Treasury, gives notice of a newly proposed Internal Revenue Servicewide system of records (Third-party Contact Records—Treasury/IRS 00.333) that is being established in accordance with Section 3417 of the IRS Restructuring and Reform Act of 1998.

DATES: Comments must be received no later than July 15, 1999. The proposed system of records will be effective July 26, 1999 unless the IRS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to Internal Revenue Service, Office of Governmental Liaison and Disclosure, Room 1603, 1111 Constitution Ave., NW, Washington, DC 20224. Comments will be made available for inspection and copying in the IRS Freedom of Information Act (FOIA) Reading Room. An appointment for inspecting the comments can be made by contacting the FOIA reading room.

FOR FURTHER INFORMATION CONTACT: Harry Manaka, National Director, Collection Field Operations, Room 7238, 1111 Constitution Avenue, NW, Washington, DC 20224. Telephone number (202) 622–5110.

SUPPLEMENTARY INFORMATION: This report is to give notice of a proposed Internal Revenue Servicewide system of records entitled ''Third-party Contact Records—Treasury/IRS 00.333,'' which is subject to the Privacy Act of 1974, 5 U.S.C. 552a.

The IRS is establishing the third-party contact records to comply with Section 3417 of the IRS Restructuring and Reform Act of 1998. The third-party contact records will enable the IRS to periodically provide the taxpayer a record of persons (such as financial institutions, employers, individuals, local and state governments) contacted by the IRS with respect to determination or collection of the tax liability of the taxpayer. These records shall be provided to the taxpayer upon request when applicable under law and/or regulation.

The new system of records report, as required by 5 U.S.C. 552a (r) of the Privacy Act, has been submitted to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated July 15, 1994.

The proposed Internal Revenue Servicewide system of records, Third-party Contact Records—Treasury/IRS 00.333 is published in its entirety below.

Dated: June 7, 1999.

Shelia Y. McCann,

Deputy Assistant Secretary, Administration.

Treasury/IRS 00.333

SYSTEM NAME:

Third-party Contact Records

SYSTEM LOCATION:

District Offices, Regional Offices, Service Centers, Office of Assistant Commissioner (International), and IRS Computing Centers. (See IRS appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals on whom Federal tax assessments have been made; individuals believed to be delinquent in filing Federal tax returns or in paying Federal taxes, penalties or interest; individuals who are or have been considered for examination for tax determination purposes; i.e., income, estate and gift, excise or employment tax liability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of third-party contacts as required by 26 U.S.C. 7602 (c), including the taxpayer name control, taxpayer identification number, the third-party contact's name, date of contact, fact of reprisal determination,

and IRS personnel's identification number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, and 7801.

PURPOSE OF THE SYSTEM:

The IRS is establishing the third-party contact records to comply with Section 7602(c) of the Internal Revenue Code as enacted by Section 3417 of the IRS Restructuring and Reform Act of 1998. The third-party contact records will be used to report to the taxpayers regarding third-party contacts that the IRS would normally make with respect to the determination or collection of the tax liability of the taxpayer. Third-party contact data will be provided periodically to taxpayers and upon the taxpayer's request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may only be made as authorized by 26 U.S.C. 6103 and 7602.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage media.

RETRIEVABILITY:

By taxpayer identification number (social security number or employer identifier number).

SAFEGUARDS:

Access controls will be no less than those provided by the Automated Information Systems Security Handbook IRM 2(10)00, IRM 1(16)12, Manager's Security Handbook, and IRM 1(16)42, Physical Security Handbook.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbooks, IRM 1(15)59.1 through IRM 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESSES:

Official prescribing policies and practices: Assistant Commissioner (Collection). Officials maintaining the system: Assistant Commissioner (International), Regional Chief Compliance Officers, District Directors, IRS Service Center Directors, IRS Computing Center Directors, Associate Chief Counsel, Regional Counsel, and District Counsel.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed as in ''Records Access Procedure'' below.

RECORDS ACCESS PROCEDURE:

Individuals seeking access to any record contained in this system of records may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix B. (See IRS appendix A for addresses.)

CONTESTING RECORD PROCEDURE:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

Tax records of the individual; public information sources; third parties including individuals, city and state governments, other Federal agencies, taxpayer's employer, employees and/or clients, licensing and professional organizations, and foreign governments via Tax Treaty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–15070 Filed 6–14–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974; As Amended

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of alteration to Privacy Act system of records notices.

SUMMARY: The Internal Revenue Service is altering Treasury/IRS 60.008 and Treasury/IRS 60.011 to reflect changes in the management and location of the systems of records from the Office of the Chief Inspector to the Assistant Commissioner (Support Services). These changes are pursuant to the IRS Restructuring and Reform Act of 1998.

EFFECTIVE DATE: This notice will be adopted without further publication in the **Federal Register** on July 15, 1999, unless modified by a subsequent notice to incorporate comments received from the public.

FOR FURTHER INFORMATION CONTACT: Mary Anderson, Program Analyst, Support Services, Internal Revenue Service, 1401 Wilson Boulevard, Suite 800, Arlington, VA 22209, telephone: (703) 235–0652.

SUPPLEMENTARY INFORMATION: The IRS Restructuring and Reform Act of 1998 included specific provisions impacting the Office of the Chief Inspector, Internal Revenue Service. The law provided for the appointment of a Treasury Inspector General for Tax Administration (TIGTA), effective January 19, 1999, who will report directly to the Secretary of the Treasury.

The systems of records Treasury/IRS 60.008—Security, Background and Character Investigation Files (NBIC), and Treasury/IRS 60.011—Internal Security Management Information System (ISMIS), will continue to exist with the IRS since the National Background Investigations Center, which generates such investigations and utilizes the ISMIS database, will remain with the IRS. The NBIC, formerly under the control of the Chief Inspector, will now continue to conduct personnel security investigations under the auspices of the Assistant Commissioner (Support Services). The alteration of the two systems of records will reflect changes to the system numbers, system names, system locations, safeguards, record access procedures, system managers, and will more accurately describe the categories of records in the systems of records.

The first system of records, IRS 60.008—Security, Background, and Character Investigation Files, Inspection, will be renumbered and renamed as ''IRS 34.021—Personnel Security Investigations, National Background Investigations Center—Treasury/IRS.'' Language has also been inserted under ''Exemption claimed for the system'' to identify the section under which the exemption is claimed (5 U.S.C. 552a(k)(5)).

The second system of records, IRS 60.011—Internal Security Management Information System (ISMIS) will be renumbered and renamed as ''IRS 34.022—National Background Investigations Center Management Information System (NBICMIS)—Treasury/IRS.''

The changes to the systems of records are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, which requires the submission of new or altered systems report. For the reasons set forth in this preamble, the IRS proposes to alter the above systems of records. The alterations described above are as follows:

Treasury/IRS 34.021

SYSTEM NAME:

Description of change: Replace the current title with the following: ''Personnel Security Investigations, National Background Investigations Center—Treasury/IRS.''

SYSTEM LOCATION:

Description of change: Replace the current language with the following: ''National Background Investigations Center, P.O. Box 248, Florence, KY 41022–0248.''

* * * * *

SAFEGUARDS:

Description of change: Replace the current statement with the following: ''Access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00. Records will be accessible to National Background Investigations Center personnel on a need-to-know basis, all of whom have been the subject of background investigations. Computerized records are password protected.''

RETENTION AND DISPOSAL:

Description of change: Replace the current statement with the following: ''Records are maintained in accordance with IRM Part X, National Background Investigations Center, Exhibit (10)110–2.''

SYSTEM MANAGER(S) AND ADDRESS:

Description of change: Replace the current language with the following: ''Official prescribing policies and practices: Assistant Commissioner, (Support Services). Official maintaining the system: Director, National Background Investigations Center, P.O. Box 248, Florence, KY 41022–0248.''

* * * * *

RECORD ACCESS PROCEDURES:

Description of change: Replace the current language with the following: ''Individuals seeking access to this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the IRS National Background Investigations Center, P.O. Box 248, Florence, KY 41022–0248, Attn: Disclosure Specialist.''

* * * * *

EXEMPTION CLAIMED FOR SYSTEM:

Description of change: Insert the following at the end of the sentence: ''pursuant to 5 U.S.C. 552a(k)(5).''

Treasury/IRS 34.022

SYSTEM NAME:

Description of change: Replace the current title with the following: ''National Background Investigations Center Management Information System (NBICMIS)—Treasury/IRS.''

SYSTEM LOCATION:

Description of change: Replace the current language with the following: ''National Background Investigations Center, P.O. Box 248, Florence, KY 41022–0248.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Description of change: Replace the current language with the following: ''Current and former employees of the Internal Revenue Service within the Department of the Treasury, and private contractors at IRS facilities.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Description of change: Replace the current statement with the following: ''(1) NBICMIS personnel system records contain National Background Investigations Center (NBIC) employee name, office, start of employment, series/grade, title, separation date; (2) NBICMIS tracking records contain status information on investigations from point of initiation through conclusion; (3) NBICMIS timekeeping records contain assigned cases and distribution of time; (4) NBICMIS case tracking records contain background investigations.''

* * * * *

PURPOSE(S):

Description of change: Remove current statement and add: ''The purpose of NBICMIS is to: (1) Effectively manage NBIC resources and assess the effectiveness of current NBIC programs as well as assist in determining budget and staff requirements. (2) Provide the technical ability for other components of the Service to analyze trends in integrity matters on an organizational, geographic and violation basis.''

* * * * *

RETRIEVABILITY:

Description of change: Replace the current language with the following: ''By name of individual to whom it applies, social security number, or case number.''

SAFEGUARDS:

Description of change: Replace the current language with the following: ''Access is limited to authorized Support Services personnel who have a direct need to know. Hard copy of data is stored in rooms of limited accessibility except to employees. These rooms are locked after business hours. Access to magnetic media is controlled by computer passwords. Access to specific NBICMIS records is further limited by computer security programs limiting access to select personnel.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Description of change: Replace the current language with the following: ''Official prescribing policies and practices: Assistant Commissioner, (Support Services). Official maintaining the system: Director, National Background Investigations Center, P.O. Box 248, Florence, KY 41022–0248.''

RECORD ACCESS PROCEDURES:

Description of change: Replace the current language with the following: ''Individuals seeking access to this system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix B. Inquiries should be addressed to the IRS National Background Investigations Center, P.O. Box 248, Florence, KY 41022–0248, Attn: Disclosure Specialist.''

* * * * *

RECORD SOURCE CATEGORIES:

Description of change: Replace the current statement with the following: ''Current and former employees of the Internal Revenue Service.''

* * * * *

Date: June 7, 1999.

Shelia Y. McCann,

Deputy Assistant Secretary, Administration.

[FR Doc. 99–15071 Filed 6–14–99; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

Privacy Act of 1974: Amendment of Notice of Systems of Records

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: This document updates the United States Information Agency's Systems of Records maintained under the Privacy Act of 1974 (5 U.S.C. 552a), as amended. It will update the United States Information Agency section in the **Federal Register's** Privacy Act Issuances, 1997 Compilation.

The review and update of USIA's Systems of Records was made in compliance with the President's Memorandum of May 14, 1998 on Privacy and Personal Information in Federal Records. The President directed Federal agencies to review their current information practices and ensure that they are conducted in accordance with privacy law and policy, because ensuring that the Federal government protects the privacy of personal information is a priority of the

Administration, OMB clearance is pending.

DATES: Effective date: Unless otherwise noted in the **Federal Register,** this notice shall become final on July 26, 1999. Persons wishing to comment on the amended systems may do so by July 6, 1999.

ADDRESSES: Freedom of Information/ Privacy Act Unit, United States Information Agency, Room M–29, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Lola L. Secora, Chief, FOIA/PA Unit, Office of the General Counsel, USIA, 301 4th Street, SW, Rm. M–29, Washington DC 20547, telephone (202) 619–5499.

SUPPLEMENTARY INFORMATION: USIA last published, in full, its Systems of Records maintained under the Privacy Act of 1974 (5 U.S.C. 552a), as amended on March 7, 1997, FR Vol. 62, No. 45. One routine use was added in 1998.

The United States created the statutory framework governing how the Federal government collects, maintains, uses and disseminates information about certain individuals which is embodied in the Privacy Act.

Increased computerization of Federal records permits information to be used and analyzed in ways that could diminish individual privacy in the absence of additional safeguards. Therefore, we are assuring that the use of new information technologies sustain, and do not erode the protections provided in the use, collection and disclosure of personal. The personal information will be handled in full compliance with fair information practices.

1. Under USIA—1, SECURITY CLASSIFICATION, CATEGORIES OF RECORDS IN THE SYSTEM, and RECORD SOURCE CATEGORIES are revised to read as follows:

SECURITY CLASSIFICATION:

Some documents may be classified confidential or secret.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence addressed to the Director of IBB, as well as the Director of USIA, and copies of responses to requests for reports, information and/or assistance of various kinds prepared by the IBB Director or designated representative.

RECORD SOURCE CATEGORIES:

Unsolicited correspondence from U.S. Government officials and members of the general public addressed to the IBB Director or the Director or the Director of USIA concerning VOA, Worldnet, and/or Cuba Broadcasting.

2. Under USIA–2, SYSTEM LOCATION and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM LOCATION:

International Broadcasting Bureau (IBB), United States Information Agency (USIA), Cohen Building, 330 Independence Avenue, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Director of Administration, International Broadcasting Bureau (IBB), USIA, 330 Independence Avenue, SW, Washington, DC 20547.

3. Under USIA—SYSTEM LOCATION is revised to read:

SYSTEM LOCATION:

International Broadcasting Bureau (IBB), United States Information Agency (USIA), Cohen Building, 330 Independence Avenue, SW, Washington, DC 20547.

4. Under USIA–5, SYSTEM LOCATION, SYSTEM MANAGER(S) and ADDRESS, and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM LOCATION:

Secretariat Staff, United States Information Agency (USIA) 301 4th Street, SW, Washington, DC 20547.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, USIA, 301 4th Street, SW, Washington DC 20547.

NOTIFICATION PROCEDURE:

Deputy Chief of Staff, USIA, 301 4th Street, SW, Washington DC 20547.

5. Under USIA–6, SECURITY CLASSIFICATION, CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM, and ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES are revised to read as follows:

SECURITY CLASSIFICATION:

Unclassified.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, recipients, and prospective recipients of Educational and Cultural Exchange grants and Cultural Exchange grants and program participants; members of the J. William Fulbright Foreign Scholarship Board; American Executive Secretaries of Fulbright Foundations and Commissions; individuals who may be asked to participate in educational advising workshops.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary function of the Educational and Cultural Exchange Program records is the aiding in the selection of individuals for educational and cultural exchange grants and programs and for the administration of such grants, and programs.

6. Under USIA—7, SYSTEM NAME, SYSTEM LOCATION, CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM, CATEGORIES OF RECORDS IN THE SYSTEM, ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, SAFEGUARDS, SYSTEM MANAGER(S) AND ADDRESS, and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM NAME:

Office of Citizen Exchanges Cultural Program Staff—E/P.

SYSTEM LOCATION:

Office of Citizen Exchanges Cultural Program Staff, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have traveled at U.S. Government expense under USIA Private Sector grants in the performance of grant requirements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, position, organizational affiliation, grantee organization, grant number, date, destination, purpose of travel; biographic data, address, telephone number, education, date and place of birth and citizenship.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information relating to American Travelers in this system will be used to compile an annual report for the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee as required by Pub. L. 98–164. This file has no other use. Users of this file will be employees of the USIA Office of Arts America having a need to access the information.

Also see Prefatory Statement of General Routine Uses.

SAFEGUARDS:

Records of American travelers are maintained on a word processor located in the USIA Office of Citizen Exchanges Cultural Program Staff (E/P) and are password protected so that the file can

only be accessed by employees having a need to obtain information which is available only in the file.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Citizen Exchanges Cultural Program Staff (E/P), USIA, 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Director, Office of Citizen Exchange Cultural Program Staff E/P, USIA, 301 4th Street, SW, Washington, DC 20547.

7. Under USIA—8, SYSTEM MANAGER(S) AND ADDRESS is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Cultural Property Advisory Committee (E/ZC), USIA, 301 4th Street, SW, Washington, DC 20547.

8. Under USIA—10, ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES and RECORD ACCESS PROCEDURE are revised to read as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To represent the Agency in claims and other actions; to issue legal opinions or determinations on further Agency action. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the USIA as may be required in the performance of their official duties.

The principal users of this information outside the Agency are the U.S. Attorney's Office and other Administrative Tribunals, the Department of Justice, Department of State, Office of Personnel Management, Foreign Service Grievance Board, and the Employee Management Relations Committee.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: Chief, FOIA/Privacy Act Unit, Office of the General Counsel, USIA, 301 4th Street SW, Washington, DC 20547.

9. Under USIA—17, SYSTEM MANAGER(S) AND ADDRESS and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM MANAGERS(S) AND ADDRESS:

Chief, Mail Branch, USIA, 301 4th Street, SW, Room 146, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Chief, Mail Branch, USIA, 301 4th Street, SW, Room 146, Washington, DC 20547.

10. Under USIA—23, SYSTEM LOCATION, SYSTEMS MANAGER(S) AND ADDRESS, and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM LOCATION:

Office of Human Resources, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

SYSTEMS MANAGER(S) AND ADDRESS:

Chief, Employment Branch, Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Chief, Employment Branch, Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

11. Under USIA—24, SYSTEM LOCATION, SYSTEM MANAGER(S) AND ADDRESS, and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM LOCATION:

Office of Human Resources, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Services Branch (M/DS), Domestic Personnel Division, Office of Human Resources, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Chief, Special Services Branch (M/DS), Domestic Personnel Division, Office of Human Resources, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

12. Under USIA—25, SYSTEM LOCATION, SYSTEM MANAGER(S) AND ADDRESS, and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM LOCATION:

Office of Human Resources, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547. Computer tape and disc records are located in M/HRCS at the same address.

SYSTEM MANAGER(S) AND ADDRESS:

For paper or automated records—Chief, System Support Team (M/HRCS), Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Chief, System Support Team, M/HRCS, Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

13. Under USIA—26, CATEGORIES OF RECORDS IN THE SYSTEM, ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, STORAGE, and RETENTION AND DISPOSAL are revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM

Foreign service employees' nature of assignment overseas; position held, home address, address of next-of-kin, last home address of retirees, if retired within last three years.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by USIA officials to locate a Foreign Service employee; inform next-of-kin in emergency situations.

Also see prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the USIA as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the USIA but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

STORAGE:

Information maintained on 5x8 index cards in metal cabinets, and in the limited access personnel computer database.

RETENTION AND DISPOSAL:

Locator information is deleted when employee separates, except by retirement, in which case computer files maintained for three years.

14. Under USIA—27, SYSTEM LOCATION, CATEGORIES OF INDIVIDUALS IN THE SYSTEM, SYSTEM MANAGER(S) AND ADDRESS, NOTIFICATION PROCEDURE, and RECORD SOURCES CATEGORIES are revised to read as follows:

SYSTEM LOCATION:

Foreign Service Division, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

5x8 cards containing data such as name, class, specialty code, position; date OER received by M/HRF; as appropriate, letters of commendation or low-ranking and comments of the selection boards on foreign service promotions contained in letter files.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary for the Selection and Commissioning Boards, Foreign Service Division, USIA, 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Executive Secretary for the Selection and Commissioning Boards, Foreign Service Division, USIA, 301 4th Street, SW, Washington, DC 20547.

RECORD SOURCES CATEGORIES:

Reports of Selection Boards on the review of pertinent promotion documentation such as officer evaluations; notification of personnel action; foreign service professional experience profiles; notification to officers of low ranking; materials submitted by officers on their own behalf. All current records sources are included and are correctly stated.

15. Under USIA—30, SYSTEM MANAGER(S) AND ADDRESS and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director, M/HR, Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Director, M/HR, Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

16. Under USIA—31, revise SECURITY CLASSIFICATION to read as follows:

SECURITY CLASSIFICATION:

Sensitive—Unclassified.

17. Under USIA—32, SYSTEM LOCATION, SYSTEM MANAGER(S) AND ADDRESS, and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM LOCATION:

Office of Human Resources, Civil Service Division, Operations Team, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources, Civil Service Division, Operations Team, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Office of Human Resources, Civil Service Division, Operations Team, United States Information Agency (USIA), 301 4th Street, SW, Washington, DC 20547.

18. Under USIA—33, SYSTEM MANAGER(S) AND ADDRESS and NOTIFICATION PROCEDURE are revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Senior Benefits Officer, Labor Policy and Benefits Division (M/HRL), Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

NOTIFICATION PROCEDURE:

Chief, Labor Policy and Benefits Division, Office of Human Resources, USIA, 301 4th Street, SW, Washington, DC 20547.

19. Under USIA—35, STORAGE, and SAFEGUARDS number 2. Physical safeguards are revised to read as follows:

STORAGE:

Information included on Standard Form 129 is entered in an automated procurement information software system. The SF–129 hard copies are destroyed.

SAFEGUARDS:

2. Physical safeguards: Records are now automated in the procurement information software system.

20. Under USIA–36, SAFEGUARDS, paragraph 2. Physical safeguards is revised to read as follows:

SAFEGUARDS:

2. Physical safeguards: Files are maintained in a locked file cabinet. During non-duty hours the room is locked.

21. Under USIA–38, SYSTEM LOCATION (delete second SYSTEM LOCATION entirely), SECURITY CLASSIFICATION, CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM, ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, SAFEGUARDS number 2. Physical safeguards and number 3. Procedures (or technical) safeguards are all revised to read as follows:

SYSTEM LOCATION:

Office of Security, United States Information Agency (USIA), 301 4th street, SW, Washington, DC 20574. Retired records stored at Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

SECURITY CLASSIFICATION:

Most records are unclassified, but include records classified confidential and secret.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons currently or formerly employed by USIA, within the last five years, in the United States; all Americans currently or formerly employed by USIA in other countries; some but not all foreign nationals currently or formerly used under contract, both in the United States and in other countries; some but not all persons currently or formerly used under contract, both in the United States and in other countries; some persons whose services are or were otherwise utilized by USIA, whether compensated or not; some former applicants who were not employed; some prospective spouses of USIA employees; some other persons who were significantly identified with persons whose services were at one time utilized or considered in one or more of the capacities described herein; some persons who were significantly involved in non-security related administrative inquiries conducted by M/S; some persons of counterintelligence interest whose names appeared in the press, or are contained in documents furnished by other agencies of the U.S. government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

ADD TO THE END OF THIS SECTION:

Data may be disclosed to the appropriate Office of Human Resources/Personnel employees for making employment suitability determinations.

SAFEGUARDS:

2. Physical safeguards: Files are maintained in a secure room which during duty hours is staffed by Records Unit personnel. Room is locked and alarmed during non-duty hours. Files in possession of other authorized users are kept in approved safe or locked cabinets when not in use and during non-duty hours. Entire building is secured during non-duty hours, and security guards patrol.

3. Procedural (or technical) safeguards: Records Management Unit personnel furnish files to other authorized users in exchange for properly executed ''Chargeout Record'' form. Records Management Unit is provided properly executed ''Recharge'' form if file is passed from one authorized user to another. All personnel having routine access to records have appropriate security clearances, and ''need-to-know.''

22. Under USIA—39, CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM, PURPOSE(S), STORAGE, SAFEGUARDS 2. Physical safeguards, RETENTION AND DISPOSAL are revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of USIA, some contractors, members of advisory committees, student interns, and persons on detail from other Government agencies.

PURPOSES:

Provide positive identification of employees, contractors and others for entry into and movement within USIA premises.

Provide photographs for use by the Office of Public Liaison and other USIA elements having official need for visual identification records.

Provide photographs to employees for other official uses. Provide automated records of access to select areas/facilities within USIA building.

STORAGE:

All records are stored in electronic form on magnetic tape.

SAFEGUARDS:

2. Physical safeguards: Records database and photographs are stored in a locked room with limited access during duty hours. During non-duty hours, the room is locked and alarmed.

RETENTION AND DISPOSAL:

Records remain in system as long as person to whom they pertain is employed by or affiliated with USIA. Records of all former employees and persons with past affiliations are retained in their electronic format for five years. All destruction is accomplished under appropriate security controls.

23. Under USIA—40, SYSTEM NAME, CATEGORIES OF RECORDS IN THE SYSTEM, STORAGE, SAFEGUARDS, RETENTION AND DISPOSAL, and SYSTEM MANAGER(S) AND ADDRESS are revised to read as follows:

SYSTEM NAME:

Locator Online System—M/TN.

CATEGORIES OF RECORDS IN THE SYSTEM:

Locator file prepared for each domestic employee, containing the name, social security number, office location, telephone number, home address and telephone number of person to contact in case of emergency.

STORAGE:

Material maintained in computer file.

SAFEGUARDS:

Files maintained by Telephone Office with safeguards.

RETENTION AND DISPOSAL:

Files retained for one year after departure of employee and disposed by deleting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Communications Branch, USIA, 301 4th Street, SW, Washington, DC 20547.

Dated: June 7, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–15000 Filed 6–14–99; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0049]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information necessary to determine entitlement to compensation and pension benefits for a child between the ages of 18 and 23 attending school.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 16, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0049'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Numbers: Request for Approval of School Attendance, VA Form 21–674 and 21–674c.

OMB Control Number: 2900–0049.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected is used to determine entitlement to compensation and pension benefits for a child between the ages of 18 and 23 attending school.

Affected Public: Individuals or households.

Estimated Annual Burden: 34,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 138,000.

Dated: December 2, 1998.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–15095 Filed 6–14–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0458]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the

proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine continued entitlement to benefits for a veteran's child between the ages of 18 and 23 who is attending school.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 16, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0458'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of School Attendance or Termination, VA Form 21–8960.

OMB Control Number: 2900–0458.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to gather the necessary information to determine continued entitlement to benefits for a veteran's child between the ages of 18 and 23 who is attending school. If the information were not collected, VA would be unable to verify continued entitlement to benefits in a timely manner.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,667 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 70,000.

Dated: January 15, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99–15096 Filed 6–14–99; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register
Vol. 64, No. 114
Tuesday, June 15, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF EDUCATION

Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, Federal Supplemental Educational Opportunity Grant, Federal Family Education Loan, and William D. Ford Federal Direct Loan Programs

Correction

In notice document 99–13767 beginning on page 29512, in the issue of Tuesday, June 1, 1999, make the following corrections:

1. On page 29512, in the second column, in the **SUPPLEMENTARY INFORMATION:** section, in the third paragraph, in the 11th line, ''the percentage'' should read ''a percentage''.

2. On the same page, in the second table, in the first column heading, ''business of farm'' should read ''business or farm''.

3. On page 29513, in the first column, in the table, in the third column of the table, in the 14th line from the bottom, in the entry corresponding to the line beginning ''52'', ''32,000'' should read ''32,200''.

4. On the same page, in the second column, in the second table of that column, in the first column heading of the table, ''If the age of the students is'' should read ''If the age of the student is''. This heading correction is necessary a second time, as this table and its headings continue into the third column of this page.

5. On page 29514, in the second table, in the second column of the table, in the third line from the bottom, ''40$'' should read ''40%''.

6. On the same page, in the first column, in paragraph 5, in the fourth line, ''or'' should read ''of'', and in the ninth line, ''difference'' should read ''differences''.

[FR Doc. C9–13767 Filed 6–14–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99-1184-001]

Minnesota Agri-Power, L.L.C.; Filing

Correction

In notice document 99–14567 beginning on page 30970 in the issue of Wednesday, June 9, 1999, the docket number is corrected to read as set forth above.

[FR Doc. C9–14567 Filed 6–14–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf: Operations, Rescission of Certain Letters and Notices to Lessees and Operators (LTLs and NTLs)

Correction

In notice document 99–11843, beginning on page 25364, in the issue of Tuesday, May 11, 1999, make the following correction:

On page 25365, in the second column, in the fourth line from the bottom, ''99-604)'' should read ''99-G04)''.

[FR Doc. C9–11843 Filed 6-14-99; 8:45 am]

BILLING CODE 1505–01–D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

Correction

In rule document 98–30448 beginning on page 63408 in the issue of Friday, November 13, 1998, make the following correction(s):

Appendix B to Part 4044 [Corrected]

On page 63409, in appendix B to part 4044, in ''Table 1.–Annuity Valuations'', value ''≤25'' should read ''>25''.

[FR Doc. C8–30448 Filed 6–14–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD17-99-002]

RIN 2115-AF81

Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK

Correction

In rule document 99–13935, beginning on page 29554, in the issue of Wednesday, June 2, 1999, make the following correction(s):

1. On page 29554, in the second column, under the heading **SUMMARY:**, in the third line, ''know'' should read ''knot''.

2. On page 29555, in the third column, the second full paragraph, in the sixth line from the bottom, ''of'' should read ''to''.

§ 162.240 [Corrected]

3. On page 29558, in the first column, in § 162.240(b), in the third line, after the word ''Narrows'' add the phrase ''bounded to the north by Tongass Narrows Buoy 9 and to the south by Tongass Narrows''.

[FR Doc. C9–13935 Filed 6–14–99; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 59

[AD–FRL–6149–7]

RIN 2060–AE55

National Volatile Organic Compound Emission Standards for Achitectural Coatings

Correction

In the issue of Wednesday, October 14, 1998, on page 55175, in the third column, in the correction of rule document 98–22659, make the following correction(s):

PART 59–[CORRECTED]

The following entries in Table 1 to Subpart D are corrected to read as set forth below:

TABLE 1 TO SUBPART D.—VOLATILE ORGANIC COMPOUND (VOC), CONTENT LIMITS FOR ARCHITECTURAL COATINGS

[Unless otherwise specified, limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation excluding the volume of any water, exempt compounds, or colorant added to tint bases.]

Coating category	Grams VOC per liter	Pounds VOC per gallon [a]
* * * * * * *		
Stains:		
Clear and semitransparent	550	4.6
Opaque	350	2.9
Low solids	[b] 120	[b] 1.0
* * * * * * *		
Wood preservatives:		
* * * * * * *		
Low solids	[b] 120	[b] 1.0
* * * * * * *		

[a] English units are provided for information only. Compliance will be determined based on the VOC content limit, as expressed in metric units.
[b] Units are grams of VOC per liter (pounds of VOC per gallon) of coating, including water and exempt compounds, thinned to the maximum thinning recommended by the manufacturer.

[FR Doc. C8–22659 Filed 6–14–99; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Tuesday
June 15, 1999

Part II

Department of the Interior

Bureau of Land Management

43 CFR Parts 2800 and 2880

Rights-of-Way, Principles and Procedures; Rights-of-Way Under the Mineral Leasing Act; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800 and 2880

[WO–350–2800–24 1A]

RIN 1004–AC74

Rights-of-Way, Principles and Procedures; Rights-of-Way Under the Mineral Leasing Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) of the United States Department of the Interior proposes to: amend its right-of-way regulations to revise rent and cost recovery procedures and policies; adjust cost recovery fees to reflect cost increases since the current regulations became effective in July 1987; eliminate automatic exemptions from cost recovery for federal agencies, except for those agencies and projects exempted by law; use a short-term right-of-way instead of a temporary use permit for rights-of-way issued under the Federal Land Policy and Management Act of 1976; clarify how BLM will apply rent schedules for communication site rights-of-way; broaden the conditions for which BLM will require advance payment of rent; rephrase the language of the regulations into plain language; and reorganize the regulations to reflect the sequence in which BLM takes action on applications.

DATES: Send your comments to reach BLM on or before October 13, 1999. BLM will not necessarily consider any comments received after the above date during its decision process on the proposed rule. Because of the length of the comment period, BLM does not intend to extend it.

ADDRESSES: You may mail comments to: Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C St., N.W., Washington, D.C. 20240. You may also hand-deliver comments to: BLM, 1620 L St., N.W., Room 401, Washington, D.C. Comments, including names and addresses of respondents, will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays. For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section under ''Electronic access and filing.''

FOR FURTHER INFORMATION CONTACT: Ron Montagna, (202) 452–7782, ron__montagna@blm.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures and Information
II. Background
III. Discussion of Proposed Rule
IV. Procedural Matters

I. Public Comment Procedures

Electronic Access and Filing Address

You may view an electronic version of this proposed rule at BLM's Internet home page at www.blm.gov. You may also comment via the Internet to: WOComment@blm.gov. If you submit your comments electronically, please submit them as an ASCII file to minimize computer problems and include ''Attention: AC74'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452–5030.

Written Comments

Confine written comments on the proposed rule to issues pertinent to the proposed rule and explain the reasons for any recommended changes. Where possible, reference the specific section or paragraph of the proposal which you are addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments which it receives after the comment period closes (see **DATES**), or comments delivered to an address other than those listed above (see **ADDRESSES**).

Written comments, including the names, street addresses, and other contact information about respondents, will be available for public review at the above address during regular business hours (7:45 am to 4:15 pm), Monday through Friday, except holidays. Comments made by Internet will be available for inspection at the end of the comment period. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, street address and other contact information (such as: Internet address, FAX or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. BLM will consider each request on a case-by-case basis. Such requests will be granted to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

BLM is interested in all comments that you may have on the issues. We are especially interested, however, in comments and rationale in the following areas:

- Whether or not BLM should continue to issue temporary use permits for rights-of-way issued under the Federal Land Policy and Management Act;
- Whether or not there should be a separate cost recovery decision for monitoring costs or whether each application category decision should continue to determine both the processing and the monitoring category fees. If you believe that there should be separate application and monitoring categories, please provide definitions for the monitoring categories and identify methods that BLM can use to relate a fee to a specific category;
- Whether BLM should charge for processing right-of-way grant renewals, and, if so, on what should the costs be based;
- Whether or not federal agencies should continue to be exempt from cost recovery and rent payments;
- When and under what conditions BLM should require the advance payment of rent;
- Whether BLM should establish a new ''Minimal Impact'' cost recovery category for non-Mineral Leasing Act actions that require less than 8 hours to process; and
- Whether BLM should impose fees for late payment of rent.

Interagency Coordination

The United States Department of Agriculture, Forest Service, is currently preparing regulations to recover its costs for processing and administering special use authorizations on National Forest System lands. In doing so, the Forest Service intends to adopt, to the extent possible, the processes, procedures, and schedules identified in this proposed rule. The Forest Service will evaluate the comments received in response to this proposed rule and will consider those comments in developing proposed regulations applicable to special use applications and authorizations on National Forest System lands. The Forest Service intends to publish its proposed cost recovery regulations for review and comment as soon after the close of the comment period on these proposed rules as possible.

II. Background

General Authorities and Policies

Section 501 of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1761, authorizes the BLM to issue and renew rights-of-way under, over, and through lands under its jurisdiction. These rights-of-way may contain facilities for impounding, storing and transporting water; for transporting and distributing liquids and gases other than oil and gas; for distributing and transporting solid materials, other than oil and gas and products refined from them; for generating, transmitting, and distributing electricity; for transmitting and receiving electronic signals, such as radio, television and telegraph; and for transportation corridors, such as railroads, roads, tramways, and livestock driveways.

Section 28 of the Mineral Leasing Act, as amended (MLA), 30 U.S.C. 185, authorizes the Secretary of the Interior to grant to qualified applicants rights-of-way through Federal lands for transporting oil, gas, synthetic liquid or gaseous fuels, or other refined products. The MLA also allows for temporary use permits to supplement each pipeline right-of-way for the purposes of constructing, operating, maintaining and terminating the pipeline and to protect the natural environment and public safety.

BLM has designed its right-of-way program to coordinate the actions of individuals, governments, and businesses in using public lands for right-of-way purposes; promote the sharing of rights-of-way; protect the quality of natural resources; prevent unnecessary environmental damage to lands and resources; and protect the right-of-way holder's investments in improvements on the right-of-way.

Statistics About Rights-of-Way

As of September 30, 1998, there were 87,511 active right-of-way grants under BLM administration. Most of the grants are located in the western states of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming, North and South Dakota and Oklahoma. New Mexico had the largest number of grants, and Wyoming had the next largest. There were 63 grants located east of the Mississippi River. Of the right-of-way grants, approximately 28 percent are for roads and highways, 28 percent represent oil and gas related systems, 4 percent represent grants for communication sites, 13 percent represent grants for electrical generation and transmission lines, and 27 percent are for other uses, such as telephone, telegraph, and other miscellaneous systems.

III. Discussion of the Proposed Rule

Unless specifically stated in the discussion below, BLM does not intend to make policy changes by rewording and streamlining the regulatory text. If you believe that rewording the regulatory text has resulted in BLM's eliminating or changing important concepts or policies, please describe in your comments these modifications or omissions and the reasons that you believe the regulations should retain the concept from the existing regulations.

General Discussion

The discussions below affect more than one section of the proposed regulations and contain proposed policy changes and the rationale for them.

Cost Recovery Provisions

(Proposed sections 2803.14, 2804.16, 2883.11, and 2884.13, and subparts 2807 and 2887)

It may be helpful to read the preamble to the July 25, 1986, proposed rules, published at 51 FR 26836, and to the July 8, 1987, final rules at 52 FR 25802, to get more background information on current cost recovery policies.

BLM proposes the following specific changes to the cost recovery provisions:

- Reduce the number of fee categories used for recovering the cost of processing applications from five to four (for rights-of-way issued under FLPMA) and from six to four (for rights-of-way issued under the MLA);
- Clarify the definition of the term ''category I, II, etc.,'' to include processing steps and work hours;
- Provide a ''master agreement'' category for multiple applications submitted by a single applicant in a specific geographical area;
- Adjust the fees for both processing an application and for monitoring any ensuing grant to reflect the reasonable (FLPMA) or actual (MLA) costs and the effects of inflation;
- Use proposed fees to determine the cost reimbursement fees for assignments and renewals; and
- Broaden the conditions under which BLM will require advance payment of rents.

We expect that these proposed changes will shorten application processing time, reduce costs, and result in a more equitable distribution of business costs between the benefitting entity and the general public.

Background for changes. Section 504(g) of FLPMA authorizes BLM to recover the ''reasonable'' costs of processing and monitoring rights-of-way issued under Title V, 43 U.S.C. 1761. Section 28(f) of the MLA, 30 U.S.C. 185(l), requires applicants for pipeline rights-of-way issued under the MLA to reimburse the United States for the administrative and other costs involved in processing applications and for the United States' costs of monitoring activities under those grants. The administrative and other costs associated with MLA grants are collectively referred to as ''actual costs.''

Section 304(b) of FLPMA allows the Secretary of the Interior to establish ''reasonable costs'' for processing applications and other documents relating to public lands. Several factors that the Secretary may consider in establishing reasonable costs include the costs of special studies; preparing and distributing environmental documents, such as environmental assessments and environmental impact statements; monitoring the construction, operation, maintenance, and termination of facilities; and other special activities.

BLM first issued cost recovery regulations for linear and areal rights-of-way in 1979. The regulations for FLPMA rights-of-way were successfully challenged in federal court in *Nevada Power Co.* v. *Watt*, 711 F.2d 913 (10th Cir. 1983), on the basis that the regulations did not sufficiently consider each of the ''reasonability criteria'' in section 304(b) of FLPMA, 43 U.S.C. 1734(b). BLM then developed definitions for these criteria, which were published in July 1987.

Based on field studies conducted in 1982 and 1983, which measured the costs of processing right-of-way applications and monitoring grants, BLM developed a number of ''cost categories'' and the corresponding average costs of processing applications that fall into one or another of these categories. BLM broke the cost information into various elements, e.g., filing, status review, field examination, environmental considerations, and document preparation. For FLPMA rights-of-way, BLM related these costs to the statutory reasonability criteria and made decisions to: (1) retain the cost if it was reasonable, (2) eliminate the cost if it did not meet the reasonability requirements, or (3) adjust the cost downward, if it contained both public and private benefits under the reasonability requirements. From this analysis, BLM proposed four cost categories with fixed cost recovery fee amounts and a fifth category, as described in the next paragraph, requiring the full reasonable costs as determined by BLM.

In cases where a fixed fee amount would not be appropriate, such as complex projects, BLM established a final category for the reasonable costs of processing individual cases and of monitoring activities under the grant. In these cases, each applicant had the options of: (1) completely analyzing the estimated actual costs relative to the reasonability criteria, (2) waiving the full analysis and completing a less demanding analysis that could limit the costs recovered to 1 percent of construction costs, or (3) waiving these analyses and agreeing to pay the full reasonable costs involved, as jointly determined by BLM and the applicant.

For MLA rights-of-way, BLM also used the 1982 through 1983 field studies to establish five fixed fee amount categories, each based on its relevant average actual cost. A final sixth category requiring periodic payment of actual costs was also included for these rights-of-way.

At the time of the study BLM did not have sufficient cost data on monitoring grants to determine the exact monitoring costs. To provide some recovery of costs, BLM estimated the necessary monitoring cost for each fixed fee category for both FLPMA and MLA rights-of-way.

FLPMA applicants could request that BLM review their specific circumstances and consider a waiver or reduction in the amount of the processing or monitoring fees or both. Current regulations exclude from the cost recovery provisions certain applicants, such as federal agencies, ''non-utility type'' state and local governments, and applicants for ''cost-share'' roads and reciprocal right-of-way agreements.

BLM conducted an extensive field study of processing and monitoring costs in 1986. The study generally verified the processing costs developed from the earlier study. The study also demonstrated that the costs related to monitoring could be further refined. Current regulations do not specify any method for increasing costs for inflation or similar factors except for proposing a change in regulations. As the cost of living has increased steadily for the last 40 years (the last yearly drop in the Consumer Price Index occurred in 1955), a mechanism for adjusting processing and monitoring fees is desirable. BLM has looked at various indices, e.g., the Consumer Price Index (CPI), the CPI–U (urban), and the Implicit Price Deflator-Gross Domestic Product (IPD–GDP), that could be used to update fee schedules periodically.

In 1995 the Inspector General (IG) for the Department of the Interior audited BLM's cost recovery efforts on rights-of-way. The IG found BLM's financial system was not adequate to give a good estimate of the costs of the right-of-way program. The IG found that BLM's processing fees were too low. The IG estimated costs from two approaches: (1) examining randomly selected case files and estimating the time required to perform the work involved and (2) polling BLM personnel as to the amount of time spent on right-of-way casework. In both cases the IG compared these estimates to the actual amount of cost recovery money collected for the specific cases in (1) and (2). Based on 75 sample cases and an estimated 3,000 cases per year, the IG estimated that BLM was losing $640,000 per year in processing costs. (The 3,000-case figure includes cases which, under current regulations, are excluded from cost recovery.) The IG recommended that BLM revise the regulations to recover all applicable costs.

BLM has adopted the IG's recommendations by proposing to: (1) increase the processing and monitoring costs for right-of-way applications, (2) provide for cost adjustments to accommodate increases in the economic indicator reflecting the general cost of labor, and (3) eliminate fixed dollar amounts from the regulations to allow for periodic cost adjustments.

The following paragraphs describe the proposed changes to the cost recovery provisions of the existing right-of-way regulations. Changes would decrease the number of cost recovery categories for both FLPMA and MLA applications and for monitoring categories, revise the definitions of the categories, eliminate the automatic exemption from paying processing costs for Federal agencies, and increase category fees.

Cost recovery categories. Experience suggests a need for one less fixed fee amount category for FLPMA applications processed under proposed section 2804.20 and two less categories for MLA applications processed under proposed section 2884.18. BLM rarely uses existing Category IV for FLPMA applications or existing Categories IV and V for MLA applications. These categories involved applications which historically require multiple field examinations that are normally associated with collecting original data to complete environmental analysis or to verify the existence or absence of a threatened or endangered plant or animal species. In these cases, the work involved in processing the applications generally meets the criteria for Category V for FLPMA applications and Category VI for MLA applications, both of which address complex projects.

The proposed regulations at sections 2804.14 and 2884.12 would remove the existing Category IV for FLPMA applications and Categories IV and V for MLA applications. BLM would establish a new Category IV for use with both types of applications. The new Category IV would require the applicant to pay the full reasonable or actual cost to BLM of processing right-of-way applications that require multiple field examinations and collecting or verifying original data.

The proposed regulations at sections 2804.17 and 2884.13 establish a ''master agreement'' category for both FLPMA and MLA right-of-way applications. A master agreement is an agreement between BLM and you that, among other things, specifies you will reimburse BLM for the full reasonable costs of processing your application(s), if you are seeking a FLPMA grant, or the full actual costs of processing your application(s), if you are seeking an MLA grant. Paragraph (b) of proposed section 2804.17 lists the areas of negotiation. The master agreement application category is especially useful for MLA right-of-way applications. Most MLA right-of-way applications filed with BLM involve activities within a limited area, an oil and gas field of relatively compact size. For example in New Mexico, an oil and gas field about 50 miles by 50 miles was developed on or crossing BLM-administered lands. In a 20-month period, developers filed some 205 right-of-way applications, each requiring individual category decisions and the collection of separate fees. One developer filed about half of the applications; another filed about 15 percent. A coordinated agreement for processing multiple applications for rights-of-way located in a limited area would have resulted in a more timely and complete response for both BLM and the companies involved.

The proposed regulations specify what master agreements should include, what BLM expects of applicants, and what applicants may expect of BLM.

The Forest Service proposes a fee category called ''Minimal Impact.'' The Forest Service considers this fee category to include minor recreation activities in an area already approved or designated in a forest plan for that use. Examples of ''minor recreation activities'' would be a one-time permit for a wedding, a marathon, a bike race, and a company picnic for more than 75 people. The Forest Service proposes a flat fee of $75 for processing an application in the Minimal Impact Category and no monitoring fee, since the authorization covers a one-time event.

These activities do not qualify for grants issued under Title V of FLPMA, and BLM does not propose to add a Minimal Impact Category to our revised category list. If we did adopt a Minimal Impact Category, we would charge the same fee as the Forest Service proposes. We invite your comments on whether to include this category for short-term activities authorized by temporary use permits issued under the MLA or short-term grants issued under FLPMA.

Revised category definitions. Applicants for grants have requested that BLM revise the existing category definitions. Applicants have stated that the definitions of the categories do not clearly state which costs to exclude or include. The proposed category definitions attempt to better define the categories by stating what factors BLM must consider in determining the application category. These factors include (1) whether or not original data are needed, (2) whether or not BLM must amend an existing land-use plan, (3) how many, if any, field examinations are needed, and (4) the estimated number of work hours needed to complete processing the application.

The current fee category for processing an application also establishes the fee category for monitoring the subsequent grant. Once BLM issues the grant, however, the situation may change from that existing when the application was processed and require reevaluation of monitoring costs. For example, the presence of an endangered species or of an archaeological site may require numerous field observations by BLM or the grant holder, especially during construction. Thus, monitoring costs may increase.

Current fee schedules of processing and monitoring costs are estimated average costs across BLM. The studies performed in 1986 tracked monitoring costs according to the category decisions for processing. While normal statistical analysis would eliminate unusually high or low values, the remainder, as an average, should account for most of the variables between easy-to-hard processing and easy-to-hard monitoring.

If BLM establishes monitoring fees separate from application processing fees, we propose to establish the monitoring categories based on the number of work hours involved, including the number of field examinations needed to monitor the grant. These hour estimates would be determined separately from the hour estimates for the processing fee categories. For instance, Monitoring Category I would consist of those grants that require less than 24 hours of work, including field examinations; Monitoring Category II would consist of those grants requiring between 24 and 36 hours of work, including field examinations; and Monitoring Category III would consist of those grants requiring between 37 and 50 hours of work, including field examinations. If you believe that this is an inappropriate criterion upon which to base monitoring categories, please suggest alternative criteria.

Background for category fee amounts. Current regulations at subpart 2808 of this title set fees for processing and monitoring costs as follows:

Category	Processing fee	Monitoring fee
I	$125	$50
II	300	75
III	550	100
IV	925	200
V	Full reasonable costs as required.	

Based on the field study of some 1600 cases, BLM should have adjusted these fees in 1987, because of inflation and underestimating costs, to:

Category	Processing fee	Monitoring fee
I	$175	$65
II	300	100
III	575	175
IV	820	200

Current MLA regulations at subpart 2883 set application processing and monitoring fees as follows:

Category	Processing fee	Monitoring fee
I	$125	$25
II	275	50
III	350	75
IV	600	150
V	1,000	250

Based on the field study of more than 600 cases, BLM should have adjusted the MLA fees in 1987 to:

Category	Processing fee	Monitoring fee
I	$150	$ 50
II	225	75
III	575	250
IV	750	350
V	Full actual costs.	

Proposed fee amounts. Since the 1986 study, the cost of doing business has continued to rise. The Consumer Price Index, used to adjust the communication site rent schedule, and the Implicit Price Deflator Index, used to adjust other schedules, have risen about 35 and 30 percent respectively. BLM calculated the proposed fee schedule for FLPMA applications and grants by adjusting the detailed study figures upward by 30 percent and rounded up to the nearest $10. This is the proposed fee schedule for processing and monitoring FLPMA right-of-way applications and grants:

Category	Processing fee	Monitoring fee
I	$230	$ 80
II	390	130
III	750	230
IV	Full reasonable costs as required.	
Master agreement	As negotiated.	

BLM calculated the proposed fee schedule for MLA applications and grants in the same manner. The proposed fee schedule for these applications and grants is as follows:

Category	Processing fee	Monitoring fee
I	$200	$70
II	290	100
III	750	330
IV	Full actual costs.	
Master agreement	As negotiated.	

BLM sampled a number of cases in 1995. The sampling tended to agree with the adjusted 1986 study figures. Five Category I cases ranged from $125 to $510 to process, an average of about $200. Fifteen cases in Category II ranged from $82 to $700 to process, with an average of about $390. Only one Category III case was sampled, and its processing cost was $600. Performing another extensive field cost study, such as was done in 1986, would not produce sufficient new data to justify its costs. Adding a ''master agreement'' category may remove about half the cases which currently fall into Categories I through III.

Annual fee adjustments. The regulations also propose adjusting the fee schedule for the following calendar year based on the previous year's change in the Implicit Price Deflator-Gross Domestic Product (IPD–GDP). BLM will round up changes to the nearest dollar. Review of other economic indices, such as the Consumer Price Index, discloses that these do not reflect a sufficiently high labor intensiveness to be used to adjust the cost recovery fee structure. We believe, however, that the IPD–GDP more closely reflects the relationship of labor to other costs and can be used as an adjustment factor. BLM proposes to use this index,

measured second quarter to second quarter, to adjust the fixed cost recovery fees annually. Under the proposed regulations, each year BLM would revise the fees, make copies of the revised fee schedule available in BLM offices before the beginning of the next calendar year, and post the fee schedule on the BLM Home Page on the Internet, http://www.blm.gov.

Rents for communication site rights-of-way would continue to use the Consumer Price Index because the rents are based on the population served. The CPI reflects changes in the urban economy more accurately than the IPD–GPD does.

If BLM adopts the increased cost recovery fee schedule as proposed, adjusted for the inflation rate, the fee schedule will be published in the **Federal Register** as part of the preamble to the final rule. The preamble would make clear that the fees would rise each year based on changes in the IPD–GDP.

If you believe that the proposed cost recovery fee increases are unreasonable, or not in the public interest, please provide your rationale and any suggestions you may have for alternative methods of charging reasonable processing and monitoring fees for FLPMA and MLA right-of-way applications.

Assignments and renewals. (Proposed subpart 2807). BLM proposes to use the category fee schedules as the basis for establishing and recovering the costs of processing assignments and renewals. Currently, the fee for assignments is $50, and there is no fee for renewals. BLM proposes to determine the appropriate category based on the estimated time to process each request. For example, if the estimated time to process an assignment for a FLPMA right-of-way is no more than 24 work hours, the cost recovery fee would be the fee for a Category I application. BLM specifically requests your comments on whether to use the proposed cost recovery categories for assignments and renewals. If you oppose the change, please suggest an alternative method of recovering costs for processing assignments and renewals.

Cost Exemptions and Reductions

Background. Two final rulemakings, one on January 10, 1985, and the other on September 5, 1986, established BLM's current policies with respect to cost recovery for MLA grants. These policies are based on the 1973 amendments to the MLA, which require applicants for MLA rights-of-way or temporary use permits to reimburse the United States for all administrative and other costs involved in processing applications and in monitoring, operating, maintaining, and terminating the MLA grants. Therefore, cost exemptions and reductions are not available for MLA rights-of-way, except for those state and local governments that are exempt from cost recovery under the current regulations at 43 CFR 2883.1–1(a)(2).

The final rule of July 8, 1987, described BLM's policies associated with determining the processing and monitoring costs for FLPMA right-of-way grants. The rule defined the terms ''actual costs,'' which are the resources expended in processing a right-of-way application and monitoring the construction, operation, maintenance, and termination of the project and its facilities. Actual costs, less management overhead, form the amount to which BLM applies the ''reasonability factors'' listed in section 304(b) of FLPMA. For all but complex projects (Category V), the reasonability factors have little or no effect on actual costs. The rulemaking also defined the reasonability factors: ''monetary value of the rights or privileges sought,'' ''public benefits,'' ''efficiency to government processing,'' and ''other factors.'' The ''other factors'' definition provides the means for BLM State Directors to reduce actual processing costs based on a wide range of special circumstances, including unique instances of public benefits or services. These reductions generally fall under the broad category of ''hardship,'' that is, paying full reasonable costs would create an undue hardship on the applicant.

The rule also established, as a method of computing reasonable costs, an alternative which represented one percent of construction costs. This alternative was based on the practice of the state of New York, which charged corporations a maximum fee of one-half of one percent of their actual construction costs to process their right-of-way applications for non-residential projects and a maximum of 2 percent of actual construction costs for residential projects. This fee included the costs of preparing environmental impact statements and other processing activities. Finally, the rule exempted federal agencies and state and local governments and their agencies and instrumentalities from paying processing and monitoring costs.

Automatic exemptions. BLM considered eliminating the exemptions for federal, state, and local governments to pay processing and monitoring costs established by the July 8, 1987, final rule. This exemption, under the current regulations, does not apply to municipalities that derive the majority of their revenues from user fees. We decided against proposing to eliminate the exemption for state and local governments for several reasons, including the fact that these entities comprise less than 10 percent of all applicants and grant holders. Because of their small numbers, eliminating the automatic exemption for them would not significantly decrease BLM's revenues from cost recovery. Municipalities that derive the majority of their revenues from user fees would continue to pay processing and monitoring costs.

Currently, many federal agencies fund the processing of FLPMA right-of-way applications affecting their lands. The amount they pay is determined through negotiations. This process does not always produce consistency across BLM organizational units. BLM proposes to achieve consistency by assigning each federal project to a category. The category designation will enable other federal agencies to determine their costs in advance and will also reduce the administrative paperwork involved in federal transactions.

Eliminating the one percent alternative. As mentioned previously, the July 1987 final rule established the payment of up to one percent of actual construction costs as an alternative method of paying the reasonable costs of processing right-of-way applications and monitoring the issued grants. The approach was viewed to have several benefits: (1) efficiency to both the applicant and BLM by avoiding complex data collection and by eliminating complex cost calculations, (2) providing an incentive to BLM to stay under the one percent cost level in processing and monitoring activities, and (3) giving a readily available dollar value for establishing a reasonable level of actual cost reimbursement. The current regulations contain this alternative at 43 CFR 2808.3–1(f).

Although this alternative seemed to have merit at the time, in practice it has been used only once, in resolving a situation in *Public Service Commission* v. *Watt.* BLM has not done an analyses of why applicants have not used this approach and will not speculate on the reasons. We are proposing to eliminate the one percent alternative. If you believe that we should retain this alternative, please provide the rationale for doing so in your comments.

''Other factors.'' Current regulations at 43 CFR 2808.5 list a number of factors which BLM State Directors may use to reduce or waive processing and monitoring costs. Although the preamble to the July 1987 rule did not specifically state so, the factors are a list

of what could be termed ''hardship'' situations. BLM considers that ''hardship'' is one of the ''other factors'' which section 304(b) of FLPMA allows BLM to consider in determining reasonable costs. Examples of hardship situations include: (1) the project requiring the right-of-way grant could not be built because the processing and monitoring costs would be excessive, (2) public health and safety could be compromised if the right-of-way project were not built, and (3) the public benefits of the project greatly outweigh the costs. The language at proposed section 2804.18, paragraph (b), called ''Other considerations,'' lists possible hardship situations.

The proposed regulations at section 2804.18 attempt to clarify that the exemptions and reductions listed apply to all FLPMA processing and monitoring cost categories, not just those having the highest costs (Category IV applications). In preparing the financial plans required as part of the information for Category IV applications (see proposed sections 2804.16(a)(3) for FLPMA applications and 2884.12 for MLA applications) and in negotiating cost recovery master agreements (see proposed section 2804.17 for FLPMA applications and section 2884.13 for MLA applications), you should identify what you expect BLM to pay for and what you expect to pay for. FLPMA applicants should also identify any hardship factors that they believe apply to their project. BLM will consider these factors during negotiations over the final processing and monitoring costs.

Federal agencies may not qualify for cost reductions under the hardship factors. They may, however, qualify for reductions under the reasonability criteria as proposed at section 2804.18.

The following sections describe other proposed changes to the existing regulations that do not involve fees. The proposed changes involve a new customer service standard for processing applications, organizational matters, clarifications of policies relating to rents for both linear and communication-site rights-of-way, a description of how the proposed regulations are organized, and when you may appeal BLM decisions.

Customer Service Standards

Executive Order 12862, ''Setting Customer Service Standards,'' requires federal agencies to provide a standard of customer service equal to the best in the business. To accomplish this, Executive agencies should identify the customers that they serve, post customer service standards and measure results against them, provide customers with choices in both sources of service and means of delivery and make information, services and complaint systems easily accessible.

The right-of-way program is committed to providing its customers with excellent, efficient service. Through a series of internal policy directives, starting in December 1995, program staff and managers have streamlined right-of-way application processing by: (1) encouraging applicants to file applications by fax and to pay by credit cards, (2) reiterating the processing times stated in Manual sections, (3) allowing applicants for MLA rights-of-way to file as part of their applications for a permit to drill, (4) reaching an understanding with State Historic Preservation Officers as to how BLM will conduct cultural surveys and the State Historic Preservation Officers will review applications and recommend provisions to preserve the cultural values of lands affected by potential rights-of-way, (5) sending customer service cards to right-of-way customers and requesting that the customers rate BLM's service in specific areas, and (6) modifying the financial system to assure that processing and monitoring fees go directly to the field office that generates the fee.

The proposed regulations at section 2804.20(c) would further assist the customer service effort by providing applicants with written notices of when they can expect BLM to process their applications if processing the application will take longer than the estimated time periods. This information should assist applicants and grant holders in planning for constructing or changing their projects.

Hazardous Materials

The proposed regulations would contain language addressing the storing, transporting, and using of hazardous materials on right-of-way grants as they relate to the following statutes: the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* (CERCLA); the Resource Conservation and Recovery Act, 42 U.S.C. 6991 *et seq.* (RCRA); the Clean Water Act, 33 U.S.C. 1251 *et seq.*; the Oil Pollution Act, 33 U.S.C. 2701 *et seq.*; and the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 *et seq.* CERCLA holds responsible parties liable for the costs of cleaning up hazardous waste sites. RCRA sets minimum guidelines and standards for manufacturing and disposal of hazardous and solid wastes.

The current regulations do not address hazardous materials. Because of the importance of the safe use of rights-of-way and resource protection, BLM decided to incorporate hazardous material provisions into the proposed regulations. While most other BLM regulations do not yet specifically address hazardous materials, BLM concluded that addressing hazardous materials in the right-of-way regulations was a suitable beginning. The proposed revisions include the following:

(1) Adding to the definitions section of the regulations at section 2801.5 several terms used in the acts: ''discharge,'' ''hazardous material,'' and ''release;'' and

(2) Clarifying that there is no maximum limit for strict liability for damages or injuries resulting from the actual or threatened discharge or release of hazardous substances, as defined by CERCLA, at section 2807.12.

These definitions and conditions would apply to part 2880 by cross reference.

All the proposed changes follow the ''polluter pays'' principle. If the grant holder is an innocent holder, he will still be held responsible for all costs and clean up from an accident or the release of hazardous substances. BLM believes that any other policy would shift the liability from the holder onto the United States and would result in less holder accountability.

We intend to add similar program-specific language to other regulations as they are revised.

Organizational Matters

Regional offices. Utility and industry applicants have suggested that BLM could shorten processing time for right-of-way applications if we established one or more ''regional right-of-way offices'' solely for processing applications involving cost recovery. BLM has not adopted this approach in the proposed rule because establishing regional right-of-way offices would fracture the existing interdisciplinary approach to decisionmaking that BLM uses. Such offices would be understaffed, as from time to time a variety of specialists are needed for advice on proposed impacts or mitigation methods. Currently, BLM gets this expertise from existing BLM offices where the specialists are performing duties other than processing applications or monitoring grants.

BLM is exploring the way that we process various applications. We periodically look at ways to consolidate, simplify, and cut costs when we process all types of applications. One possible way to cut costs and maximize resources would be to have a single specialist do all field examinations of a single site for which multiple

applications exist. For instance, when an oil and gas lessee needs approval of an application for permit to drill and a right-of-way for a road to the drill pad, a single specialist could visit the site and gather the necessary data to serve the processing of both applications. BLM welcomes any comments you may have on increasing our efficiency and cutting the time for processing your applications.

Water power situations. Water power projects require a license from the Federal Energy Regulatory Commission (FERC) under the Water Power Act of 1920, as amended. If the project involves public lands, BLM must also issue a right-of-way grant. There are some exceptions for relicensing existing projects. FERC can collect costs incurred by it and other Federal agencies, including BLM, from the water power applicant or holder. This creates a potential double collection, where both FERC and BLM could collect from the applicant/holder the costs of a single project. To prevent this, BLM will only report to FERC those processing and monitoring costs that are not associated with BLM actions on the right-of-way application or grant. When a right-of-way application or grant is not involved, BLM will report all of its costs associated with a water power application or relicensing to FERC. The language at proposed section 2804.24 reflects this policy.

Rents

Non-communication site rent payments. Section 504(g) of FLPMA requires right-of-way grant holders to pay annually, and in advance, the fair market value of their grant. This amount constitutes the ''rent'' for the grant. Originally, FLPMA allowed BLM to bill grant holders for more than 1 year if the annual rent was less than $100. Amendments in 1986 changed the provision to give private individuals the option of paying annually or at some interval greater than 1 year if their rent payments exceed $100 per year.

A March 1995 study by the Inspector General of the Department of the Interior (IG) found that BLM had not established a cost-effective system for billing annual rents. There was no minimum collection amount, and BLM billed for all annual rents that exceeded $1 per year. About 7,700 courtesy notices for bills of $34 or less were sent to grant holders. The IG further noted that BLM annually sent over 14,000 bills to 21 grant holders. The IG recommended that BLM establish a minimum rent collection amount and revise the right-of-way regulations to provide for advance lump-sum payments covering more than 5 years when the annual rent is less than $100 per year. Even so, a substantial percentage of the bills for $34 or less represented 5 years' worth of rent.

Based on the 1986 amendment to FLPMA and the IG's recommendations, BLM proposes to modify the way that we bill right-of-way grant holders. BLM must take steps to reduce the administrative workload that field offices bear in billing grant holders annually for rents, collections of rents, and proper depositing of the rents. Proposed section 2806.10 states that BLM may bill for rents annually or for periods of more than 1 year. Private individuals whose rent payments exceed $100 per year may elect to make annual payments rather than lump sum payments. Current policy requires advance rent payments in 5-year intervals if the rent amount is less than $100. The proposed rule would change this policy to allow BLM greater flexibility to address specific situations. We invite suggestions and comments on how long the advance payment period should be and what amount the annual rent payment should be to trigger the advance or lump sum payment.

This proposed rule does not address either minimum rent amounts or another IG recommendation, that of increasing the rent amounts on the current linear rent schedule. A joint BLM-Forest Service team is analyzing these recommendations and other concerns related to linear rights-of-way.

We request your comments, however, on whether BLM should charge fees for the late payment of rents. We are considering adding language to the regulations which would allow us to collect fees for the late payment of rents because (1) charging a fee for the late payment of money owed is a normal business practice in the private sector, with other federal agencies, and with other programs within BLM; (2) BLM is incurring significant administrative charges for attempting to collect late rent payments, without being able to recoup any of the administrative costs; and (3) imposing a late charge may encourage grant holders to make rent payments when they are due and avoid possible termination of their grants. When BLM terminates a grant, we may be able to recover rent payments owed under the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 *et seq.*, but cannot recover the administrative costs associated with our prior collection efforts.

You can find regulatory provisions which allow for BLM's collecting late payment charges at 43 CFR 2920.8(a)(3) and 43 CFR 4130.8–1(f). You may review these provisions to assist you in making comments or suggestions on whether BLM should charge a fee for late payment of right-of-way rents.

If BLM decides to impose a late payment charge for delinquent rents, we propose to base the charge on the method described at 43 CFR 4130.8–1(f). If we decide to use a different methodology, we will describe the proposed method in a separate proposed rule.

Communication site rents. BLM proposes to amend the provisions for communication site rents as follows:

- Adding or revising various definitions related to rents applicable to rights-of-way for communication sites;
- Clarifying procedures promulgated in a final rule published in November 1995 as to how BLM will apply the communication site rent schedule in various circumstances; and
- Adding a provision that explains how BLM determines the ''population served.'' We specifically invite your comments on whether or not all rules concerning communication site management should be segregated into a separate section of the right-of-way regulations. If our analysis of the comments received on this proposed rule indicates that a separate section for communication site management is appropriate, BLM will adopt it in the final rule without any change in the policies reflected in this proposed rule.

Background for changes to communication site right-of-way rents. On November 13, 1995, BLM published regulations establishing a rental schedule for communication uses in the **Federal Register**. The schedule was the result of recommendations from the Radio and Television Use Fee Advisory Committee and the General Accounting Office. BLM intended the schedule to: (1) establish a fair and consistent approach for determining rental payments, based upon using facilities at various communication sites, (2) encourage tenants in a communication facility to consolidate their separate authorizations into a single authorization, and (3) reduce the number of disputes concerning rental values. These changes reduced the costs of obtaining appraisals and billing costs and minimized BLM involvement in managing the use and occupancy of facilities.

The rent schedule bases rent on nine categories of communication uses on BLM-managed lands and groups these uses into three major categories: broadcast, non-broadcast and other. The ''broadcast'' category includes television, FM radio, rebroadcast devices, and cable television. The ''non-

broadcast'' category includes commercial mobile radio service, cellular telephone, private mobile communications, common carrier, and microwave communications. The ''other'' category includes small, unobtrusive, low-power uses serving small numbers of customers. Rents correlate with the population of the community where the facility is located or that it serves, or both. BLM uses the *Rand McNally Commercial Atlas and Marketing Guide* to determine the population size of communities of 50,000 or more. For communities of less than 50,000 people, BLM uses the category of use and the most recent Census Bureau census.

Before BLM established a schedule for communication site right-of-way rentals, all such rents were determined through appraisal. All uses within a facility generally required a separate right-of-way authorization, and BLM appraised each use separately. Appraisals were expensive and needed frequent updating to reflect changes in fair market value. BLM administers approximately 3,200 rights-of-way for communication sites, half of which pay no rent because they are exempt under statutory and regulatory provisions. By implementing the rent schedule, BLM no longer bills rent on an individual user basis. BLM now requires only the facility owner to have an authorization for multiple use occupancy and bases the rent on the highest value use in the facility, plus 25 percent of the scheduled rent for each of the other uses in, or associated with, the facility for which rent is to be paid. The rent schedule identifies nine categories of use and nine population strata. Uses serving larger populations generally have higher associated rent values, as compared with those same uses serving smaller populations.

BLM's rent schedule for rights-of-way devoted to communication uses became effective on December 13, 1995. BLM decided not to implement the new schedule until January 1, 1997, so that we could properly train field personnel to apply it and could resolve any outstanding policy issues. The Forest Service adopted a similar schedule through a policy published in the **Federal Register** on October 27, 1995. Nineteen ninety-seven was the first year of BLM's 5-year phase-in period for the new schedule. During this year BLM received several questions from affected grant holders about the schedule, but there were no protests filed that resulted in appeals to IBLA. BLM and the Forest Service have jointly developed policies and procedures to ensure that both agencies consistently apply the schedule under similar circumstances, regardless of which agency authorizes the communication use.

The changes contained in this proposed rule modify the regulatory text to reflect what has been implemented through internal BLM and Forest Service policy in the last 2 years. Unless otherwise specified, these proposed regulatory revisions only clarify how BLM will apply the schedule in various circumstances and will ensure that the schedule is applied fairly and consistently for all uses and holders of communication facilities located on BLM-managed lands. The proposed revisions do not change the rental values assigned to the uses or population strata of the original schedule.

The proposed regulations and policies are consistent with the Telecommunications Act of 1996, 47 U.S.C. 332 note, and the various General Services Administration government-wide policy bulletins on determining the locations of telecommunications facilities, including commercial antennas, on public lands.

New or revised definitions. (Section 2806.5). These definitions would affect subpart 2806 only. BLM would:

- Add new definitions for ''commercial purpose,'' ''communication use rent schedule,'' ''facility manager,'' ''facility owner,'' ''reselling,'' and ''site'; and
- Revise the definitions for ''customer,'' ''tenant,'' and ''other communication uses'' category.

Adding a definition for ''commercial purpose'' would establish the condition that must exist before BLM will charge rent. Adding a definition for ''communication use rent schedule'' would identify all the uses and population strata that are included in the rent schedule.

The proposed regulations use two new terms, ''facility manager'' and ''facility owner.'' A facility manager owns a communication facility on public land, leases space to other tenants in the facility, and has a communications authorization, usually a lease, but does not have his or her own communications equipment in the facility. A ''facility owner'' owns a communication facility on public land, may or may not lease space to other tenants in the facility, and has a communications authorization, usually a lease, but has his or her own communications equipment within the facility. The difference is that the facility manager does not operate communication equipment for his or her own use; the facility owner does. BLM is introducing these terms because we charge rent only to those entities who hold authorizations. Tenants and customers do not ordinarily pay rent to BLM.

Adding a definition for ''reselling'' is necessary, as reselling is a critical component for determining whether an occupant is considered a tenant, subject to rent, or a customer, not subject to rent.

Amending the definition of ''other communication uses, within the overall definition of ''communication use rent schedule,'' to delete the reference to passive reflectors as an example of an ''other communication use'' is consistent with the intent of the November 13, 1995, preamble to the communication site regulations (60 FR 57068) and with the Forest Service definition for this category. Amending the definition of ''tenant'' to include the words ''or broadcast'' would identify television or radio broadcast uses as a commercial activity subject to rent when located in another's facility and would make it consistent with the Forest Service definition of this term. Revising the definition of ''customer'' to incorporate the changes for the definition of ''tenant'' and to clarify the term would make it consistent with the Forest Service definition of the term. Under the proposed definition, BLM would exclude private and internal communication uses located in another holder's facility, and not just located in a commercial mobile radio service facility, for the purposes of calculating rent.

Other changes proposed for applying the communication site use rent schedule. (Proposed sections 2806.17 through 2806.27) BLM would remove the statement at section 2803.1–2(d) that the rent schedule does not apply to public telecommunication service operators providing public television or radio broadcast services and who are granted a waiver or reduction of rent. A similar statement appears, however, in proposed section 2806.11. BLM may still grant reductions of rent for these uses if the provisions of proposed section 2806.12 apply.

Section 2803.1–2(d)(2)(ii) now provides for a review of right-of-way rents on a case-by-case basis 10 years after BLM issues the grants, and no more than every 5 years after that, to determine whether rents are appropriate. Such a request amounts to asking BLM to conduct an appraisal, estimated to cost $2,000 each in 1995. If all holders were to make such a request, right-of-way rental determinations for communication uses would revert to the methods used before November 1995. This would greatly

increase costs (an estimated $3 million for the 1,500-plus authorizations now subject to rent) and would negate the administrative savings envisioned by using the new rent schedule. Proposed section 2806.17(a) directs BLM to review the rent schedule every 10 years to ensure that the schedule reflects a rational fair market value estimate and eliminates the provision that allows each holder to request one or more reviews after 5 years.

Proposed sections 2806.17 through 2806.27 clarify how BLM would apply the schedule in the various combinations of facility owners, tenants, customers, and the types of uses and populations served by these uses. These proposed sections would enable users and agency personnel to fully understand how to apply the schedule, given the varied circumstances that can exist. These provisions would not alter any of the basic provisions of the current rental schedule. This addition provides a basis for applying the communication use rent schedule fairly and consistently by both BLM and the Forest Service.

One proposed change is to add the term ''site'' to the definitions section at 2806.5 to clarify ''site'' and ''facility.'' These terms are used throughout the proposed sections, particularly at proposed section 2806.19, *How will BLM determine the rent for a single-use communication facility?* The term ''site'' is used to refer to the area, such as a mountain top, which contains one or more communication facilities. The term ''facility'' is used to refer to the authorized improvements associated with a site, e.g., TV, radio, or cell phone antennae. A single site may accommodate several facilities for a variety of communication uses, some facilities serving metropolitan areas, such as TV broadcast towers and antennae, and some serving local areas, such as cellular phone antennae. The facilities located at a particular site are there because the site allows the facilities to serve a particular market or geographical area effectively.

Appeals section. The proposed regulations eliminate the existing subpart on Appeals, subpart 2804, and propose to replace it with references to the right of appeal at each point where you may appeal a decision. If an appeal is authorized, the proposed rule references ''part 4.'' This proposed modification is meant only to improve the organization of the rule. It is not intended to add or remove appeal opportunities. Current regulations also contain references to the right of appeal at each appealable decision point. BLM has issued proposed regulations to revise and consolidate its appeals regulations at part 1840 and 1850 into a revised part 1840. (See 61 FR 54120 through 54141, October 17, 1996.) If or when BLM promulgates revised appeal regulations, this final revised rule will reflect them.

Reorganizing the Regulations

The proposed rule would reorganize the material and present it in the order in which prospective applicants for rights-of-way across public lands would need it. The proposed regulations also give information about what is expected of right-of-way grant holders and how BLM monitors the grants. This restructuring is meant to make the regulations simpler to understand and is not meant to have any substantive effect.

BLM proposes to adopt the preferred numbering system of the Office of the **Federal Register**. The existing regulations indicate one section as subordinate to another by using hyphens in the number. For example, sections 2808.3–1 and 2808.3–2 are subordinate to section 2808.3. In the proposed rule, sections are arranged sequentially, beginning with the number ''0.'' For example, section 2804.10 is followed by subordinate sections 2804.11, 2804.12, 2804.13, and so forth. In some cases, these leading sections may serve only as main headings.

The following cross-reference table describes the major organizational changes. Use the table as a guide to help you find where provisions found in the current regulations appear, in either an unchanged (except for style) or substantively revised form, in the proposed regulations. Proposed new provisions and policy appear in the text under both the GENERAL and SECTION-SPECIFIC DISCUSSIONS in the preamble, not in the table that follows.

Where is it now?	Where would it go?
Section 2800.0–1, Purpose	Eliminated as redundant to material in section 2801.7, What is the scope of these regulations?
Section 2800.0–3, Authority	Section eliminated. Authority appears in introductory material at the beginning of part 2800 under ''Authority'' heading.
Section 2800.0–5, Definitions	Section changed and renumbered as section 2801.5, What definitions do I need to know to understand these regulations? Minor changes in definitions to reflect plain language writing style.
Section 2800.0–7, Scope	Text streamlined, reworded and renumbered to appear in two sections: 2801.7, What is the scope of these regulations? And 2801.8, Are there any rights-of-way outside the scope of these regulations?
Section 2800.0–9, Information collection	Text streamlined and moved to new section 2801.9, Does BLM have the authority to ask me for the information required in these regulations?
Section 2801.1–1, Nature of right-of-way interest.	Text streamlined, reworded, and moved to proposed section 2805.12, What rights does the grant convey?, and 2805.13, What rights does the United States retain? References to temporary use permits removed, as BLM proposes to eliminate these instruments.
Section 2801.1–2, Reciprocal grants	Text streamlined, reworded, and moved to proposed section 2805.13, What rights does the United States retain?, paragraph (d), as a potential condition of issuing a grant.
Section 2801.2, Terms and conditions of grants	Text streamlined, reworded, and moved to proposed section 2805.12, What rights does the grant convey?, as follows: (a)(1) to paragraph (c)(1); paragraph (a)(2) to paragraph (c)(8); paragraph (a)(3) to paragraph (c)(2); paragraph (a)(4) to paragraph (c)(3); paragraph (b)(1) to paragraph (c)(7)(i); paragraph (b)(2) to paragraph (c)(7)(ii); paragraph (b)(3) to paragraph (c)(7)(iii); paragraph (b)(4) to paragraph (c)(7)(iv); paragraph (b)(5) to paragraph (c)(7)(v); and paragraph (b)(6) to paragraph (c)(7)(vi).
Section 2801.3, Unauthorized use, occupancy, or development.	Text streamlined and moved to proposed subpart 2808, What do I need to know about trespass?
Section 2801.4, Rights-of-way issued on or before October 1, 1976.	Text streamlined and moved to proposed section 2801.7, What is the scope of these regulations?

Where is it now?	Where would it go?
Section 2802.1, Preapplication activity	Text streamlined and moved to proposed sections as follows: paragraph (a) to 2802.10, What lands are available for FLPMA rights-of-way?; paragraph (b) to proposed section 2804.13, Will BLM keep my information confidential?; paragraph (c) to proposed section 2804.14, Is there a filing fee for my application?; paragraph (d) to proposed section 2804.25, What can I do on the proposed right-of-way while BLM is processing my application?; and paragraph (e) to proposed section 2804.10, What should I do before I file my application?
Section 2802.2–1, Application filing	Text streamlined and moved to proposed section 2804.11, Where do I file my application?
Section 2802.2–2, Coordination of applications	Text streamlined, reworded, and moved to proposed section 2804.12, What information do I need to submit in my application?, paragraph (b).
Section 2802.3, Application content	Text streamlined, reworded, and moved to proposed section 2804.12, What information do I need to submit in my application?
Section 2802.4, Application processing	Text streamlined, reworded and moved to proposed sections as follows: paragraph (a) to proposed section 2804.21, Can BLM reject my application?, for paragraphs (1) through (5), and to proposed section 2804.20, How will BLM process my application?, for the acknowledgment; paragraph (b) eliminated because BLM proposes to eliminate temporary use permits and to replace them with short-term right-of-way grants; paragraph (c) to proposed section 2804.12, What information do I need to submit in my application?; paragraphs (d), (e) and (h) to proposed section 2804.20, How will BLM process my application?; paragraph (f) to proposed section 2805.13, What rights does the United States retain?, paragraph (e); and paragraph (g) to proposed section 2805.11, When is the grant effective?
Section 2802.5, Special applications procedures	Paragraph (a) eliminated because the grace period has expired; paragraph (b) eliminated as redundant of text in other parts of the regulations.
Section 2803.1–2, Rental	Text streamlined and moved to proposed subpart 2806, What information do I need to know about rents for right-of-way grants?, where there are separate discussions of linear (sections 2806.14 through 2806.16, communication site (2806.17 through 2806.27) and other (2806.28) rents. Text also clarifies treatment of different types of communication sites, based on the November 1995 regulations.
Section 2803.1–3, Competitive bidding	Text significantly streamlined and moved to proposed section 2804.23, Do I always have to submit an application for a right-of-way to receive a grant? Procedural detail removed as more appropriate for internal agency guidance and to allow greater flexibility in using competitive bidding.
Section 2803.1–4, Bonding	Text reworded and moved to proposed section 2805.10, What rights does the grant convey?, paragraph (c)(6).
Section 2803.1–5, Liability	Text streamlined, reworded and moved as follows: paragraph (a) to proposed paragraph (a) of section 2807.12, For what am I liable?; paragraph (b) to proposed paragraph (b) of section 2807.12; paragraph (c) to proposed paragraph (d) of section 2807.12; paragraph (d) to proposed paragraph (c)(6) of section 2807.12; paragraph (e) to proposed paragraph (f) of section 2807.12; paragraph (f) to proposed section 2807.13, What liabilities do State and local governments have?; paragraph (g) to proposed paragraph (c) of section 2807.12; paragraph (h) to proposed paragraph (f) of section 2807.12; and paragraph (i) to proposed paragraph (e) of section 2807.12.
Section 2803.2, Holder activity	Text streamlined, reworded and moved to proposed sections as follows: paragraph (a) to proposed section 2807.10, When can I start activities under my grant?; and paragraph (b), (c) and (d) to proposed section 2807.11, When must I contact BLM?
Section 2803.3, Immediate temporary suspension of activities.	Text streamlined, reworded and moved to proposed section 2805.17, Can BLM temporarily suspend my activities to protect public health and safety and the environment without providing an administrative hearing?
Section 2803.4, Suspension and termination of right-of-way grants.	Text streamlined, reworded, and moved as follows: paragraphs (a), (b), (c) and (d) to proposed section 2807.16, Can BLM terminate or suspend my grant?; paragraph (d) to proposed section 2807.17, How will I know that BLM intends to suspend or terminate my grant?, paragraph (a); and paragraph (e) to proposed paragraph (c) of section 2807.16, Can BLM terminate or suspend my grant?
Section 2803.1–4, Disposition of improvements upon termination.	Text streamlined, reworded and moved to proposed section 2807.18, What happens to any improvements on my grant when it terminates?
Section 2803.5, Change in Federal jurisdiction or disposal of lands.	Text streamlined, reworded, and moved to proposed section 2807.14, What happens if BLM transfers management of the land on which my grant is located to another Federal agency or outside of public ownership?
Section 2803.6–1, Amendments	Text streamlined, reworded, and moved to proposed section 2807.19, When must I amend my application or grant?
Section 2803.6–2, Amendments to existing railroad grants.	Text streamlined, reworded, and moved to proposed paragraph (c) of section 2807.19, When must I amend my grant?
Section 2803.6–3, Assignments	Text streamlined, reworded, and moved to proposed section 2807.20, May I assign my grant?
Section 2803.6–4, Reimbursement of costs for assignments.	Text streamlined, reworded, and moved to proposed section 2807.21, What will BLM charge for reviewing a request for assignment?
Section 2803.6–5, Renewals of right-of-way grants and temporary use permits.	Text streamlined, reworded, and moved to proposed section 2807.22, Can I renew my grant?
Section 2804.1, Appeals	Subpart eliminated. Information about actions which you may appeal appears in the sections to which it applies.
Section 2806.1, Corridor designation	Text streamlined and more simply worded. Material appears in renumbered section 2802.10, What lands are available for right-of-way grants?
Section 2806.2, Designation criteria	Text streamlined and reworded. Material appears in renumbered section 2802.11, How does BLM designate corridors?
Section 2806.2–1, Procedures for designation	Text streamlined, reworded, and moved to section 2802.10, What lands are available for right-of-way grants?

Where is it now?	Where would it go?
Section 2807.1, Application filing	Text streamlined, reworded, and moved to proposed section 2809.10, Can Federal agencies get a right-of-way grant?
Section 2807.1–1, Document preparation	Text streamlined, reworded, and moved to proposed section 2805.10, What does a grant contain?
Section 2807.1–2, Reservation termination and suspension.	Text streamlined, reworded, and moved to proposed section 2807.16, Can BLM terminate or suspend my grant?
Section 2808.1, General	Text streamlined, reworded, and moved to proposed section 2804.14, Is there a filing fee for my application?, paragraph (a).
Section 2808.2–1, Application categories	Text streamlined, reworded, and moved to proposed section 2804.14, Is there a filing fee for my application?, paragraph (c).
Section 2808.2–2, Category determination	Text streamlined, reworded, and moved to proposed section 2804.14, Is there a filing fee for my application?, paragraph (e) and (g).
Section 2808.3–1, Application fees	Text streamlined, reworded, and moved to proposed sections as follows: paragraph (a) to proposed section 2804.14, Is there a filing fee for my application?, paragraph (b); paragraph (b) to proposed section 2804.14, paragraph (f). Paragraphs (c), (d) and (e) to proposed section 2804.16, How will BLM process my Category IV application?; paragraph (f) to proposed section 2804.18, Can BLM reduce my reimbursement costs?, paragraph (a)(2); paragraph (g) to proposed section 2804.18, paragraph (e); and paragraph (i) to proposed section 2804.18, paragraph (d).
Section 2803.3–2, Periodic advance payments	Text streamlined, reworded, and moved to proposed sections as follows: paragraphs (a) and (b) to proposed section 2804.16, How will BLM process my Category IV application?, paragraph (b); paragraph (c) to proposed section 2804.14, Is a filing fee for my application?, paragraph (g); and paragraph (d) eliminated, as this is redundant of other sections, such as 2804.14.
Section 2803.3–3, Costs incurred for a withdrawn or denied application.	Text streamlined, reworded, and moved to proposed section 2804.22, Do I owe any money if BLM rejects my application or I withdraw my application?
Section 2803.3–4, Joint liability for payments	Text streamlined, reworded, and moved to proposed section 2804.19, What happens if there are two or more competing applications for the same facility or system?
Section 2808.4, Reimbursement of costs for monitoring.	Text streamlined, reworded, and moved to proposed section 2805.14, What are monitoring fees?
Section 2808.5, Other cost considerations	Text streamlined, reworded, and moved to proposed section 2804.18, Can BLM reduce my reimbursement costs?
Section 2808.6, Action pending decision and appeal.	Text consolidated with that in current section 2808.5, reworded and moved to proposed section 2804.18, Can BLM reduce my reimbursement costs?
Section 2880.0–3, Authority	Section eliminated. Material appears as ''Authority'' in the introductory material at the beginning of part 2880.
Section 2880.0–5, Definitions	Minor changes in definitions to reflect plain language writing style. Definition of ''public lands'' in proposed section 2801.5 replaced by definition of ''Federal lands'' in proposed section. Section renumbered as 2881.5, What definitions do I need to know to understand these regulations?
Section 2880.0–7, Scope	Text reworded into plain language and appears in two proposed sections: 2881.7, What is the scope of these regulations? And 2881.8, What grants are not covered by these regulations?
Section 2881.1–1, Nature of right-of-way interest.	Text streamlined, reworded, and moved to proposed section 2885.11, What are the terms and conditions of the grant or permit? Cross references proposed section 2805.10, for terms and conditions in common with non-MLA rights-of-way.
Section 2881.1–2, Nature of temporary use permit.	Same as entry above at section 2881.1–1.
Section 2881.1–3, Reservation of rights to the United States.	Text streamlined and moved to proposed section 2885.12, What are the terms and conditions of the grant or permit?, which cross references proposed section 2805.13, since many terms and conditions are common to both types of rights-of-way. Proposed section 2885.12 emphasizes only those terms and conditions which are MLA-specific.
Section 2881.2, Terms and conditions, interest granted.	Text streamlined and moved to proposed section 2885.12, What are the terms and conditions of the grant or permit?
Section 2881.3, Unauthorized use, occupancy or development.	Text streamlined and moved to proposed subpart 2888, What general information do I need to know about trespass? Contains a cross reference to proposed subpart 2808.
Section 2882.1, Preapplication activity	Text streamlined, reworded, and moved to proposed sections as follows: paragraph (a) to proposed section 2884.10, What should I do before I file my application?: paragraph (b) eliminated as redundant of regulatory text elsewhere, including subpart 2883, What qualifications do I need to have to hold an MLA grant or permit?; paragraph (c) to proposed section 2884.12, Is there a filing fee for my application?; and paragraph (d) to proposed section 2884.22, What may I do on the proposed right-of-way while BLM is processing my application?
Section 2882.2–1, Application qualifications	Text streamlined, reworded, and moved to proposed sections as follows: paragraphs (a) and (b) to subpart 2803, What qualifications do I need to have to hold an MLA grant or permit?; and paragraph (c) to proposed section 2884.16, What do I file my application for an MLA grant or permit?
Section 2882.2–2, Application filing	Text streamlined, reworded, and moved to proposed section 2884.16, Where do I file my application for an MLA grant or permit?
Section 2882.2–3, Application content	Text streamlined, reworded, and moved to proposed section 2884.11, What information do I need to provide in my application?

Where is it now?	Where would it go?
Section 2882.3, Application processing	Text streamlined, reworded, and moved to proposed sections as follows: paragraphs (a), (b), (f) and (g) to proposed section 2884.18, How will BLM process my application?; paragraph (c) to proposed section 2884.11, Can BLM reject my application?; paragraphs (d) and (h) to proposed section 2884.19, Can BLM ask me for additional information?; paragraph (e) eliminated as redundant of other text; paragraphs (i) and (j) to proposed section 2884.23, When will BLM issue the grant or permit?; paragraphs (k) and (l) to proposed section 2885.10, When is the MLA grant or permit effective?; and paragraph (m) to proposed section 2885.11, What are the terms and conditions of the grant or permit?
Section 2882.4, Interagency agreements	Text eliminated as redundant of other text in other sections, such as proposed sections 2884.10 and 2884.18.
Section 2883.1–1, Cost reimbursement	Text streamlined, reworded, and moved to proposed section 2884.12, Is there a filing fee for my application?
Section 2883.1–2, Rental payments	Text streamlined, reworded, and moved to proposed section 2885.12, How much does it cost to hold a grant or permit? Cross references to proposed subpart 2806—What information do I need to know about rents for MLA right-of-way grants?
Section 2883.1–3, Bonding	Text streamlined, reworded, and moved to proposed section 2885.11, What are the terms and conditions of the grant?, as a condition of issuing the grant.
Section 2883.1–4, Liability	Text streamlined, reworded, and moved to proposed section 2886.15, For what am I liable?, and proposed section 2885.13, Who is liable for payments?
Section 2883.1–5, Common carriers	Text streamlined and incorporated as a provision of the grant at proposed section 2885.11, What are the terms and conditions of the grant or permit?, paragraph (c).
Section 2883.1–6, Export	Text streamlined and incorporated as a provision of the grant at proposed section 2885.11, What are the terms and conditions of the grant or permit?, paragraph (b) on the terms and conditions of use.
Section 2883.2, Holder activity	Text streamlined, reworded, and moved to proposed sections as follows: paragraph (a) to proposed section 2886.11, Who regulates my activities?; paragraphs (b) and (c) to proposed section 2886.13, When must I contact BLM?; paragraphs (d), (e) and (f) to proposed section 2887.10, What conditions require amending a grant?
Section 2883.3, Construction procedures	Text streamlined, reworded, and moved to proposed section 2886.10, When can I start activities under my grant or permit?
Section 2883.4, Operation and maintenance	Text streamlined and consolidated with existing section 2883.3, Construction procedures, into proposed section 2886.10, When can I start activities under my grant or permit?
Section 2883.5, Immediate temporary suspension of activities.	Text streamlined, reworded, and moved to proposed section 2886.18, When can BLM terminate or suspend my grant or permit?
Section 2883.6–1, Suspension and termination of permits.	Text streamlined, reworded, and moved to proposed section 2886.17, When can BLM terminate or suspend temporary use permits?, which cross references proposed sections 2807.15 and 2807.16.
Section 2883.6–2, Suspension and termination of temporary use permits.	Section eliminated, as temporary use permits are covered in proposed section 2886.17, When can BLM terminate or suspend temporary use permits?
Section 2883.7, Change in jurisdiction or disposal of lands.	Text streamlined, reworded, and moved to proposed section 2886.16, What happens if BLM transfers management of the land on which my grant is located to another agency or outside public ownership?
Section 2883.8, Restoration of Federal lands	Text streamlined, reworded, and consolidated within proposed section 2885.11, What are the terms and conditions of my grant or permit?, as a provision of the grant or permit, cross referenced to proposed subpart 2805—What terms and conditions do grants contain?
Section 2884.1, Appeals	Section eliminated. Right of appeal noted in text where appealable action is discussed.
Section 2887.0–3, Authority	Section eliminated. Act cited in ''Authority'' section as heading in the introductory material before part 2880 listings begin.

Additional reorganization may occur as a result of the public comments received. The preamble to the final regulations will address any additional reorganization of the regulatory text made as a result of public comments.

Section-Specific Discussions

The material in this section describes proposed changes affecting a single section and policies relating to the proposed changes. It also describes new sections. Sections which consist entirely of language rephrased from material in the current regulations without any other changes are not discussed.

Part 2800

Section 2801.5, What definitions do I need to know to understand these regulations? The discussions below pertain only to those definitions proposed for change or proposed to be added.

The existing terms ''public service provided, ''cost incurred for the benefit of general public interest,'' ''monetary value of the rights and privileges sought,'' ''actual costs,'' ''management overhead,'' and ''efficiency to Government processing,'' found at section 2800.0–5, would be incorporated into section 2804.18, Can BLM reduce my reimbursement costs?, as factors which BLM may consider in determining whether or not to reduce the processing fee for all categories of applications, including Category IV applications. The terms ''road use, amortization and maintenance charges'' and ''written demand'' would be removed because they are no longer used.

Three new terms, ''discharge,'' ''hazardous material,'' and ''release'' would be added to be consistent with the provisions of the Clean Water Act and BLM's hazardous materials policies with respect to the right-of-way program. BLM complies with these laws, but the current regulations do not explicitly address their requirements. The terms ''discharge'' and ''release'' would have the meanings given at section 1321(a)(2) of the Clean Water Act and section 9601(22) of CERCLA, respectively.

The new term ''hazardous material'' would cover the following substances or materials:

(1) Any substance or material defined as a ''hazardous substance'' under CERCLA at 42 U.S.C. 9601(14),

(2) Any regulated substance in underground storage tanks, as defined by the Resources Conservation and Recovery Act (RCRA) at 42 U.S.C. 6991 *et seq.*,

(3) ''Oil,'' as defined in the Clean Water Act at 33 U.S.C. 1321(a) and the Oil Pollution Act at 33 U.S.C. 2701 *et seq.*, and

(4) Other substances defined and regulated as ''hazardous'' by applicable federal, state and local law.

BLM intends to use the term ''hazardous material,'' rather than ''hazardous substance,'' because the term is broader. Right-of-way holders, including oil and gas pipeline companies, use, store or transport various hazardous materials across public lands. BLM seeks to protect the public lands from oil discharges and releases. The broad definition also aligns with BLM's responsibility to minimize damage to scenic and scientific values and fish and wildlife habitat, to protect the environment from impacts resulting from issuing and using right-of-way grants, and to protect the public lands from undue degradation.

The new term ''field examination'' defines one of the factors that BLM will use to determine the category upon which to base processing and monitoring costs. BLM proposes to base the definition on the number of vehicles, rather than the number of people occupying the vehicles, because we believe that measuring costs on the basis of trips will encourage BLM to combine trips and use our expertise most efficiently.

You should compare the term ''public land'' at proposed section 2801.5 to the term ''federal land'' at proposed section 2881.5, *What definitions do I need to know to understand these regulations*? The lands available for right-of-way grants under FLPMA are different from the lands available for grants and temporary use permits under the MLA. Lands under BLM jurisdiction are called ''public lands'' for the purposes of FLPMA. For the purposes of the MLA, the term ''federal lands'' includes both lands under BLM jurisdiction and under the jurisdiction of other federal agencies, state governments, and private individuals (if the minerals were reserved to the United States.) Under the MLA, BLM only issues grants on federal lands which are under the jurisdiction of BLM or when a proposed use involves two or more other federal agencies. Lands in the National Park Service System are statutorily excluded from both MLA and FLPMA because they are administered by the National Park Service and are generally not subject to non-Park Service uses. Other lands excluded from right-of-way use under both FLPMA and MLA are lands located on the Outer Continental Shelf and those held in trust for Aleuts, Eskimos, and Indians.

The proposed regulations continue to define the terms ''right-of-way'' and ''grant'' separately. The term ''right-of-way'' describes the physical feature, the land, upon which the holder is exercising the right to use or traverse the right-of-way. The term ''grant'' describes the instrument (easement, lease, license, or permit) which gives the holder authority to use or traverse the land for right-of-way purposes. Although FLPMA uses the term ''right-of-way'' to describe both the land and the instrument, in practice using the term in both ways has proven confusing. The phrase ''authorizing the use of a right-of-way over, upon, under or through public lands for construction, operation, maintenance and termination of a project'' would be dropped from the definition of ''right-of-way grant'' because it is redundant of material found in the definition of the term ''right-of-way.'' The term ''grant'' does not imply the conveyance of the title.

The term ''temporary use permit'' would be removed and replaced by a definition for ''temporary use.'' The term ''temporary use'' signifies BLM's intent to issue short-term grants issued under part 2800, when the use is of a temporary nature. We make this proposal because, in practice, the same provisions apply to both use permits and grants and because processing times for the two documents are similar. The only difference between temporary use permits issued under part 2800 and grants is duration. The proposed change would also eliminate confusion caused by using the term permit for both short-term grants and permits for other uses authorized under part 2920. We are unable to propose this change for rights-of-way issued under part 2880 because the MLA specifically allows for temporary use permits. Therefore, section 2881.5 retains a definition for ''temporary use permit.''

Section 2801.10, Severability. This new section would describe the legal principle of ''severability'' and apply it to the regulations in part 2800. Under severability, if any portion of these regulations were found invalid as to a particular set of circumstances or particular people, the remaining portions of the regulations would remain valid and BLM could enforce them separately and legitimately. This principle has always applied to the regulations but is stated here for information and clarity.

Section 2802.10, What lands are available for right-of-way grants? This section combines and retains the information found in the current regulations at sections 2806.1, Corridor designation, and 2806.2–1, Procedures for designation. It explains that the availability of land for right-of-way use is tied to BLM's land-use planning process, which may designate corridors and avoidance, exclusion and open areas. Although BLM designates right-of-way corridors and issues grants within these corridors to the maximum extent practical, it is not always possible to restrict uses to designated corridors, in cases such as rights-of-way connecting wells, residences, and buildings to existing facilities.

New paragraph (c) suggests that you visit the BLM office nearest you before you file an application for a right-of-way grant. During the visit you can learn whether the land that you want to use is available, what the qualifications are for holding a grant, what the application requirements are and how long it may take BLM to process your request. You can also learn if other federal and state agencies need to be involved. (See also the discussion at proposed section 2804.10, What should I do before I file my application?)

Section 2802.11, How does BLM designate corridors? This section contains material currently found in the regulations at section 2806.2, *Designation criteria.* The proposed rule would add two new criteria: transportation and utility corridor studies developed by user groups (paragraph (h)) and existing transportation and utility corridors that are capable of accommodating additional compatible uses without further review (paragraph (j)). Experience has shown that BLM managers use these two factors, in addition to the others, in making decisions about siting right-of-way corridors.

Subpart 2803, What qualifications must I meet to get a right-of-way grant? The proposed regulations contain four new sections— 2803.10, *Who can hold a grant*?; 2803.11, *Must I submit proof of my qualifications with my application*?; 2803.12, *Can other people act on my behalf*?; and 2803.13, *What happens to my grant if I die*?—with information about who may hold a grant. This information has not appeared in the regulations at part 2800 since 1982, when BLM decided to eliminate it and place it on the application form, SF–299. We believe

that placing the qualifications information back in the regulations will make it easier for individuals and groups to find information about BLM's right-of-way program.

Section 2804.10, What should I do before I file my application? This proposed section begins the completely revised subpart about applying for grants. It contains a streamlined version of the material currently found in section 2802.1, Preapplication activity, paragraphs (a) and (e). BLM encourages anyone interested in obtaining a right-of-way grant across public lands to visit the nearest BLM office to get information about the right-of-way program, lands available for right-of-way grants, and other factors affecting their applications. Visiting BLM before filing your application may shorten the time that it takes BLM to process your application and determine whether or not to issue a grant. At this meeting, BLM may be able to provide you with an estimate or informal determination of what it may cost to process your application.

Section 2804.12, What information do I need to submit in my application? Currently, this information is contained in several subparts, including 2802 and 2808. BLM intends that this subpart provide all the information that you may need to apply for a grant issued under the provisions of FLPMA. The subpart presents the necessary information in a sequence in which you might ask questions about the application procedures.

The new language in this section would specify the form number of the application, SF–299, and give a brief description of the information that the form requires. This description is a condensed version of the list of information in the current regulations at section 2802.3, paragraph (a).

Section 2804.14, Is there a filing fee for my application? This proposed section contains information from several sections of subpart 2808, including section 2808.1, General; 2808.2–1, Application categories; 2808.2–2, Category determination; and 2808.3–1, Application fees. The major changes contained in this section are discussed in the ''Cost Recovery Provisions'' section in the GENERAL DISCUSSION portion of this preamble. These include: (1) Increasing application processing and grant monitoring fees to reflect the reasonable costs of processing and monitoring activities, (2) providing a mechanism to adjust these fees based on changes in the ''Implicit Price Deflator-Gross Domestic Product,'' (3) eliminating the automatic exemption from paying the reasonable costs of processing applications and monitoring grants for federal agencies, (4) eliminating the 1 per cent of construction costs alternative to paying full reasonable processing costs; (5) reducing the number of cost recovery categories for both FLPMA and MLA applications; and (6) adding a new category, ''master agreement,'' to cover multiple applications in a limited geographic area. Otherwise, BLM proposes no policy changes except to reword the regulatory provisions for clarity.

Section 2804.16, How will BLM process a Category IV application? This new section provides information in one place about Category IV, in which BLM recovers the ''full reasonable costs'' of processing right-of-way grant applications under FLPMA. Currently, this information is scattered throughout several sections of the regulations, including 2808.2–1, Application categories; 2808.3–2, Periodic advance payments; and 2808.4, Reimbursement of costs for monitoring.

Section 2804.17, What is a master agreement and what does it contain? This new section would give information about the proposed new category called ''master agreements.'' As described in the ''Cost Recovery Provisions'' section in the GENERAL DISCUSSION section of this preamble, master agreements are optional but may be of use to applicants or grant holders seeking multiple grants in a limited geographical area. They are especially useful to developers of oil and gas fields. These developers may need many grants to build access roads, feeder lines, and pipelines to transport the product(s) from the field. This section specifies what information master agreements must contain.

Section 2804.18, Can BLM reduce my reimbursement costs? This proposed section contains information about applying for a reduction of processing and monitoring costs. The only policy changes from the existing regulations are as follows: (1) The proposed section lists the ''reasonability'' criteria on which you may seek to reduce your processing costs, and (2) the proposed section does not use the term ''waive.'' The term ''reduction'' as used in the proposed rule includes a provision for a reduction to zero dollars. All other changes are to increase clarity and your ease of finding and using the information that you may need in order to seek a reduction of processing and monitoring costs.

BLM believes that this provision needs to be clear, since we are eliminating exemptions from processing costs for federal agencies except for those exempted by statute. We welcome any comments that you may have on ways to streamline the process for determining whether or not we should grant your requests for reductions and on the types of information needed to adjudicate such applications.

Section 2804.19, What happens if there are two or more competing applications for the same facility or system? This new section clarifies how BLM will assess processing costs in situations where there is more than one applicant for a facility or system. This discussion is separated by category because BLM expects that the first three cost categories will not involve costs attributable to more than one application.

Applicants for FLPMA Category IV applications are responsible for all reasonable costs identifiable with their applications. For costs that cannot be easily identified with a specific application, such as the costs of preparing environmental impact statements, all applicants will pay an equal share or a proportion agreed to in writing.

Section 2804.20, How will BLM process my application?, contains a customer service standard at proposed paragraph (c). The standard states that BLM will process your application for a right-of-way within 30 working days of receiving it if the application falls within the criteria for Categories I through III and if BLM may categorically exclude the action from environmental analysis or prepare an environmental assessment for it. If BLM cannot process your application within 60 working days, a BLM field official will notify you in writing and give you an explanation for the delay and an estimated completion date. If your application falls within the criteria for Category IV application, a BLM field official will notify you in writing and give you an estimated completion date. This standard is found in BLM Manual Section 2801.35B1g2b(1) and is intended to make us more responsive to right-of-way customers.

Section 2804.23, Do I always have to submit an application to receive a right-of-way grant?, is an updated version of current section 2803.1–3, which describes in detail procedures for competitive leasing. BLM proposes to update and streamline that section because it is seldom used and contains guidance more appropriate for a Manual section or handbook. The current regulation also restricts the use of competitive bidding to site-type rights-of-way, and BLM wants to broaden the use of competitive bidding to include other situations, such as rights-of-way

used for emerging technologies. The proposed regulation would broaden competitive bidding to increase BLM's flexibility in using it for site-specific situations.

Section 2805.10, What does a grant contain? This proposed section contains material from the current section 2801.2, Terms and conditions of interest granted, and new language concerning hazardous materials and adjusting bond amounst. The new language about hazardous materials, which appears as terms and conditions of use in paragraph (c), would require grant holders to notify the appropriate authorities of actual and threatened discharges or releases of hazardous materials, to handle hazardous materials in a proper manner and to comply with all liability and indemnification requirements and provisions. (See the discussion at section 2807.10 of this preamble.) Because BLM believes that preventing discharges and releases of hazardous materials into the environment is a part of doing business, we propose to expand the language in this section.

The new language concerning BLM's adjustment of bond amounts also occurs in paragraph (c) of section 2805.10. Currently all grant holders furnish a bond or other security to cover losses, damages, or injury to human health, the environment, and property resulting from activities on the right-of-way. The proposed provision allows BLM to decrease or increase the amount of the bond to reflect changes in the risk associated with changed conditions and the grant holder's record of complying with the provisions of the grant.

Section 2805.12, What rights does the grant convey? This proposed section contains material from current section 2801.1–1, Nature of right-of-way interest, paragraphs (b) through (f) and (k), with no proposed regulatory changes. This section describes the rights that the grant gives you. They are only the rights expressly contained in the grant and do not include any rights that the United States retains. Your use of resources within the right-of-way is limited to project and facility purposes but includes minor trimming, pruning, and clearing as necessary. Your grant is limited to the activities necessary to build, operate, maintain, and terminate the authorized project and facilities.

Section 2805.14, What are monitoring fees? and 2805.15, When do I pay monitoring fees? The information about monitoring fees is included in these two proposed sections in this subpart. Monitoring fees are assessed when BLM issues the grant. Although not a term or condition of the grant, payment of monitoring fees is a condition of obtaining the grant. The language of proposed section 2805.14, paragraph (b), would change if BLM decides to develop and administer monitoring fees and categories separately from application processing fees. (See discussion under ''Cost Recovery Provisions'' in the GENERAL DISCUSSION section of this preamble.) If BLM decides to develop and administer monitoring fees and categories separate from the processing fee categories, we will repropose the regulations in this section and provide you with an opportunity to comment on the proposed categories and fees only if we do not adopt the proposal described in the ''Revised Category Definitions'' section of the GENERAL DISCUSSION in this preamble.

Subpart 2806, What information do I need to know about rents for right-of-way grants? For a discussion of the major policy changes to the sections in this subpart, see the discussion of *Rents* in the GENERAL DISCUSSION section of this preamble. All other changes proposed are intended to improve the clarity and readability of the requirements for paying rents under FLPMA grants, except for one proposed change. This proposed change occurs at section 2806.11, *Are there exceptions to paying rents?* This section describes the circumstances under which there are exemptions from paying rents on grants. The Omnibus Parks and Public Lands Management Act of 1996, which amended section 504(g) of FLPMA, struck out the phrase ''financed pursuant to the Rural Electrification Act of 1936, as amended, '' and replaced it with the phrase ''eligible for financing pursuant to the Rural Electrification Act of 1936, as amended, determined without regard to any application requirement under that Act.'' This statutory change has caused some large, for-profit utility grant holders to apply for rent reductions under FLPMA.

In mid-1997 the Forest Service sought guidance from the Committee on Natural Resources of the U.S. House of Representatives. The Committee Chairman, Representative Don Young, responded by letter dated October 1, 1997. In his letter, Mr. Young stated that the intent of the statutory revision was to exempt all not-for-profit rural electric and telephone cooperatives from paying rent on their grants, whether these cooperatives had built their facilities with financing from the Rural Utility Service or not. Mr. Young further stated that the Committee believed that rural and electric cooperatives filled an essential need by providing electric and telephone service in areas of difficult terrain and low customer density. Based on this information, BLM believes that the exemption from paying rents does not apply to all utility holders, just those who can document their non-profit status as defined in the Internal Revenue Code at section 501(c)(3).

BLM therefore proposes to amend the existing provision at section 2803.1–2(b)(1)(iii) to include non-profit electric and telephone cooperatives that built facilities financed by or eligible for financing from the Rural Utility Service. The revised text, at paragraph (b) of proposed section 2806.11, would read: ''The facilities constructed on the right-of-way were constructed with funds from the Rural Electrification Act of 1936, as amended (REA), or are non-profit rural electric or telephone cooperative facilities eligible for REA financing; or are extensions of such facilities.''

Section 2806.14, What are the rent costs for linear rights-of-way? would make one change to existing policy. Current policy states that BLM will use the rent schedule for linear grants unless the grant meets two criteria: the land value exceeds the area's value by at least a factor of 10 and the expected rent is sufficient to warrant a separate appraisal. Some linear uses of rights-of-way have a significant value that is not related to land value. In these cases, the value comes from the type of use. Because the criteria require both factors to be met before BLM considers rent separately from the rent schedule, we must currently use the rent schedule for these uses. Having to use the rent schedule for these grants prevents us from collecting their fair market value. If we could use other methods to determine rent for these grants, we could collect fair market value, as required by FLPMA. We therefore propose to separate the factors that we will use to determine when not to use the linear rent schedule. See the language in the current regulations at section 2803.1–2(c)(v)(A), and compare with the proposed regulations at section 2806.14(a)(1).

Section 2807.12, For what am I liable?, contains the material in the current regulations at section 2803.1–5, Liability. It contains new language in two areas: (1) the maximum limit on the amount of damages would rise from $1 million to $5 million, and (2) there would be no maximum limitation on strict liability resulting from damages or injuries caused by hazardous substances or as allowed by law. See the discussion under ''Hazardous materials'' in the GENERAL DISCUSSION section of this preamble.

Section 504(h) of FLPMA gives the Secretary of the Interior the authority to promulgate regulations specifying the extent to which right-of-way holders are liable to the United States for damages or injuries resulting from occupying or using a right-of-way grant. The provision further states that the regulation must include a maximum limitation on damages comparable to the foreseeable risks and hazards presented. Current regulations, promulgated in July 1980, set the limit at $1 million. The proposed regulations would raise the limit to $5 million, owing to inflation and other factors.

The liability limit does not apply to damages or injuries resulting from the discharge or release of hazardous substances as defined by CERCLA of otherwise allowed by law. The Federal Court of Appeals in *United States* v. *Chromalloy American Corporation,* 158 F.3d 345, 350 (5th Cir. 1998), recently cited CERCLA for the proposition that ''notwithstanding any other provision of law, a private party will reimburse the United States for all costs incurred.'' The court held that CERCLA establishes a federal action in strict liability that allows administrators to recover damages quickly and does not place limits on liability. CERCLA preempts the liability cap established by FLPMA for hazardous substances only.

Eliminating the liability cap for hazardous substances also aligns with BLM's policy of having the polluter pay. A grant holder is fully liable for all clean-up and restoration costs, damages, fees, and penalties assessed against the holder's storing or using hazardous substances in developing, relinquishing, or using the right-of-way, regardless of fault.

Section 2807.13, What liabilities do state and local governments have? requires state and local governments or their agencies to furnish a bond to protect the liability exposure of the United States from claims by third parties.

Section 2807.20, May I assign my grant? contains the same customer service standard for processing time as that of applications for grants. This standard is adopted from BLM Manual Section 2801.35B1g2b(1) and estimates the processing time as 30 working days for applications which do not require extensive administrative work. If processing an application for assignment takes more than 60 days, BLM will notify you in writing, explain the reason for the delay, and give an estimated processing time.

Section 2807.21, What will BLM charge me to review a request for assignment? BLM proposes to charge processing fees for assignments, based on the category of the application, rather than the flat fee currently charged. For this reason, the section contains a brief statement of the way in which we will charge fees. The fee would be charged based on the number of work hours involved in processing the assignment. Generally, the work involves adjudicating the prospective assignee's qualifications to hold the grant; visiting the project site to determine the status of the project and whether or not operations are in compliance with applicable statutes, regulations, and the terms and conditions of the grant; and preparing the necessary legal paperwork. BLM would estimate the work hours involved in these activities, consult the schedule for the appropriate number of hours, and charge accordingly. (See the discussion at the ''Assignments and Renewals'' section under the GENERAL DISCUSSION in this preamble.)

Section 2807.22, Can I renew my grant? The proposed section contains material from existing section 2803.6–5. Note that the reference to ''temporary use permits'' has been eliminated because BLM proposes to eliminate temporary use permits for rights-of-way issued under FLPMA and replace them with short-term grants. The same customer service standard for processing times would apply to applications for renewal as to new applications.

Subpart 2808, What do I need to know about trespass? This proposed subpart contains material currently found at Section 2801.3. The first section, 2808.10, *What is trespass?,* briefly describes the term. The next section, 2808.11, *What will BLM do if it determines that I am in trespass?,* describes your liability if BLM determines that you are in trespass. Liability includes monetary damages and rehabilitating, restoring, and stabilizing any damaged areas. It also describes the penalties that BLM may assess. Section 2808.12, *May I receive a grant if I am in trespass?,* states that you should apply to BLM to determine whether BLM will authorize your unauthorized use.

Part 2880

This proposed part describes provisions relating to grants issued under the Mineral Leasing Act. Holders of these grants operate and maintain oil and natural gas pipelines and related facilities which have rights-of-way through public lands. This part summarizes or cross references information found at part 2800 and highlights those provisions which are peculiar to oil and natural gas pipeline systems and facilities. BLM intends that the summary will provide readers with enough information to determine whether they need to consult part 2800 for additional detail.

Section 2881.5, What definitions do I need to know to understand these regulations? This proposed section starts a new part and contains material relating to terms used in connection with grant holders whose grants BLM issued under the terms of the MLA. These grant holders operate and maintain oil and natural gas pipelines and related facilities which use right-of-way corridors through public lands.

The proposed regulations in this section generally retain the definitions found in the current regulations at section 2880.0–5. Major differences between the definitions in proposed section 2800.5 and this proposed section are the lands covered by the grant, ''federal lands,'' and terms related to the oil and gas resources and the pipeline facilities for transporting them, that is, ''production facilities'' and ''related facilities.'' Other definitions should be identical, however; and introductory language refers you to the definitions in part 2800.

Section 2881.7, What is the scope of these regulations? The definitions section defines the term ''production facilities.'' Paragraph (b) clarifies that the only facilities which require a grant on an oil and gas lease are those that are both owned by a third party and are downstream of storage tanks or a metering device.

Proposed *Section 2881.9, Does BLM have the authority to ask me for the information required in these regulations?,* describes the information collection requirements related to grants and temporary use permits connected with oil and natural gas pipelines and their related facilities. This would be a new section and would comply with the Office of Management and Budget's guidelines concerning the reporting requirements for regulations to comply with the provisions of the Paperwork Reduction Act of 1995.

Section 2881.10, Severability. This new section is a counterpart to proposed section 2801.1. It applies the legal principle of ''severability'' to the regulations in this part. The principle has always been true of these regulations but would be stated here for clarity and understanding.

Subpart 2882, What lands are available for MLA grants and permits?. This proposed subpart is a summary of the information presented at subpart 2802. It has no counterpart in the current regulations at part 2880. BLM

uses its planning process to make decisions about land uses and restrictions on their use, including decisions on whether to allow pipeline corridors through federal lands in particular locations.

Subpart 2883, What qualifications do I need to hold an MLA grant or permit?, describes the qualifications that entities need in order to be issued and to hold a grant or permit under the Mineral Leasing Act (MLA). These qualifications are given in the MLA and repeated in the current regulations at 43 CFR 2882.2–1. The proposed regulations make no changes except for rewording the material into plainer language.

Section 2884.19, How will BLM process my application?, applies the same customer service standard to processing applications for MLA grants as for FLPMA grants. This standard states that, for Category I through III applications, BLM will process your application within 30 working days of receiving it. If BLM cannot process the application within 60 working days, a BLM field official will provide you with a written explanation of the delay and an estimated completion time for processing the application. If you have a Category IV application, BLM will provide you with a written estimate of the estimated processing time.

Subpart 2885, What are the terms and conditions of MLA right-of-way grants and permits?. This subpart describes those terms and conditions which are specific to MLA grants and permits. BLM is retaining the term ''temporary use permit'' for MLA rights-of-way because the statute specifically refers to these instruments. Proposed section 2885.12, *What are the terms and conditions of the grant or permit?* cross references section 2805.12 for terms and conditions common to both types of grants. Proposed paragraph (b) describes those conditions specific to these types of grants and permits: restrictions on exporting domestically produced crude oil and on pipeline diameters and requirements to use the pipeline as a common carrier.

IV. Procedural Matters

The principal authors of this proposed rule are Ted Bingham, Arizona State Office; Priscilla McLain, Oregon State Office; Ron Montagna, Washington Office; and Bil Weigand, Idaho State Office, with the assistance of staff from the Regulatory Affairs Group. The authors considered the following requirements in preparing the proposed rule:

National Environmental Policy Act

BLM has prepared an environmental assessment (EA) and found that the proposed rule would not constitute a major federal action significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address previously specified. BLM invites the public to review these documents by contacting us at the address listed above (see **ADDRESSES**) and suggests that anyone wishing to comment in response to the EA and FONSI do so in accordance with the *Written Comments* section above or contact us directly.

Paperwork Reduction Act

BLM has submitted an information collection package to the Office of Management and Budget for its approval of the information requirements contained in subparts 2802, 2803, 2805, 2806, 2882, 2883, and 2884 of the proposed rule under the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Proposed changes in the regulations may increase processing and monitoring fees for all applicants subject to cost recovery fees for grants and could increase the number of applicants seeking a reduction of processing and monitoring fees. BLM expects the public reporting burden of these proposed regulations to be as follows: preparing Plans of Development, 40 hours per response; negotiating master agreements, 30 hours per response; providing maps of projects, one-half hour per response; providing detailed ''as built'' maps, 8–16 hours per response for Category I through III applications and 120 hours per response for Category IV applications; providing BLM with copies of certificates, permits, and approvals from other agencies, one-half hour per response; getting copies of location maps from state and local governments, one-half hour per response; applying for processing cost reductions, 2.5 hours per response; and providing information about multiple tenants at communication site grants, 1 hour per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

We specifically request your comments on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of BLM's estimate of burden of the proposed collection, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them in preparing the final rule.

Send comments regarding this information collection, including suggestions for reducing the burden, to: Office of Management and Budget, Interior Desk Officer (1004–NEW) or (1004–0060), Office of Information and Regulatory Affairs, Washington, D.C. 20503, and Information Collection Clearance Officer (WO–630), Bureau of Land Management, 1849 C St., N.W., Mail Stop 401 LS, Washington, D.C. 20240.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either beneficial or detrimental, on a substantial number of small entities.

BLM has determined under the RFA that this proposed rule would not have a significant impact on a substantial number of small entities. Current data collection categories do not allow us to determine who among the grant holders is a small business; therefore, we have no accurate data on the number of small entities affected by these regulations. The proposed processing and monitoring fees would increase for all applicants and grant holders, including small businesses. This fee increase may increase the number of applicants seeking reductions of recoverable costs, including small businesses.

In the past, small entities may have qualified for reductions under the criteria. Small businesses which would be adversely affected by the increased processing and monitoring fees could apply for reductions on a case-by-case basis; and, in those cases where they qualified, could get them. Increases in the categories most likely to affect small

businesses—Categories I and II—are 83 percent and 30 percent respectively (processing costs) and 60 percent and 73 percent (monitoring costs) for FLPMA applications and 60 percent and 5 percent (processing costs) and 280 percent and 200 percent (monitoring costs) for MLA applications respectively. Even if, under the proposed rules, small entities do not qualify for exemptions, the fee increases for the categories for which they would most likely apply are the lowest processing fees assessed: $230 and $390 (processing costs) and $80 and $130 (monitoring costs) for FLPMA applications and $200 and $290 (processing costs) and $70 and $100 (monitoring costs) for MLA applications.

BLM considered eliminating the current automatic exemptions from paying FLPMA processing and monitoring costs for all governmental entities—federal, state, and local—as a means of recovering more of the costs or processing applications and monitoring issued grants. Analyses of applicants and right-of-way holders indicate, however, that state and local governments constitute in total less than 10 percent of all current applicants. Based on economic return alone, eliminating the automatic exemption for these entities is not warranted. Further, many local governments that are affected by BLM regulations qualify as small entities under the RFA. Eliminating the automatic exemption for local governments could increase their operating costs by requiring them to apply for a reduction of processing and monitoring costs without any corresponding overall public benefit.

BLM therefore proposes to retain the automatic exemption for state and local governments but to charge federal agencies for cost recovery if those federal agencies are not exempted by law from paying processing and monitoring fees. We propose to eliminate the automatic exemption for federal agencies because many already pay these costs through interagency agreements with BLM and because there would be greater uniformity of charges to the federal agencies.

Unfunded Mandates Reform Act

The proposed rule will not result in any unfunded mandate to any state, local or tribal government in the aggregate, or to the private sector, of $100 million or more in any one year. The proposed regulations would pose no additional burdens on these governmental entities, as the exemptions from paying processing and monitoring fees for state and local governments would remain, and so would the procedures for processing applications and monitoring grants.

Executive Order 12612

The proposed rule will not have a substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The elements which this rule proposes to change—principally, increased processing and monitoring costs—do not have sufficient federalism implications to warrant preparing a federalism assessment.

Executive Order 12630

The proposed rule does not represent a government action capable of interfering with constitutionally protected property rights. Section 2(a)(1) of EO 12630 specifically exempts actions abolishing regulations or modifying regulations in a way that lessens interference with private property uses from the definition of ''policies that have takings implications.'' The proposed rule was written with the intent not to increase the regulatory burden on the regulated public. The regulations only apply to public and federal lands over which BLM has jurisdiction and do not change the terms and conditions of existing grants and temporary use permits. Therefore, the proposed rule will impair no private property rights. The Department of the Interior has determined that the rule would not cause a taking of private property, or require further discussion of takings implications under this EO.

Executive Order 12866

The proposed rule would not cause economic impacts of $100 million or more per year, does not propose any novel policy changes, cause significant sectoral impacts, or conflict with any other regulations. Although the proposed rule is not ''significant,'' as defined under EO 12866, the rule is important because it provides the public with information about a needed and wanted service: the use of public lands for right-of-way purposes, when there is no choice as to the provider, BLM. At a maximum, the proposed changes have an economic impact of approximately $12 million annually, as described in this section.

Section 304 of the Federal Land Policy and Management Act allows the Secretary of the Interior to charge ''reasonable filing and service fees and reasonable charges and commissions with respect to applications and other documents relating to the public lands.'' Section 28(f) of the Mineral Leasing Act requires applicants for oil and gas pipeline rights-of-way to reimburse the United States for the administrative and other costs, i.e., ''actual costs,'' of monitoring activities under their grants.

The estimated maximum increase in fees generated by the proposed regulations is $2.7 million annually. Entities adversely affected by these increases may qualify for fee reductions, in some cases to no fees. Those entities already granted fee reductions will retain their reductions for future applications. Those entities exempted by law from paying processing and monitoring fees will continue to be exempted. For those having to pay, the proposed processing fee increases range from 6 to 114 percent ($15 to $400), with an overall average of $148. The proposed monitoring fee increases range from 60 to 313 percent ($30 to $265), with an overall average of $81.

On a percentage basis, the monitoring fee increases proposed are higher than the proposed processing fee increases. The higher percentage increase results from several factors: (1) when BLM established the current monitoring fees, it did not have accurate data about the costs of constructing, operating, and terminating facilities within right-of-way grants; and (2) the policy that BLM uses to charge for monitoring fees does not reflect changes in resources present in the right-of-way over time. For example, BLM's policy is that the processing category of the application determines the category of the monitoring fee. An application that required minimal processing time might require considerably more time to monitor if an endangered species moved into the grant area. Using the same processing and monitoring fee categories would result in a revenue loss. We are therefore requesting comments on whether to continue the practice of having the processing category determine the monitoring fee category.

Statutory language in the Omnibus Parks and Land Management Act of 1996 could adversely affect the rent revenue by increasing the number of facilities exempt from paying rent. Section 504(g) of the Federal Land Policy and Management Act (FLPMA) specifies that rents for rights-of-way are equivalent to the fair market value of the grant and that the Secretary of the Interior may charge less rent to federal agencies, state and local governments, and non-profit associations and coporations not owned by profit-making associations, especially those non-profit associations financed with funds from

the Rural Electrification Act of 1936, as amended (REA). The Omnibus Act changed FLPMA's statutory language from ''financed pursuant to the Rural Electrification Act of 1936, as amended,'' to ''eligible for financing pursuant to the Rural Electrification Act of 1936, as amended, determined without regard to any application requirement under the Act.''

The impact of this change could range economically from minimal to the loss of BLM's entire annual rental revenue, $9.5 million in fiscal year 1998, depending on what ''eligible for financing pursuant to the Rural Electrification Act'' means. Unlike processing and monitoring fees, which return to the BLM offices administering the right-of-way program, rent payments are deposited into the general revenues of the U.S. Treasury. Their loss would deprive the federal government and the general public of money which could be used for public purposes. BLM has adopted the position of Chairman Don Young of the Committee on Natural Resources on the meaning of the phrase ''eligible for REA financing.'' Chairman Young stated in a letter to the U.S. Forest Service that the intent of the language was to exempt all not-for-profit rural electric and telephone cooperatives from paying rent on their right-of-way grants, whether or not these cooperatives had built their facilities with financing from the Rural Utility Service. (The Rural Utility Service is the federal agency that implements the REA.) Chairman Young did not intend that large, for-profit corporations, which build facilities eligible for REA financing, be able to get rent reductions. (See the preamble discussion at section 2806.11, Are there exceptions to paying rents?, for a discussion of this point.)

Other proposed regulatory revisions clarify existing right-of-way regulations pertaining to determining rents for communication site rights-of-way but have no direct economic effects. The clarifications do not propose new or novel policies relating to communication site rights-of-way or increase the rent amounts.

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed rule clearly stated?; (2) Does the proposed rule contain technical language or jargon that interferes with its clarity?; (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?; (4) Would the rule be easier to understand if it were divided into more but shorter sections? (A ''section'' appears in bold type and is preceded by the symbol ''§'' and a numbered heading; for instance, § 2803.10, Who can hold a grant?); and (5) Is the description of the proposed rule in the ''supplementary information'' section of this preamble helpful in understanding the proposed rule? What else could we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C St., NW, Washington, D.C. 20240. You may also e-mail the comments to: Execsec@ios.doi.gov.

Executive Order 12988

The Department of the Interior has determined that this rule meets the applicable standards provided in section 3(a) and 3(b)(2) of the order.

List of Subjects

43 CFR Part 2800

Communications, Electric power, Highways and roads, Penalties, Public lands and rights-of-way, and Reporting and recordkeeping requirements.

43 CFR Part 2880

Administrative practice and procedures, Common carriers, Pipelines, Public lands rights-of-way, and Reporting and recordkeeping requirements.

Dated: May 4, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management

For the reasons set out in the preamble and under the authority of the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*; the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*; and the Secretary's enforcement powers, BLM proposes to revise parts 2800 and 2880 of Title 43 of the Code of Federal Regulations as follows:

1. Revise part 2800 to read as follows:

PART 2800—RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Subpart 2801—What General Information Do I Need To Know About the Right-of-Way Program?

Sec.

2801.5 What definitions do I need to know to understand these regulations?
2801.7 What is the scope of these regulations?
2801.8 Are any rights-of-way outside the scope of these regulations?
2801.9 Does BLM have the authority to ask me for the information required in these regulations?
2801.10 Severability

Subpart 2802—What Lands Are Available for Right-of-Way Grants?

2802.10 What lands are available for right-of-way grants?
2802.11 How does BLM designate corridors?

Subpart 2803—What Qualifications Must I Meet To Get a Right-of-Way Grant?

2803.10 Who can hold a grant?
2803.11 Must I submit proof of qualifications with my application?
2803.12 Can other people act in my behalf?
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Subpart 2804—How Do I Apply for a Right-of-Way Grant?

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2804.15 Am I exempt from paying cost recovery charges?
2804.16 How will BLM process my Category IV application?
2804.17 What is a master agreement and what does it contain?
2804.18 Can BLM reduce my reimbursement costs?
2804.19 What happens if there are two or more competing applications for the same facility or system?
2804.20 How will BLM process my application?
2804.21 Can BLM reject my application?
2804.22 Do I owe any money if BLM rejects my application or if I withdraw my application?
2804.23 Do I always have to submit an application for a right-of-way to receive a grant?
2804.24 Do I have to pay the costs of processing BLM rights-of-way associated with Federal Energy Regulatory Commission (FERC) licenses?
2804.25 What can I do on the proposed right-of-way while BLM is processing my application?

Subpart 2805—What Terms and Conditions Do Grants Contain?

2805.10 What does a grant contain?
2805.11 When is the grant effective?
2805.12 What rights does the grant convey?
2805.13 What rights does the United States retain?
2805.14 What are monitoring fees?
2805.15 When do I pay monitoring costs?

Subpart 2806—What Information Do I Need To Know About Rents for Right-of-Way Grants?

2806.5 What definitions do I need to know to understand these regulations?
2806.10 Must I pay rent for using my right-of-way?
2806.11 Are there exceptions to paying rents?
2806.12 Can my rent be reduced?
2806.13 What happens if I default on my rent payment?
2806.14 What are the rent costs for linear rights-of-way?
2806.15 Does the linear rent schedule ever change?
2806.16 How will BLM calculate my rent for linear rights-of-way covered by the schedule?
2806.17 What are the rent costs for communication facilities or uses?
2806.18 How does BLM calculate rent for communication uses?
2806.19 How will BLM determine the rent for a single-use communication facility?
2806.20 How will BLM calculate the rent for a multiple use communication facility?
2806.21 How will BLM calculate rent for private mobile radio service (PMRS), internal microwave and ''other'' category uses?
2806.22 How will BLM authorize and calculate rent for customers and tenants who choose to have their own right-of-way facility to be used in common with an existing right-of-way of the owner of a communication facility that they use or occupy?
2806.23 How will BLM calculate rents as to ''shared facilities'' or for multiple facilities that are under one authorization?
2806.24 How does BLM calculate rent for a facility manager use?
2806.25 How does BLM calculate rent for ancillary uses?
2806.26 How does BLM calculate rent for uses within federally owned facilities?
2806.27 What happens if converting to the rent schedule causes a $1,000 or more increase in my rent?
2806.28 What are the rent costs for other rights-of-way and uses?

Subpart 2807—What Can I do on the Right-of-Way Once BLM Issues the Grant?

2807.10 When can I start activities under my grant?
2807.11 When must I contact BLM?
2807.12 For what am I liable?
2807.13 What liabilities do state and local governments have?
2807.14 What happens if BLM transfers management of the land on which my grant is located to another federal agency or outside of public ownership?
2807.15 Can BLM temporarily suspend my activities to protect public health and safety or the environment without providing an administrative hearing?
2807.16 Can BLM terminate or suspend my grant?
2807.17 How will I know that BLM intends to suspend or terminate my grant?
2807.18 What happens to any improvements on my grant when it terminates?
2807.19 When must I amend my application or grant?
2807.20 May I assign my grant?
2807.21 What will BLM charge to review a request for assignment?
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Subpart 2808— What Do I Need To Know About Trespass?

2808.10 What is trespass?
2808.11 What will BLM do if it determines that I am in trespass?
2808.12 May my trespass use be authorized?

Subpart 2809—Are There any Special Requirements Relating to Grants Issued to Federal Agencies?

2809.10 Can federal agencies get a right-of-way grant?
2809.11 What will the grant contain?
2809.12 Can BLM suspend or terminate the grant?

Authority: 43 U.S.C. 1733, 1734(b), 1740 and 1761—1762.

Subpart 2801—What General Information Do I Need To Know About the Right-of-Way Program?

§ 2801.5 What definitions do I need to know to understand these regulations?

As used in this part, the term:

(a) *Act* means the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.*

(b) *Casual use* means activities and practices which do not ordinarily cause any appreciable disturbance or damage to the public lands, resources, or improvements, and which do not require a right-of-way grant under this title. *Example:* activities which do not involve the use of explosives or heavy equipment or vehicle movement, except over already established roads and trails.

(c) *Designated right-of-way corridor* means a linear or areal parcel of land identified by law, Secretarial order, the land-use planning process or other management decision, as being a preferred location for existing and future rights-of-way and suitable to accommodate more than one right-of-way.

(d) *Discharge* has the meaning found at 33 U.S.C. 1321(a)(2) of the Clean Water Act.

(e) *Facility* means an improvement constructed or to be constructed or used or to be used within a right-of-way grant. For purposes of communication site rights-of-way or uses, facility means the building, tower and/or other related incidental improvements authorized under terms of the right-of-way grant or lease.

(f) *Field examination* generally means a one-day trip, in one vehicle, from the office to the site of the right-of-way proposal, regardless of the number of specialists traveling in the vehicle. When operational efficiency dictates separate trips, BLM will include the efficient use of hourly time required to verify or collect the data needed to process the application, or monitor the grant.

(g) *Grant* means any authorization or instrument (easement, lease, license, or permit) issued by BLM pursuant to Title V of the Federal Land Policy and Management Act, 43 U.S.C. 1761 *et seq.*, or the Mineral Leasing Act, 30 U.S.C. 185.

(h) *Hazardous material* means:

(1) Any substance or material defined as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act at 42 U.S.C. 9601(14);

(2) Any regulated substance contained in or released from underground storage tanks, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. 6991 *et seq.*;

(3) Oil, as defined by the Clean Water Act at 33 U.S.C. 1321(a) and the Oil Pollution Act at 33 U.S.C. 2701 *et seq.*; or

(4) other substances defined and regulated as ''hazardous'' by applicable federal, state, or local law.

(i) *Holder* means any entity with a right-of-way authorization from BLM.

(j) *Project* means the transportation or other system which the right-of-way authorizes.

(k) *Public* lands means any land or interest in land owned by the United States within the several states and administered by the Secretary of the Interior through BLM without regard to how the United States acquired ownership, except:

(1) Those lands located on the Outer Continental Shelf, and

(2) Lands held in trust for the benefit of Indians, Aleuts and Eskimos.

(l) *Release* has the meaning found at 42 U.S.C. 9601(22) of the Comprehensive Environmental Response, Compensation, and Liability Act.

(m) *Right-of-way* means the public lands authorized to be used or occupied by a right-of-way grant.

(n) *Temporary use* means a short-term right-of-way grant that authorizes a revocable, nonpossessory privilege to use specified public lands in connection with constructing, operating, maintaining or terminating an associated right-of-way project.

(o) *Transportation and utility corridor* means a parcel of land, without fixed

limits or boundaries, that is used as the location for one or more transportation or utility rights-of-way.

(p) *Unnecessary and undue degradation* means surface disturbance that is greater than that which would occur when the same or a similar activity is being done by a prudent person in a usual, customary, and proficient manner that considers the effects of the activity on other resources and land uses outside the area of the activity. This disturbance may be either willful or nonwillful.

§ 2801.7 What is the scope of these regulations?

The regulations in this part apply to:

(a) Issuing, administering, amending, assigning, renewing, and terminating right-of-way grants for necessary transportation or other systems and facilities which require the use of public lands identified in 43 U.S.C. 1761, and which are in the public interest;

(b) Federal agency applications for transporting oil, natural gas, synthetic liquids, or gaseous fuels, and any refined products produced from them; and

(c) Rights-of-way issued on or before October 21, 1976, under then existing statutory authority, to the extent that these regulations do not diminish or reduce any rights conferred by the grant or the statute under which they were issued. Where there is a reduction, the grant or enabling statute will apply instead of these regulations.

§ 2801.8 Are any rights-of-way outside the scope of these regulations?

Yes. The regulations in this part do not apply to right-of-way grants for:

(a) Federal Aid highways, for which Federal Highway Administration procedures apply;

(b) Reciprocal and cost share road use agreements, for which subpart 2812 of this chapter applies;

(c) Lands within wilderness areas, although some uses may be authorized under parts 2920 and 8560 of this chapter; and

(d) Oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced from these materials, unless applied for by Federal agencies, for which part 2880 of this chapter applies.

§ 2801.9 Does BLM have the authority to ask me for the information required in these regulations?

(a) Yes. The Office of Management and Budget has approved the information collection requirements contained in Part 2800 under 44 U.S.C. 3507 and has assigned them clearance numbers of 1004–0060 (for Form SF–299) and 1004–_____ for the remainder of the requirements. BLM uses this information to determine if using the public lands for right-of-way grants is appropriate. You must respond to obtain a benefit.

(b) BLM estimates that the public reporting burden for this information is as follows: 2 hours per response to fill out Form SF–299; 16 hours per response to prepare Plans of Development; 30 hours per response to negotiate master agreements; one-half hour per response to prepare a project map; one-half hour per response to supply BLM with copies of approved certificates and permits from other agencies and location maps from state and local governments; 2.5 hours per response to apply for cost reductions; and one hour per response to supply information about tenants at multiple use communication sites. These estimates include the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed and completing the collection of information.

(c) Send comments regarding this burden estimate or any other aspect of this collection to the Information Collection Clearance Officer, Bureau of Land Management, 1849 C St., N.W., Mail Stop 401 LS, Washington, D. C. 20240.

§ 2801.10 Severability.

If any provisions of the rules in this part or their applicability to any person or circumstances are held invalid, the remainder of these rules and their applicability to other people or circumstances shall not be affected.

Subpart 2802—What Lands Are Available for FLPMA Rights-of-Way?

§ 2802.10 What lands are available for FLPMA rights-of-way?

(a) BLM may grant new rights-of-way on lands under its jurisdiction, except where they are specifically excluded or restricted by statute, regulation, planning, environmental, or other resource concerns.

(b) BLM may require common use of a right-of-way and may require, to the extent practical, location of new rights-of-way within existing or designated corridors. BLM designates corridors, as well as exclusion or avoidance areas, through the land-use planning process described at part 1610 of this chapter, and informs the public of designated corridors by appropriate means.

(c) You should contact the BLM office nearest to you to determine whether or not the land you want to use is available and to begin discussions about any application you may need to file.

§ 2802.11 How does BLM designate corridors?

BLM determines the locations and boundaries of right-of-way corridors after reviewing:

(a) Federal, state and local land-use plans, and applicable federal and state laws;

(b) Environmental impacts on natural and cultural resources;

(c) Physical effects and constraints on placing corridors due to geology, hydrology, meteorology, soil, or land forms;

(d) Costs of construction, operation and maintenance and costs of modifying or relocating existing facilities in a proposed corridor, i.e., the economic efficiency of placing a right-of-way corridor;

(e) Risks to national security;

(f) Potential health and safety hazards imposed on the public by facilities or activities located within the right-of-way corridor;

(g) Social and economic impacts of the corridor on public land users, adjacent landowners, and other groups or individuals;

(h) Transportation and utility corridor studies developed by user groups;

(i) Engineering and technological compatibility of proposed and existing facilities; and

(j) Existing transportation and utility corridors that are capable of accommodating additional compatible uses without further review.

Subpart 2803—What Qualifications Must I Meet To Get a Right-of-Way Grant?

§ 2803.10 Who can hold a grant?

You may hold a grant if you are an individual, group, association, corporation, partnership, or similar entity and if you:

(a) Are legally capable of holding an interest in real estate, and

(b) Can show that you are economically and technically capable of constructing, operating, and maintaining the proposed facilities.

§ 2803.11 Must I submit proof of my qualifications with my application?

Yes. If you are a partnership, corporation, association, or other legal entity, you must submit:

(a) Copies of the formal documents creating the relationship, such as papers of incorporation, and

(b) Evidence that the party signing the application has the authority to bind the applicant.

§ 2803.12 Can other people act on my behalf?

Only to the extent that you have formally, in writing, and legally given the person authority to do so.

§ 2803.13 What happens to my grant if I die?

It depends on the situation. If your grant contains a provision for this situation, the grant provision applies. Otherwise, the new owner (heir) must apply to BLM for an assignment of the grant, and BLM must approve the assignment. (See § 2807.19)

Subpart 2804—How Do I Apply for a Right-of-Way Grant?

§ 2804.10 What should I do before I file my application?

Before filing an application with BLM, you are strongly encouraged to visit or telephone the BLM field office having jurisdiction over the lands affected by your application to identify potential constraints, determine whether or not the lands are located within a designated or existing right-of-way corridor and tentatively schedule the processing of your application. BLM may share this information with federal, state, and local government agencies to ensure that these agencies are aware of any authorizations you may need from them and that effective coordinated planning is initiated as soon as possible.

§ 2804.11 Where do I file my application?

(a) File the application for a right-of-way grant in the BLM field office having jurisdiction over the lands affected by your application.

(b) If your application affects more than one BLM administrative unit, you may file at any BLM office having jurisdiction over any part of the project. BLM will notify you where to direct subsequent communications.

§ 2804.12 What information do I need to submit in my application?

(a) File your application on Form SF–299, available from any BLM office, and fill in the required information. On the form, give your name and address and the name and address of any authorized agent and completely describe the project, including:

(1) The scope of the facilities;

(2) The estimated schedule for constructing and maintaining the project;

(3) The estimated life of the project and the construction and reclamation techniques proposed;

(4) A map of the project, showing its approximate location and existing improvements adjacent to the proposal;

(5) A statement of your financial and technical capability to construct, operate, maintain, and terminate the project;

(6) Any plans, contracts, or agreements concerning your use of the right-of-way that might affect competition; and

(7) Your certification that you are of legal age and authorized to do business in the State and that you have submitted correct information to the best of your knowledge.

(b) If you are a business entity, you must disclose the following information:

(1) The name and address of each participant in the business,

(2) The name and address of each shareholder owning 3 percent or more of the voting shares of the business,

(3) The name and address of each affiliate of the business,

(4) The number of shares and the percentage of any class of voting stock of any affiliate controlled by the entity, and

(5) The number of shares and the percentage of any class of voting stock of any affiliate that controls the entity.

(c) BLM may require you to submit additional information at any time while processing your application.

(d) If you are a federal oil and gas lessee or operator, you may include your right-of-way needs with your application for permit to drill or other sundry notice required under part 3100 of this title.

(e) If you are filing with another federal agency for a license, certificate of public convenience and necessity, or other authorization for a project involving a right-of-way on public lands, simultaneously file an application with BLM for a grant. Include a copy or reference all of the information you have filed with the other federal agency.

§ 2804.13 Will BLM keep my information confidential?

BLM will keep any information that you mark as ''confidential'' or ''proprietary'' confidential to the extent allowed under the Freedom of Information Act (5 U.S.C. 552).

§ 2804.14 Is there a filing fee for my application?

(a) Yes. Unless you apply for and receive a reduction (see § 2804.18 of this subpart) or are exempt under § 2804.15 of this subpart, you must reimburse BLM for the reasonable costs of processing your application before BLM incurs them. These costs are not refundable and are based on an estimate of the amount of work that BLM must do to process your application.

(b) Processing costs are based on categories, defined as follows:

(1) *Category I.* Either BLM has on hand or you supply the data necessary to process your application; neither a land-use plan amendment nor a field examination is required; and estimated processing time is no more than 24 work hours for all BLM personnel involved in the application review. *Cost:* Refer to the FLPMA fee schedule, available from any BLM field office.

(2) *Category II.* Same as I, plus one field examination is needed to verify existing data; and the estimated processing time, including the time required to conduct the field exam, falls between 25 and 36 work hours for all BLM personnel involved in the application review. *Cost:* Refer to the FLPMA fee schedule, available from any BLM field office.

(3) *Category III.* Same as I, plus two field examinations are needed to verify existing data; and the estimated processing time, including the time required to conduct the field exams, falls between 37 and 50 work hours for all BLM personnel involved in the application review. *Cost:* Refer to the FLPMA fee schedule, available from any BLM field office.

(4) *Category IV.* Original data must be collected; a plan amendment may be needed; two or more field examinations are needed; and estimated processing time, including the time required for the field exams, is more than 50 work hours for all BLM personnel involved in the application review. *Cost:* Full reasonable costs.

(5) *Master agreement.* Instead of one of categories I through IV, you may enter into an agreement with BLM to fully reimburse BLM for all reasonable processing costs. The agreement should be written to include any applications you may subsequently file within the same area.

(c) The cost for the first three categories is contained in a schedule maintained by BLM. BLM updates these schedules each calendar year, based on the previous year's change in the Implicit Price Deflator-Gross Domestic Product, as measured second quarter to second quarter. BLM will round these changes up to the nearest dollar. You may obtain a copy of the revised schedule from any BLM State or field office or by writing: Director, BLM, 1849 C St., N.W., Mail Stop 1000LS, Washington, D.C. 20240. BLM will post the schedule on the BLM Homepage on the Internet, http://www.blm.gov.

(d) After an initial review of your application, BLM will notify you of the category into which your application fits; you must submit the payment

before BLM begins processing your application. For Category IV and master agreement applications, see § 2804.16(b) of this subpart. Your signature on a cost recovery master agreement constitutes your agreement with the category decision. If you disagree with the category that BLM has determined for your application, you may appeal the decision to the Interior Board of Land Appeals under part 4 of this title.

(1) If you appeal a Category I through III determination, BLM will process your application while the appeal is pending, if you have submitted the processing fee. You will get a refund or adjustment of your application fee upon resolution of the appeal, if IBLA finds in your favor.

(2) If you appeal a Category IV determination, BLM will not process your application further until the appeal is resolved.

(e) In processing your application, BLM may determine at any time that the application requires preparing an environmental impact statement. BLM will then send you a decision changing your cost recovery category to Category IV. You may appeal the decision under part 4 of this title. BLM will make no other changes in category determination.

§ 2804.15 Am I exempt from paying cost recovery charges?

You are exempt from paying processing and monitoring fees only if:

(a) You are a state or local government or an agency of such a government, when BLM issues the grant for governmental purposes benefitting the general public. If your principal source of revenue results from charges you levy on customers for services similar to those of a profit-making corporation or business, you are not exempt; or

(b) You participate in a cost-share road or reciprocal right-of-way agreement.

§ 2804.16 How will BLM process my Category IV application?

(a) BLM will:

(1) Determine the issues to be analyzed under NEPA;

(2) Prepare a preliminary work plan;

(3) Develop a preliminary financial plan, which estimates the reasonable cost of processing your application;

(4) Discuss with you the preliminary plans and data, the availability of funds, your options for the timing of paying reimbursable costs and what financial information you need to submit. You may conduct the studies that BLM needs to process your application, but you must do the work to BLM standards. BLM will make the final determinations and conclusions arising from the studies; and

(5) Develop the final scoping, work and financial plan which reflects any work you have agreed to do. BLM will also complete the final estimates of the amount of the costs you will need to reimburse, including any reduction granted to you.

(b) BLM will periodically estimate processing costs for a specific work period and notify you of the amount due. If your payment exceeds the costs that BLM incurred for the period, BLM will either adjust the next billing to reflect the excess or refund you the excess under the provisions of 43 U.S.C. 1734.

§ 2804.17 What is a cost recovery master agreement and what does it contain?

(a) If your proposal involves a project that would require multiple approvals from BLM, you may want to enter into a cost recovery master agreement.

(b) For BLM to approve the agreement, its contents must:

(1) Describe the geographical area covered by the agreement and the scope of the activity planned;

(2) Include a work plan, updated periodically as appropriate, and approved by you and BLM;

(3) Contain a preliminary cost estimate for processing the application and completing the project;

(4) Specify that you will be bound by all regulations otherwise applicable to a Category IV determination;

(5) Describe the method of periodic billing, payment and auditing;

(6) State whether the agreement will bind future applications in the same geographic area that are not part of the same project;

(7) Explain how monitoring will be performed and how monitoring costs will be recovered;

(8) Contain specific conditions for terminating the agreement; and

(9) Contain any other information that BLM needs to process the application.

(c) If you sign a master agreement, you waive your right to request a reduction of cost reimbursement charges. (See § 2804.18.)

§ 2804.18 Can BLM reduce my reimbursement costs?

Yes, in limited circumstances. (See paragraphs (a) and (b) of this section.) You may submit a written request for reduction of the processing costs to the BLM field office having jurisdiction over the lands covered by your application. Submitting your reduction request with the application will expedite its handling. BLM may require you to submit additional information needed to support your request. While we consider your written request, BLM will not process your application.

(a) *Category IV Applications, Reasonability.* The State Director will apply the reasonability criteria of FLPMA, 43 U.S.C. 1734(b), in determining the amount you owe. You may submit your analysis of the following information, if you believe one or more of the criteria apply:

(1) Reasonable costs to BLM of processing a right-of-way application and of monitoring construction, operation and termination of a facility authorized by the right-of-way grant;

(2) Monetary value of the rights and privileges you seek, that is, the cost of providing the end result through the next least costly method;

(3) Costs incurred for the benefit of the general public interest, that is, the costs for studies and data collection that have value to the United States or the general public apart from processing the application;

(4) BLM's ability to process an application with maximum efficiency and minimum waste and effort; and

(5) Any tangible improvements, such as roads, trails and recreation facilities, with significant public value that are expected in connection with constructing and operating the project.

(b) *Other considerations.* The State Director may, at his or her discretion, reduce your payment of reimbursable costs in any category for any of the reasons listed in this paragraph. You may submit information showing how your situation meets one or more of these factors:

(1) Hardship conditions, that is, payment of all reasonable costs would:

(i) Result in financial hardship to your small business, and you would receive little value from your grant as compared to the costs of processing your application, or

(ii) Create such financial hardship so as to prevent your use and enjoyment of your private right-of-way for a non-commercial purpose.

(2) The costs of processing the application grossly exceed the costs of constructing the project;

(3) A major portion of the processing costs results from issues not related to the actual right-of-way grant;

(4) You are a non-profit organization, corporation, or association which is not controlled by or a subsidiary of a profit-making enterprise, and

(i) The studies undertaken in connection with the processing of the application have a public benefit, or

(ii) The facility or project will provide a benefit or special service to the general public or to a program of the Secretary;

(5) You need a right-of-way to construct a facility to prevent or mitigate damages to any lands or property or to mitigate hazards or danger to public health and safety resulting from an act of God, an act of war or negligence of the United States;

(6) You have a grant and need to relocate a facility on it to an area outside the existing grant to comply with public health and safety and environmental protection laws and regulations which were not in effect at the time your original grant was issued;

(7) You have a grant and need to secure a new grant to relocate facilities which have to be moved because a federal agency or federally funded project needs the lands, if the United States does not refund costs associated with your relocation; or

(8) For whatever other reason, collecting processing fees would be inconsistent with prudent and appropriate management of public lands and with your equitable interests.

(c) *Action on request.* BLM will notify you in writing of what you owe after considering your analysis.

(1) If you disagree with BLM's determination, you may appeal it under part 4 of this title. BLM will take no action on your application while the appeal is pending.

(2) If BLM reduces the cost reimbursement, we will determine the actual amount of the reduction and adjust your bills accordingly.

(d) *Restriction on reduction.* If no funds are available to process your application, BLM may not process your application until funds are available.

§ 2804.19 What happens if there are two or more competing applications for the same facility or system?

If this happens,

(a) *Category I through III:* You must reimburse BLM for processing costs as if the other application or applications had not been filed.

(b) *Category IV:* You are responsible for the costs identified with your application. If BLM cannot readily separate costs, such as costs associated with preparing environmental analyses, you and competing applicants must pay an equal share or a proportion agreed to in writing among all applicants and BLM. If you agree to share the cost of processing your application and that of a competing applicant, and the competitor fails to pay the agreed upon amount, you will be liable for the entire amount due. BLM will not do any work without the advance payment.

§ 2804.20 How will BLM process my application?

(a) BLM will notify you in writing when it receives your application and your cost reimbursement payment described at § 2804.14 of this subpart.

(b) BLM may require you to submit additional information necessary to review the application. This information may include a detailed construction, operation, rehabilitation, and environmental protection plan, *i.e.,* a ''Plan of Development,'' and any needed cultural resource surveys or inventories for threatened or endangered species. If BLM needs more information, we will request this information in writing. BLM will give you written notification of any deficiencies in the information you provided and give you the opportunity to file the additional information. BLM will also notify you of any applications for grants which involve all or part of the lands you applied for.

(c) BLM will process your application within 30 working days of receiving it if it is a Category I through III application that qualifies for a categorical exclusion or requires an environmental assessment. If it is a Category IV application or one requiring an environmental impact statement, BLM will notify you in writing of the estimated processing time for your application. If processing any category of application will take longer than 60 working days, BLM will notify you and provide you with an explanation of the delay and an estimate of the processing time.

(d) Before issuing a grant, BLM will:

(1) Complete an environmental analysis, as required by 40 CFR part 1501;

(2) Determine whether or not your proposed use complies with applicable Federal and State laws and local ordinances;

(3) Determine whether it is in the public interest to require you to grant the United States an equivalent right-of-way across lands that you own;

(4) Consult as necessary with other governmental entities;

(5) Hold public meetings if sufficient public interest exists to warrant their time and expense. BLM will publish a notice in the **Federal Register** or a local newspaper if we hold any public meetings;

(6) Take any other action necessary to fully evaluate and decide whether to approve or deny your application.

(e) If approved, the decision may:

(1) Include any terms, conditions that BLM determines to be in the public interest. This may include modifying your proposed use, changing the route or location of the facilities, and other stipulations.

(2) Prevent your use of the right-of-way until you have an approved Plan of Development and BLM has issued a Notice to Proceed.

(3) Impose a specific term for the grant. Each grant that BLM issues for 20 years or more will contain a provision requiring periodic review at the end of the twentieth year and at 10-year intervals thereafter. BLM may change the terms and conditions of the grant as a result of these reviews.

§ 2804.21 Can BLM reject my application?

Yes. BLM may reject your application if:

(a) The proposed grant is inconsistent with the purpose for which the public lands are being managed;

(b) The proposed grant would not be in the public interest;

(c) You are not qualified to hold a grant;

(d) Issuing the grant would be inconsistent with the Act or other applicable laws;

(e) You do not have or cannot demonstrate the technical or financial capability to operate facilities located with the grant; or

(f) You do not adequately comply with a deficiency notice (see § 2804.19(b) of this subpart).

§ 2804.22 Do I owe any money if BLM rejects my application or if I withdraw my application?

Yes. You owe only the initial processing fee, unless you have a Category IV application or have entered into a master agreement. Then, the following conditions apply:

(a) If BLM rejects your application, you are liable for all reasonable costs that BLM incurred in processing it. The money you have not paid is due within 30 days of your receiving a bill for the amount due.

(b) If you withdraw your application before BLM issues a grant, you are liable for all the reasonable processing costs and for the reasonable costs of terminating your application. Any money you have not paid is due within 30 days of your receiving a bill for the amount due.

§ 2804.23 Do I always have to submit an application for a right-of-way to receive a grant?

(a) No. Where competitive interest exists, BLM may offer grants and set rent through a competitive bid process. BLM will describe the procedures for a competitive bid through a bid announcement published in a newspaper of general circulation in the

area affected by the potential right-of-way.

(b) Oil and gas lessees or operators may include right-of-way needs with their Applications for Permits to Drill or similar surface use requirements under the regulations at part 3100 of this chapter.

§ 2804.24 Do I have to pay the costs of processing BLM rights-of-way associated with Federal Energy Regulatory Commission (FERC) licenses?

Yes. You must reimburse BLM for the costs which it incurs in processing your application. BLM will bill you for this service. FERC will bill you for costs incurred in processing the FERC license or relicense. BLM will determine the amount that you have to pay by using the cost recovery categories described at § 2804.14 of this subpart.

§ 2804.25 What can I do on the proposed right-of-way while BLM is processing my application?

You may conduct casual use activities on the lands covered by the application, as may any other member of the public. For any activities that are not casual use, you must get prior approval from BLM.

Subpart 2805—What Terms and Conditions Do Grants Contain?

§ 2805.10 What does a grant contain?

The grant states what your rights are on the lands subject to the grant and contains information about:

(a) *What lands you can use or occupy.* The lands may or may not correspond to those you applied for. BLM will limit the grant to those lands which the BLM determines:

(1) Will be occupied by the authorized facilities;

(2) Are necessary for constructing, operating, maintaining, and terminating the authorized facilities;

(3) Are necessary to protect the public health and safety; and

(4) Will not unnecessarily damage the environment.

(b) *How long you can use the right-of-way.* Each grant will state the length of time that you are authorized to use the right-of-way. BLM will consider the following factors in establishing a reasonable time limit:

(1) The public purpose served,

(2) Cost and useful life of the facility, and

(3) Time limitations imposed by licenses or permits required by other federal agencies and state or local governments.

(c) *Terms and conditions of use.* If you accept a grant, you must agree to comply with and be bound by certain terms and conditions. You must:

(1) Comply with all local, state, and federal laws and regulations applicable to the authorized use, construction, maintenance, and termination of the project and existing at the time the BLM issues the grant and those state, local, and federal laws and regulations subsequently enacted, issued, or amended during the term of the grant;

(2) Rebuild and repair roads, fences, and established trails destroyed or damaged by constructing, operating, maintaining, or terminating the project and build and maintain suitable crossings for existing roads and significant trails that intersect the project;

(3) Do everything reasonable, on your own or at BLM's request, to prevent and suppress fires on or in the immediate vicinity of the right-of-way area;

(4) Not discriminate against any employee or applicant for employment associated with the authorized use because of race, creed, color, sex, or national origin and require subcontractors to refrain from discrimination also;

(5) Pay rentals and reimbursable costs as described at §§ 2806.10 and 2805.14;

(6) Certify that you have a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property resulting from or related to your activities on the right-of-way. Coverage includes liabilities for damages or injuries resulting from actual or threatened releases or discharges of hazardous materials. Based on changes in conditions or risk and your record of compliance, BLM may require a bond or an increase or decrease in an existing bond at any time during the term of the grant;

(7) Assume full liability if third parties are injured or damages occur to property on or around the grant area (see § 2807.12);

(8) Comply with project-specific terms and conditions, including requirements to:

(i) Restore, revegetate, and curtail erosion or any other rehabilitation measure determined necessary;

(ii) Ensure that activities in connection with the grant comply with applicable air and water quality standards or related facility siting standards contained in applicable federal or state law or regulations;

(iii) Control or prevent damage to environmental values, federal property, and public health and safety;

(iv) Protect the interests of individuals living in the general area who rely on the area for subsistence purposes; and

(v) Ensure that the facilities are constructed, used, operated, and terminated in a manner consistent with the grant and on the lands included in the grant;

(9) Immediately notify all federal, state, and local agencies with jurisdiction over the land, including BLM, of any actual or threatened release or discharge of hazardous material and send a copy of the notification to BLM;

(10) Not dispose of hazardous materials on your grant, except as provided by the terms and conditions of your grant, and not store hazardous materials on your grant for more than 90 days, less if required by law;

(11) Annually and on assigning, renewing, and terminating your grant, certify that you have complied with all requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 *et seq.*;

(12) Control and remove any release or discharge of hazardous materials that occurs on or near the right-of-way, whether the release or discharge is authorized under the grant. You must also remediate or restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other federal, state or local agency having jurisdiction over the land, resource or hazardous material;

(13) Comply with all liability and indemnification provisions and stipulations; and

(14) Comply with all other stipulations that BLM may require.

§ 2805.11 When is the grant effective?

The grant is effective after both you and BLM sign it. Your signature indicates that you accept its terms and conditions. You must also pay any necessary rent and monitoring. Your signed acceptance constitutes an agreement between you and the United States that your right to use the public lands, as specified in the grant, is subject to the terms and conditions of the grant and the provisions of applicable laws and regulations.

§ 2805.12 What rights does the grant convey?

The grant conveys to you only those rights which it expressly contains. It is issued subject to the valid existing rights of others, including the United States. Rights which the grant conveys to you include the right to:

(a) Use the affected lands to construct, operate, maintain, and terminate facilities within the right-of-way for authorized purposes under the terms and conditions described in the grant;

(b) If your grant specifically authorizes it, allow other parties to use your facility for the purposes specified

in your grant and charge for its use. Otherwise, you may not let anyone else use your facility unless BLM authorizes or requires it in writing;

(c) Allow others to use the land as your agent in the exercise of the rights that the grant specifies;

(d) Do minor trimming, pruning, and removing of vegetation to maintain the right-of-way or facility;

(e) Make use of common varieties of stone and soil which are removed when constructing part of the project, in constructing other parts of the project within the authorized right-of-way, without additional BLM authorization or payment; and

(f) Assign the grant to another, provided that you obtain BLM's prior written approval.

§ 2805.13 What rights does the United States retain?

The United States retains and may exercise any rights the grant does not expressly convey to you. These include the right of BLM to:

(a) Access the lands covered by the grant and enter any facility you construct on the grant after BLM gives you reasonable notice;

(b) Require common use of the land included in your right-of-way and authorize use of the right-of-way for compatible uses. You may not charge for the use of the lands made subject to such additional rights-of-way;

(c) Retain ownership of the products of the land, including living and non-living resources. You have no right to use these resources, except as noted in § 2805.12 of this subpart;

(d) Require you to grant it an equivalent right-of-way for an access road across your land if BLM determines the reciprocal grant is needed in the public interest;

(e) Determine whether or not your grant is renewable; and

(f) Change the terms and conditions of your grant through changes in legislation, regulation, or otherwise necessary to protect public health and safety and the environment.

§ 2805.14 What are monitoring fees?

(a) Monitoring fees are similar to the processing costs fees described at §§ 2804.14 and 2804.16. BLM incurs costs in monitoring your construction, operation, maintenance and termination of the facilities we authorized under the grant and in protecting and rehabilitating the affected public lands. BLM uses the same category for monitoring as it does for determining the category of the application. (See § 2804.14.)

(b) *Costs for Categories I through III.* For Categories I through III, there is a one-time monitoring fee based on a fee schedule available from any BLM office. BLM annually updates these costs, using the same method it uses for application processing costs. (See paragraph (c) of § 2804.14.)

(c) *Costs for Category IV.* See § 2805.15(b) of this subpart.

§ 2805.15 When do I pay monitoring costs?

(a) *All categories.* For Categories I through III, you must submit the payments for monitoring with your written acceptance of the terms and conditions of the grant. For Category IV, you must submit the first periodic advance payment with your written acceptance. If you have a master agreement with BLM, pay the monitoring costs per the agreement. BLM will not issue your grant until it receives the required payment.

(b) *Periodic advance payments.* If you have a Category IV application, BLM may periodically estimate the costs of monitoring your use of the grant. BLM will include this fee in the costs associated with processing costs described at § 2804.14. If your payments exceed reasonable costs, BLM will reimburse you the difference or adjust the next billing to reflect the overpayment. Unless you have written authorization from BLM, you may not offset or deduct the amount due from your payments. The periodic advance payments are subject to re-estimation if conditions warrant.

Subpart 2806—What Information Do I Need to Know About Rents for Right-of-Way Grants?

§ 2806.5 What definitions do I need to know to understand these regulations?

As used in this subpart, the term:

(a) *Base rent* means the dollar amount required from the holder of a right-of-way on BLM-managed lands based on the communication use with the highest rent in the associated facility, as calculated according to the terms of the right-of-way grant or lease. If a facility manager or owner's scheduled rent is equal to another assigned scheduled rent in the facility, then the facility manager or owner's use determines the dollar amount of the base rent.

(b) *Commercial purpose* refers to the circumstance where a facility owner charges rent for the use of a facility that generates more than the operating expenses of the facility attributable to that use, thus producing a profit for the facility owner. The facility owner's use may not otherwise be subject to rent charges under BLM's rental provisions. *Example:* A two-way radio service, used only by paying subscribers, is housed in an REA-financed facility located on a rent-free right-of-way. The facility owner charges the radio service an annual rent for using all or part of the facility that exceeds the portion of the annual operating expenses, such as Federal, State and local taxes, if any, and financing charges (but not depreciation), maintenance, labor, remodeling, replacement, and utility costs, that are attributable to the radio service's using the facility. Under the circumstances, the otherwise rent-free facility is being used for a commercial purpose, and, therefore, BLM will charge the facility owner an appropriate rent;

(c) *Communication use rent schedule* is a schedule of rents for the following types of communication uses, including related technologies, located in a facility associated with a particular right-of-way grant. For rent calculation purposes, all use categories include ancillary communications equipment, such as microwave or internal one- or two-way radio:

(1) *Television broadcast* means a use, licensed by the Federal Communications Commission (FCC), that broadcasts UHF and VHF audio and video signals for general public reception and ancillary communication equipment directly related to the operations, maintenance and monitoring of the use. This category does not include Low Power Television (LPT) or rebroadcast devices, such as translators, or transmitting devices, such as microwave relays serving broadcast translators. BLM does not consider ancillary equipment used in direct support of the primary communication use as a separate use for rent calculation purposes;

(2) *AM and FM radio broadcast* means a use, licensed by the FCC, that broadcasts amplitude modulation (AM) or frequency modulation (FM) audio signals for general public reception and ancillary communication equipment, directly related to operating, maintaining and monitoring the use. This category does not include FCC-licensed low-power FM radio; rebroadcast devices, such as translators; boosters or microwave relays serving broadcast translators;

(3) *Broadcast radio and low power television* means a use, licensed by the FCC, that operates translators and low power television, low-power FM radio (LPFM), and ancillary communication equipment, including microwave facilities, directly related to operating, maintaining, or monitoring the use. Translators receive a television or FM radio broadcast signal and rebroadcast it

on a different channel or frequency for local reception. In some cases the translator relays the true signal to another amplifier or translator. LPTV and LPFM are broadcast translators that originate programming. This category of use includes translators associated with public telecommunication services.

(4) *Cable television* means a use, licensed by the FCC, that transmits video programming to multiple subscribers in a community over a wired or wireless network and communication equipment directly related to operating, maintaining, or monitoring the use. This category does not include rebroadcast devices that retransmit television signals of one or more television broadcast stations, or personal or internal antenna systems, such as private systems serving hotels or residences;

(5) *Cellular telephone* means systems and related technologies, licensed by the FCC, used for mobile communications, using a combination of radio and telephone switching technology and providing public switched network services to fixed and mobile users within a defined geographic area. The system consists of cell sites containing transmitting and receiving antennas, cellular base station radio, telephone equipment, and microwave communications link equipment and the ancillary communication equipment directly related to maintaining and monitoring the use. *Examples:* Personal Communication Service (PCS), Enhanced Specialized Mobile Radio (ESMR), Improved Mobile Telephone Service (IMTS), Air-to-Ground, Offshore Radio Telephone Service, and Cell Site Extenders;

(6) *Commercial mobile radio service/ facility manager* means commercial mobile radio uses or their holders, licensed by the FCC, that provide communication service to individual customers and ancillary communication equipment directly related to operating, maintaining, or monitoring the use. *Examples:* Two-way voice and paging services, such as community repeaters, trunked radio (specialized mobile radio), two-way radio dispatch, public switched network (telephone/data) interconnect service, and microwave communications link equipment or those holders that lease building, tower, and related facility space to a variety of tenants as part of their business enterprise and act as facility managers;

(7) *Microwave* means FCC-licensed uses that operate long-line intrastate and interstate public telephone, television, information, and data transmissions; uses in support of pipeline and power companies, railroads, and land resource management companies that support their primary business, and communication equipment directly related to operating, maintaining or monitoring the use;

(8) *Private mobile radio* means FCC-licensed uses supporting private mobile radio systems primarily for a single entity and communication equipment directly related to operating, maintaining, or monitoring the use. This use is not sold and is exclusively limited to the user in support of business, community activities, or other organizational communication needs. *Examples:* Private local radio dispatch, private paging services, and ancillary microwave communications equipment for controlling mobile facilities; and

(9) *Other communication uses* means FCC-licensed private communication uses, such as amateur radio, personal/ private receive-only antennas, natural resource and environmental monitoring equipment, and other small, low-power devices used to monitor or control remote activities.

(d) *Customer* means an occupant who is paying a facility manager or owner, or a tenant, for using all or any part of the space in the facility, or for communication services, and is not reselling or broadcasting communication services to others. *Examples:* Two-way radio, internal microwave communications, and all uses under the ''other'' category when located within someone else's facility. Persons or entities benefiting from private or internal communication uses located in another holder's facility are considered customers for purposes of calculating rent. Customer uses are not included in calculating the amount of rent that is charged by BLM, except as noted in § 2806.20(b)(4) of this subpart.

(e) *Facility manager* means a person or entity that:

(1) Owns a communication facility on federal land;

(2) Leases space to other communication users;

(3) Does not own or operate communications equipment in the facility for personal use; and

(4) Holds a communication use authorization.

(f) *Facility owner* means a person or entity that:

(1) Owns a communication facility on a right-of-way grant;

(2) Owns and operates his or her own communications equipment in the facility;

(3) Holds a communication use authorization; and

(4) May or may not lease space to other communication users in that facility.

(g) *Reselling* means providing communication services to others for profit, such as Commercial Mobile Radio Service providers, providers of cellular telephone services, or communication businesses, such as television and radio broadcasters.

(h) *Site* means an area, such as a mountain top, where one or more communication facilities are located.

(i) *Tenant* means an occupant who pays rent for occupying and using all or any part of a facility and operates communication equipment in the facility to resell or broadcast the communication services to others for a profit. For purposes of calculating the amount of rent that BLM charges, the term ''tenant'' does not include private mobile radio or internal microwave use that is not being re-sold, or uses included in the category of ''Other Communication Uses.''

(j) *Zone* means one of eight groupings of land value into which all areas of the contiguous United States were placed for linear rent assessment purposes.

(k) *Zone value* means the per acre, fair market value of land that is used to calculate rents for linear right-of-way grants. For example, lands within a zone with a value of $50 per acre are in Zone 1, lands within a zone with a value of $100 are in Zone 2, land within a zone with a value of $200 are in Zone 3, and so forth.

§ 2806.10 Must I pay rent for using my right-of-way?

Yes. You must pay rent in advance, unless your rent is based in whole or in part on a percentage of production or similar terms. The rent is equivalent to the fair market rental value, which BLM establishes based on sound business management principles.

(a) BLM will charge the rent beginning on the first day of the month following the effective date of the grant through the last day of the month when the grant terminates. Example: If a right-of-way became effective on January 10 and terminated on September 16, the rental period would be February 1 through September 30, or 8 months.

(b) BLM will set or adjust the annual billing periods to coincide with the calendar year by prorating the rent on the basis of 12 months.

(c) BLM may require that you make either annual payments or payments for more than 1 year at a time. However, if you are a private individual and the annual rent is more than $100, you may elect to make either annual payments or payments for more than 1 year.

(d) If BLM issued your right-of-way on or before October 21, 1976, under then existing statutes, you may request a hearing with BLM before a proposed rent increase becomes effective. This applies to rent increases due to a fair market value appraisal or from initially being put on a rent schedule. You may not request a hearing on annual adjustments once you are on a schedule.

(e) If you disagree with the rent that BLM charges, you may appeal the decision under part 4 of this title.

§ 2806.11 Are there exceptions to paying rents?

Yes, you do not have to pay rent for your use if:

(a) BLM issues the grant under a statute which does not allow it to charge rent, or

(b) You are a federal, state, or local government or their agency or instrumentality, unless you are using the system or space for commercial purposes or you are a municipal utility or cooperative whose principal source of revenue is customer charges; or

(c) You have been granted a waiver of rent under a statute permitting waiver; or

(d) The facilities constructed on the right-of-way were constructed with funds from the Rural Electrification Act of 1936, as amended (REA), or are owned and operated by a non-profit rural electric or telephone cooperative eligible for REA financing, or are extensions of such facilities. You must be able to document your eligibility for REA financing. However, BLM will charge you rent based on your tenants and customers if:

(1) You are a commercial communications company using power poles under an agreement with the Rural Utility Service, or

(2) You hold a communication site right-of-way grant used and occupied by tenants, or

(3) You provide communication services to customers for commercial purposes in connection with your right-of-way.

§ 2806.12 Can my rent be reduced?

Yes. BLM may reduce your rent payment where:

(a) You are a non-profit corporation or association which is not controlled by or is not a subsidiary of a profit making corporation or business enterprise; and

(b) You provide without charge, or at reduced rates, a valuable benefit to the public at large or to the programs of the Secretary of the Interior; or

(c) You hold an outstanding permit, lease, license, or contract for which the United States is already receiving compensation. This does not apply to oil and gas leases under part 3100 of this title, where you are required to secure a grant under part 2800 for access to reach the lease area, or a right-of-way under part 2880 to transport products to or from the lease area; or

(d) The grant involves a reciprocal right-of-way agreement not subject to part 2812 of this title. BLM will determine the fair market value rent for cost share roads or reciprocal rights-of-way based on the proportion of use; or

(e) The BLM State Director determines that paying the full rent will cause you hardship, as defined at § 2804.18(b)(1), and that reducing or waiving the rental payment is in the public interest. BLM may require you to submit data and information to support a proposed finding that your grant qualifies for a reduction or waiver of rental. (See § 2804.18 for information about how to apply for a rent reduction.)

§ 2806.13 What happens if I default on my rent payment?

If you do not pay the rent when it is due under the terms and conditions of the grant or applicable law, and delinquency continues for 30 days after BLM sends you a payment notice, BLM may terminate your grant or take appropriate action to collect the rent owed. After you have defaulted, you may not remove any structures, buildings, or equipment without BLM's written permission. The rent due remains a debt that you owe to the United States. If you pay the rent after the lease or grant has terminated, the grant is not automatically reinstated. You must file a new application with BLM. BLM will consider the history of your failure to pay rent in deciding whether to offer you a new grant.

§ 2806.14 What are the rent costs for linear rights-of-way?

(a)(1) BLM will normally use a schedule, which is updated annually, to determine the rent for your linear grant. BLM may use an alternate means to compute your rent if:

(i) The land value of a substantial segment or area within the right-of-way exceeds the zone's value by a factor of 10, or

(ii) The expected rent is sufficient to warrant a separate appraisal.

(2) Once you are on a rent schedule, BLM will not use the conditions in paragraphs (a)(1)(i) and (ii) of this section to remove you from the schedule, unless you file an application to amend your right-of-way grant.

(b) You may obtain the current linear right-of-way rent schedule from any BLM State or field office or by writing: Director, BLM, 1849 C St., N.W., Mail Stop 1000 LS, Washington, D.C. 20240. BLM will also post the current rent schedule on the BLM Homepage on the Internet, http://www.blm.gov.

§ 2806.15 Does the linear rent schedule ever change?

Yes. BLM annually adjusts the rental schedule by multiplying the current year's rent-per-acre by the annual change, second quarter to second quarter (June 30 to June 30), in the Implicit Price Deflator-Gross Domestic Product Index, as published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

§ 2806.16 How will BLM calculate my rent for linear rights-of-way covered by the schedule?

BLM calculates your rent by multiplying the rent-per-acre from the current schedule by the number of acres in the grant and the number of years in the rental period. If BLM has not previously used the rent schedule to calculate your rent, we may do so after giving you reasonable written notice.

§ 2806.17 What are the rent costs for communication facilities or uses?

(a) *Schedule of rents.* BLM uses a communication use rent schedule to determine the rent for communication site rights-of-way. The schedule is based on the population served, as depicted by the Ranally Metro Area population rankings, and the type of communication use or uses for which communication site rights-of-way are ordinarily granted. These uses are listed as part of the definition of ''communication use rent schedule,'' set out at § 2806.5 of this subpart. You may obtain a copy of the schedule from any BLM State or field office or by writing: Director, BLM, 1849 C St., N.W., Mail Stop 1000 LS, Washington, D. C. 20240. BLM posts the communication site rent schedule to the BLM National HomePage on the internet, at http://www.blm.gov. BLM annually updates the schedule based on two sources: the U. S. Department of Labor Consumer Price Index for All Urban Consumers, U. S. City Average, published in July of each year, and the Ranally Metro Area population rankings. BLM will limit adjustments based on the Consumer Price Index to no more than 5 percent. At least every 10 years BLM will review the rent schedule to ensure that the schedule reflects a rational fair market value estimate.

(b) *Uses not covered by the schedule.* The communication use rent schedule does not apply to:

(1) Communication site uses, facilities and devices located entirely within the exterior boundaries of an oil and gas lease, but which are directly associated with the operations of the oil and gas lease, for which see part 3100 of this chapter. Any other communication use, not directly associated with the lease operation, is not excluded; or

(2) Communication facilities and uses ancillary to and authorized under a linear right-of-way grant, such as a railroad right-of-way grant;

(3) Communication uses, including new, unrelated technologies, not listed on the schedule;

(4) Right-of-way grants for which the rent is determined through appraisals, competitive bidding, or other reasonable methods; and

(5) Situations where the expected rent exceeds the schedule by five times or the communication site serves a population of one million or more and the expected rent for the communication use or uses is more than $10,000 above the schedule rent. The State Director must concur in this determination.

§ 2806.18 How does BLM calculate rent for communication uses covered by the schedule?

(a) *Basic rule.* BLM determines rentals for:

(1) *Single use facilities* by applying the rental rate for the type of use and the community served, and

(2) *Multiple-use facilities* by determining the highest value use in the facility or facilities as the base rent (when under one authorization), plus 25 percent of the schedule rent for all tenant uses in the facility, if these are not used as the base rent.

(b) *Exemption.* BLM will exclude customer uses, unless expressly provided for, and any other waived or exempted uses, when calculating rents.

(c) *Basic action.* By October 15 of each year, you must submit a certified statement listing the tenants in the facility and the category of use for each tenant as of September 30 of the year. BLM may require you to submit any additional information needed to calculate your rent.

§ 2806.19 How will BLM determine the rent for a single-use communication facility?

(a) BLM determines the rent for a single-use communication facility from the communication use rent schedule, based on the authorized single use and the population area served.

(b) BLM determines the population area served as follows:

(1) If the site or facility is within a designated Ranally Metro Area (RMA), BLM will use the RMA to calculate the rent;

(2) If the site or facility is outside an RMA but serves one or more RMAs, BLM will use the largest RMA served to calculate the rent;

(3) If the site or facility is outside an RMA and the site does not serve the RMA, BLM will use the schedule rent for the population of the largest community served by the site.

(4) If the site or facility is outside an RMA and the site serves a community of less than 25,000, BLM will use the lowest rent shown on the schedule for the type of use.

(c) BLM may make case-by-case exceptions to calculate the rents described in paragraph (b) of this section only for just cause.

§ 2806.20 How will BLM calculate the rent for a multiple use communication facility?

(a) *Calculation rules.* BLM will first determine the population area served according to paragraphs (b) and (c) of § 2806.19 of this subpart and then calculate the rent for a communication facility with tenants or customers or both as follows:

(1) BLM will calculate the rent based on the highest value use in the facility, plus 25 percent of the scheduled rent for each of the other tenant uses in the facility;

(2) If the highest value use is not the use of the facility owner or manager, BLM will consider such owner's or manager's use like any other tenant use for calculating the rent;

(3) If the tenant use becomes the highest value use, BLM will exclude that use from the 25 percent of the schedule rent calculation relative to tenant uses;

(4) If a single authorization or entity has multiple uses, such as an FM and an AM radio station, BLM will base the rent on the sum of each use. The FM rent would be the highest value use and the AM portion would be charged according to the rent schedule for tenant use.

(b) *Exemptions to calculating rents.* The following rules apply to calculating rents for exempted or waived communication uses:

(1) BLM will exclude exempted or waived uses for either facility owners or tenants in calculating rents;

(2) BLM will treat facility owners whose own use is either exempted or waived from rent but who have tenants using or occupying space in their facility as any other facility owner and assess rent based on the highest value use plus 25 percent of the schedule rent for each of the other remaining uses, less exempted or waived uses; and

(3) You owe no rent if:

(i) The facility owner's use is exempted or waived from rent,

(ii) All other uses in the facility are exempt or are considered customer uses, and

(iii) The facility owner is not profiting from the other uses in the building facility.

(4) If the facility owner, whose own use is exempted from rent, is conducting a commercial activity with customers or tenants that are not exempt from rent, BLM will assess rent based on the highest value use within the facility;

§ 2806.21 How will BLM calculate rent for private mobile radio service (PMRS), internal microwave and ''other'' category uses?

If the PMRS, internal microwave or ''other'' use:

(a) Is located in someone else's facility, BLM will consider them customers and not include them in the rent calculation for the facility; or

(b) Is the facility owner, BLM will treat them as any other facility owner. If a tenant has a higher value use than the facility owner's use, that use becomes the base rent. The PRMS, internal microwave, or ''other'' use is then exempt as a customer.

§ 2806.22 How will BLM authorize and calculate rents for customers and tenants who choose to have their own right-of-way facility to be used in common with an existing right-of-way of the owner of a communication facility that they use or occupy?

(a) BLM does not require separate right-of-way grants for tenants and customers using or occupying an authorized facility. BLM assesses the facility owner rent based on the highest value use within the facility and 25 percent of scheduled rent for each of the other remaining tenant uses subject to rent.

(b) Tenants and customers who choose to retain or be granted their own right-of-way grants in common will be charged, as right-of-way holders, a full annual rent for their use based on the BLM communication use rent schedule and the population served. BLM will include their type of communication use as a use to be included in calculating the rent to be paid by the facility owner or manager.

§ 2806.23 How will BLM calculate rents as to ''shared facilities'' or for multiple facilities that are under one authorization?

(a) BLM considers each use within the shared facilities separately in determining rent. An example of shared facilities would be a holder or tenant with a microwave dish associated with

a building or tower on Facility A, which has an authorization from BLM, and other equipment or leased space associated with Facility B, which also has an authorization from BLM.

(b) If you hold multiple authorizations for two or more facilities on the same site, you can combine all those uses under one authorization. The highest value use in the facility becomes the base rent, and BLM assesses each of the other uses at 25 percent of the scheduled rent, unless it is waived or exempted.

§ 2806.24 How does BLM calculate rent for a facility manager use?

BLM employs the schedule value for a facility manager use only if the value is equal to or greater than the other uses in the facility. BLM does not include the use in the 25 percent calculation for other uses in the facility when it is not the highest value use.

§ 2806.25 How does BLM calculate rent for ancillary uses?

(a) If internal mobile radio and microwave systems are ancillary, that is, give support or connect one another on the same communications facility or give support for another use, then BLM will base rent only on the primary use, if the microwave ends at the facility and is used for control of the mobile or microwave system.

(b) If microwave and PMRS uses are located in the same facility but are independent of one another, BLM will consider each use as separate when calculating the rent.

(c) If a communication facility is ancillary to and authorized under a linear right-of-way grant for a linear use or facility, or for some other type of authorization, e.g., a mineral lease or sundry notice, BLM will determine the rent based on the linear schedule and not the communication site schedule. The rent for any communication facility use located on the right-of-way will have its rent calculated separately based on an appraisal or other reasonable valuation methods.

§ 2806.26 How does BLM calculate rent for uses within federally owned facilities?

If you are a tenant or customer in a federally owned facility, you must have your own authorization and pay the full schedule rent, based on the use and the population served. This does not apply to federal departments and agencies that have commercial ventures and operate as a facility manager or owner in accordance with this subpart.

§ 2806.27 What happens if converting to the rent schedule causes a $1,000 or more increase in my rent?

BLM will phase in the new rent amount over a 5-year period. In the first year under the schedule, your rent payment will be the current year's rental plus $1,000. BLM will divide the amount exceeding $1,000 into four equal installments. Beginning the second year after the increase, BLM will add the installment, plus any changes in tenant use and the CPI–U index, to the previous year's rent.

§ 2806.28 What are the rent costs for other rights-of-way and uses?

(a) BLM will use the same rent schedules for passive reflectors and local network exchanges as the Forest Service uses for the region in which the facilities are located. You may obtain the pertinent schedules from the Forest Service or from any BLM State or field office in the region in question.

(b) When neither the linear nor the communication site schedule is appropriate, BLM determines rent through an appraisal process based on comparative market surveys, appraisals, competitive bid, or other reasonable methods. BLM will advise you of the rent determination. If you disagree with the determination, you will be afforded an opportunity for a hearing, and you may appeal BLM's final determination under part 4 of this title.

(c) To expedite processing of any grant, BLM may estimate rent and collect a deposit in advance. Once BLM completes its rent value determination, it will adjust the advance deposit to reflect the final fair market rent value determination and either issue you a refund or require you to pay the difference, as appropriate.

(d) For passive reflectors or local network exchanges not covered by a Forest Service rental schedule, see paragraph (b) of this section.

Subpart 2807—What Can I Do on the Right-of-Way Once BLM Issues the Grant?

§ 2807.10 When can I start activities under my grant?

When you can start depends on the terms of your grant. You can start activities when you receive the signed authorization from BLM, unless the grant includes a requirement for a written notice to proceed. If your grant contains a notice to proceed requirement, you may not initiate construction, operation, maintenance, or termination until BLM issues you a notice to proceed.

§ 2807.11 When must I contact BLM?

Contact BLM:

(a) At the times specified in your grant;

(b) When your use requires a substantial deviation from the grant. ''Substantial deviation'' means a deviation in location or authorized use which requires:

(1) Construction or use outside the boundaries of the authorized right-of-way, or

(2) Any change from or modification of the authorized use. Examples: adding equipment, overhead or underground lines, pipelines, structures or other facilities;

(c) When there is a change of status in your application or grant, such as a changed legal mailing address, principal partners, financial conditions, or business or corporate status; and

(d) When you submit a certification of construction, if required by the terms of your grant.

§ 2807.12 For what am I liable?

(a) You are fully liable to the United States and to third parties for any damage or injury they incur in connection with your use and occupancy of the right-of-way.

(b) You will be held to a standard of strict liability for any activity or facility associated with your right-of-way area which BLM determines presents a foreseeable hazard or risk of damage or injury to the United States. BLM will specify in the grant the activities and facilities to which such standards apply.

(1) BLM will not impose strict liability for damage or injury resulting primarily from an act of war, an act of God or the negligence of the United States, except as otherwise provided by law.

(2) As used in this section, ''strict liability'' extends to costs incurred by the federal government to control or abate conditions, such as fire or oil spills, which threaten life, property or the environment, even if the threat occurs on areas that are not under federal jurisdiction. Your grant will contain stipulations that describe the strict liabilities and the maximum amounts imposed. This liability is separate and apart from liability under other provisions of law.

(c) If you cannot satisfy claims for injury or damage, any owners and all affiliates or subsidiaries of any holder of a grant, except for corporate stockholders, are jointly and severally liable to the United States.

(d) The rules of subrogation apply in cases where a third party caused the damage or injury.

(e) If BLM issues a grant to more than one holder, each is jointly and severally liable.

(f) By accepting the grant, you agree to fully indemnify and hold the United States harmless for liability, damage or claims arising in connection with your use and occupancy of right-of-way areas. You are liable to the United States for up to $5 million for all damages, injuries, fees, and costs associated with your using, developing, and maintaining the grant and affected resources, regardless of fault. This financial limitation does not apply to the release or discharge of hazardous materials on or near the grant, or as otherwise allowed by law.

(g) You are strictly liable for all costs above the $5 million limit which accrue because of negligence regarding hazardous substances.

(h) State and local governments may be excepted from the requirements of this section as discussed in § 2807.13(a) of this subpart. .

§ 2807.13 What liabilities do state and local governments have?

(a) If you are a state or local government or its agency or instrumentality, you are liable to the fullest extent law allows at the time that BLM issues your grant. If you do not have the legal power to assume liability, you must repair damages or make restitution to the fullest extent of your powers.

(b) BLM may require you to furnish a bond or other acceptable security to:

(1) Cover any losses, damages, or injury to human health, the environment, and property related to your activities on the right-of-way,

(2) Cover damages or injuries resulting from the actual or threatened release or discharge of hazardous materials, and

(3) Protect the liability exposure of the United States to claims by third parties arising out of your use of the right-of-way.

(c) Based on your record of compliance and changes in risk or conditions, BLM may require you to increase or decrease the amount of your security.

(d) The provisions of this section do not limit or exclude other remedies that the United States may seek.

§ 2807.14 What happens if BLM transfers management of the land on which my grant is located to another federal agency or outside of public ownership?

(a) BLM may transfer administration of the grant to another federal agency, unless doing so would diminish your rights.

(b) Where there is a proposal to transfer the land out of federal ownership, BLM may:

(1) Transfer the land subject to your grant,

(2) Transfer the land but retain management of your grant with the United States, or

(3) Reserve to the United States the land encumbered by the grant.

§ 2807.15 Can BLM temporarily suspend my activities to protect public health and safety or the environment without providing an administrative hearing?

(a) If BLM determines that you have violated one or more terms of your grant, we can order an immediate temporary suspension of activities within a grant area to protect the public health or safety or the environment. BLM can stop your activities before holding an administrative proceeding on the matter.

(b) BLM may make the temporary suspension order orally or in writing to you, your contractor or subcontractor or to any representative, agent, employee, or contractor representing you or conducting the activity. When BLM makes the order, the activity must stop immediately. BLM will promptly confirm an order by sending to you or your agent at your address a written notice explaining the reasons for the suspension order.

(c) The temporary order is effective until BLM issues another order permitting resumption of activities.

(d) You may file a written request for permission to resume at any time after BLM issues the order. In the request, give the facts supporting your request and the reasons you believe that BLM should lift the order.

(e) BLM must grant or deny your request within 5 working days after receiving it. If BLM does not respond within 5 working days, BLM has denied your request. You may then appeal under part 4 of this title.

§ 2807.16 Can BLM terminate or suspend my grant?

(a) BLM may elect to suspend your grant if you fail to comply with applicable laws and regulations or any terms and conditions of the grant.

(b) If your grant is an easement, BLM will refer the suspension or termination of the grant to the Office of Hearings and Appeals for a hearing before an Administrative Law Judge to determine whether or not the termination or suspension is justified.

(c) A grant terminates when:

(1) As described in the grant, a fixed or agreed-upon condition, event, or time occurs;

(2) BLM accepts your written request or consents to terminate the grant; or

(3) BLM determines that you have failed to comply with applicable laws and regulations or any terms and conditions of the grant;

(d) Your failure to use your right-of-way for its authorized purpose for any continuous 5-year period (or for 2 years, if your grant is issued under part 2880 of this chapter), constitutes a presumption of abandonment. You may rebut the presumption by proving that you used the right-of-way or that your failure to use the right-of-way was due to circumstances beyond your control, such as acts of God, war, or casualties not attributable to you.

§ 2807.17 How will I know that BLM intends to suspend or terminate my grant?

(a) Before BLM suspends or terminates your grant, you will receive a written notice stating that BLM intends to suspend or terminate your grant and giving the grounds for such action. You will have a reasonable opportunity to cure any non-compliance.

(b) For grants issued before October 21, 1976, any subsequent grants issued as an easement, and grants issued under part 2880 of this chapter, BLM must give you written notice and refer the matter to the Office of Hearings and Appeals for a hearing before an Administrative Law Judge (ALJ). If the ALJ determines that grounds for suspension or termination exist and such action is justified, BLM will suspend or terminate the grant.

§ 2807.18 What happens to any improvements on my grant when it terminates?

You must remove any structures and improvements within the right-of-way before it terminates, unless BLM instructs you otherwise in writing. After removing the structures or improvements, you must remediate and restore the site to a condition satisfactory to BLM, including the removal and clean up of any hazardous materials. If you fail to remove all structures or improvements within a reasonable period, BLM may declare them to be the property of the United States. However, you still will remain liable for the costs of removing them and for restoring the site.

§ 2807.19 When must I amend my application or grant?

Amend your application or grant when:

(a) There is a substantial deviation in location or use. (See paragraph (b) of § 2808.11.) The requirements for an amended application are the same as

those for a new application, including cost reimbursement according to § 2804.14.

(b) Your grant was issued before October 21, 1976, and you want to change your use or the terms and conditions of the grant. If BLM approves your application, you will receive a new right-of-way under 43 U.S.C. 1761 *et seq.* and this part.

(c) Your grant must be amended to allow realignment of a railroad and appurtenant communication facilities. BLM must issue a decision within 6 months after you file the application. BLM may include in any new grant the same terms and conditions as the original grant pertaining to payment of annual rents, duration of the grant, and the nature of interest held, if:

(1) These terms are in the public interest,

(2) The lands are of approximately equal value, and

(3) The lands involved are not within an incorporated community.

§ 2807.20 May I assign my grant?

(a) If BLM approves your request, you may assign a grant in whole or in part.

(b) If you want to assign your grant, the proposed assignee must file an application under the same procedures as for a new grant. (See subpart 2804 of this part.)

(c) Additionally, the request for assignment must include the following:

(1) Documentation that you, the assignor, agree to the assignment; and

(2) A stipulation that the assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned and all applicable laws and regulations.

(d) BLM will not recognize an assignment until it approves the assignment in writing. BLM may modify or add bonding and other requirements, including additional terms and conditions, to the grant when approving the assignment. BLM may decrease or increase rents if the new holder qualifies for an exemption or reduction and the old holder did not or vice versa.

(e) The processing times and conditions described at § 2804.20(c) apply to applications for assignment.

§ 2807.21 What will BLM charge for reviewing a request for assignment?

You must reimburse BLM in advance for the administrative costs of processing the proposed assignment in accordance with the work hours specified in the category descriptions at § 2804.14.

§ 2807.22 Can I renew my grant?

(a) If your grant provides for renewal, BLM will renew the grant if you are using, maintaining, and operating the project or facility for the purposes authorized in the original grant and if you are operating and maintaining the grant according to its provisions and to the applicable laws and regulations.

(b) If your grant does not provide for renewal, you may ask BLM to renew the grant. Send BLM your request, in writing, at least 120 days before your grant expires. You will need to show that you are maintaining and operating the project or facility for the purposes authorized in the expiring grant and that you are operating and maintaining the grant according to its provisions and to the applicable laws and regulations. BLM has the discretion to renew the grant if doing so is in the public interest.

(c) In either case, paragraph (a) or (b) of this section, you should submit an application containing the same information necessary for a new application. (See subpart 2804 of this part.) You must reimburse BLM in advance for the administrative costs of processing the renewal in accordance with § 2804.14.

(d) BLM will review your application and determine the applicable terms and conditions.

Subpart 2808—What Do I Need To Know About Trespass?

§ 2808.10 What is trespass?

(a) Trespass is using, occupying, or developing the public lands without authorization or using, occupying, and developing them in a way that is beyond the scope and specific limitations of your authorization. Trespass includes acts or omissions causing undue or unnecessary degradation to the occupied public lands.

(b) There are two kinds of trespass, willful and non-willful.

(1) ''Willful trespass'' means voluntary or conscious trespass and actions taken with criminal or malicious intent. It includes a consistent pattern of actions taken with knowledge, even if those actions are taken in the belief that the conduct is reasonable or legal.

(2) ''Non-willful trespass'' means a trespass committed by mistake or inadvertence.

§ . 2808.11 What will BLM do if it determines that I am in trespass?

(a) BLM will notify you in writing of the trespass and indicate your liability. Your liability includes:

(1) Reimbursing the United States for all costs incurred in investigating and terminating the trespass;

(2) Paying the rental value of the lands, as provided for in subpart 2806 of this part, for the current and past years of trespass, or, where applicable, the cumulative value of the current use fee, amortization fee, and maintenance fee for unauthorized use of any BLM-administered road; and

(3) Rehabilitating, restoring, and stabilizing any damaged lands or resources. If you do not rehabilitate, restore, and stabilize the lands and resources within the time set by BLM in the notice, you will be liable for the United States's costs in rehabilitating, restoring, and stabilizing the lands and resources.

(b) BLM may assess penalties as follows:

(1) For all non-willful trespass which is not resolved within 30 days by meeting one of the conditions identified in § 9239.7–1 of this chapter, the penalty is an amount equal to the rental value; and, for roads, an amount equal to the charges for road use, amortization, and maintenance which have accrued since the trespass began;

(2) For repeated non-willful or willful trespass, the penalty is an amount that is two times the rental value; and, for roads, an amount two times the charges for road use, amortization and maintenance which have accrued since the trespass began.

(c) The penalty will not be less than the processing fee for a Category I application (see § 2804.14) for non-willful trespass or less than three times this value for repeated non-willful or willful trespass. You must pay whichever is the higher of the computed penalty or the minimum penalty amount.

(d) In addition to civil penalties, you may be tried before a United States magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both, for a knowing and willful trespass. (43 U.S.C. 1733(a))

(e) Until you satisfy your liability, BLM may refuse to process any applications for any activities on BLM land that you have pending.

(f) You may appeal a trespass decision under part 4 of this title.

(g) Nothing in this section limits your liability under any other state or federal law.

§ 2808.12 May I receive a grant if I am in trespass?

The only way to find out is to apply under the procedures described at subpart 2804 of this part. BLM will process your application as if it were a new use.

Subpart 2809—Are There Any Special Requirements Related To Issuing Grants to Federal Agencies?

§ 2809.10 Can federal agencies get a right-of-way grant?

Yes. Any federal agency can apply for a grant under the procedures contained in subpart 2804 of this part.

§ 2809.11 What will the grant contain?

The grant will contain the same terms and conditions as other grants governed by this part to the extent possible. It will include any terms and conditions appropriate for federal agencies. The grant does not have to conform to the agency's proposal and may contain such terms, conditions, and stipulations as BLM deems appropriate.

§ 2809.12 Can BLM suspend or terminate the grant?

BLM may suspend or terminate the grant only if its terms and conditions allow it or if the agency head holding the grant consents to it.

2. Revise part 2880 to read as follows:

PART 2880—RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Subpart 2881—What General Information Do I Need To Know About the Regulations Concerning MLA Grants and Permits?

Sec.

2881.5 What definitions do I need to know to understand these regulations?
2881.7 What is the scope of these regulations?
2881.8 What grants are covered by these regulations?
2881.9 Does BLM have the authority to ask me for the information required in these regulations?
2881.10 Severability

Subpart 2882—What Lands Are Available for Oil and Natural Gas Pipelines and Their Related Facilities?

Subpart 2883—What Qualifications Do I Need To Have To Hold an MLA Grant or Temporary Use Permit?

2883.10 Who may hold a right-of-way grant under the Mineral Leasing Act?
2883.11 Who is ineligible to hold an MLA grant or permit?
2883.12 How do I prove I meet the qualifications?
2883.13 What happens if BLM issues me an MLA grant or permit and later determines that I am not qualified to hold it?

Subpart 2884—How Do I Apply for an MLA Grant or Permit?

2884.10 What should I do before I file my application?
2884.11 What information do I need to provide in my application?
2884.12 Is there a filing fee for my application?
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2884.16 Where do I file my application for an MLA grant or permit?
2884.17 What are the public notification requirements for my application?
2884.18 How will BLM process my application?
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2884.21 Do I owe any money if BLM rejects my application or if I withdraw my application?
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Subpart 2885—What Are the Terms and Conditions of MLA Grants and Permits?

2885.10 When is the MLA grant or permit effective?
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Subpart 2886—What Can I Do on My Grant or Permit Once I Obtain It?

2886.10 When can I start activities under my grant or permit?
2886.11 Who regulates my activities?
2886.12 What happens if I need a wider right-of-way in limited areas?
2886.13 When must I contact BLM?
2886.14 When can BLM suspend my activities?
2886.15 For what am I liable?
2886.16 What happens if BLM transfers management of the land on which my grant is located to another agency or outside public ownership?
2886.17 When can BLM terminate or suspend temporary use permits?
2886.18 When can BLM suspend or terminate my grant or permit?
2886.19 What happens to any improvements on my grant when it terminates?

Subpart 2887—What Information Do I Need To Know About Amending, Assigning or Renewing My MLA Grant or Permit?

2887.10 What conditions require amending a grant?
2887.11 May I assign my grant?
2887.12 May I renew my grant?

Subpart 2888—What Do I Need To Know About Trespass?

Authority: 30 U.S.C. 185, unless otherwise noted.

Subpart 2881—What General Information Do I Need To Know About MLA Grants and Permits?

§ 2881.5 What definitions do I need to know to understand these regulations?

Unless a term is otherwise defined in this section, the definitions appearing in part 2800 apply to this part. In addition, as used in this part, the term:

(a) *Act* means section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

(b) *Agency head* means the head of any federal department or independent federal office or agency, other than the Secretary of the Interior, who has jurisdiction over federal lands.

(c) *Casual use* means activities and practices which do not ordinarily cause any appreciable disturbance or damage to the public lands, resources or improvements and which do not require a right-of-way grant or temporary use permit under this title. *Example:* activities which do not involve the use of explosives or heavy equipment and which do not involve vehicle movement, except over already established roads and trails.

(d) *Federal lands* means all lands owned by the United States, whether surface or mineral estate or both, without reference to how the lands were acquired or what federal agency manages the lands, except lands in the National Park System, lands held in trust for an Indian or Indian tribe, lands managed by the Tennessee Valley Authority, and lands on the Outer Continental Shelf.

(e) *Field examination* generally means a one-day trip, in one vehicle, from the office to the site of the right-of-way proposal, regardless of the number of specialists traveling in the vehicle. When operational efficiency dictates separate trips, BLM will include the efficient use of hourly time required to verify or collect the data needed to process the application, or monitor the grant.

(f) *Oil and gas* means oil, natural gas, synthetic liquid, or gaseous fuels, or any refined product produced from them.

(g) *Pipeline* means a line traversing federal lands for transportation of oil or gas. The term includes feeder lines, trunk lines, and related facilities, but does not include a lessee's or lease operator's production facilities located on his lease.

(h) *Pipeline system* means all facilities, whether or not located on federal lands, used by a holder in connection with the construction, operation, maintenance, or termination of a pipeline.

(i) *Production facilities* means a lessee's or lease operator's pipes and equipment used on the leasehold to aid in extracting, processing, and storing oil and gas. The term includes:

(1) Storage tanks and processing equipment;

(2) Gathering lines upstream from such tanks and equipment, in the case of gas, upstream from the point of delivery; and

(3) Pipes and equipment, such as water and gas injection lines, used in the production process for purposes other than carrying oil and gas downstream from the wellhead.

(j) *Related facilities* means those structures, devices, improvements, and sites, the substantially continuous use of which is necessary for the operation or maintenance of a pipeline, which are located on federal lands, and which are authorized under the Act, including but not limited to: supporting structures; airstrips; roads; campsites; pump stations, including associated heliports, structures, yards, and fences; valves and other control devices; surge and storage tanks; bridges, monitoring, and communication devices and structures housing them; terminals, including structures, yards, docks, fences, and storage tank facilities; retaining walls, berms, dikes, ditches, cuts and fills; structures and areas for storing supplies and equipment. Related facilities may be connected or not connected or contiguous or not contiguous to the pipe.

(k) *Temporary use permit* means a revocable nonpossessory privilege to use specified federal lands near a right-of-way to construct, operate, maintain, or terminate a pipeline or to protect the natural environment and public safety.

§ 2881.7 What is the scope of these regulations?

The regulations in this part apply to:

(a) Issuing, administering, amending, assigning, renewing, and terminating new or existing grants and temporary use permits for pipelines to transport oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced from these materials. They apply when the federal land involved is either under the jurisdiction of BLM or under the jurisdiction of more than one federal agency;

(b) Facilities on a federal oil and gas lease owned by a third party, who is not the lessee or lease operator, and oil and gas pipeline systems owned by the lessee or lease operator that are downstream from storage tanks or a metering device; and

(c) All grants and permits BLM previously issued under section 28 of the Act and to those issued by the Secretary of the Interior or his delegate in connection with the Trans-Alaska Oil Pipeline System.

§ 2881.8 What grants are not covered by these regulations?

The regulations in this part do not apply to:

(a) Federal land which is under the jurisdiction of a single federal department or agency, including bureaus, and agencies within the Department of the Interior, other than BLM;

(b) Right-of-way grants for federal departments or agencies. Such grants are subject to the regulations at part 2800 of this chapter;

(c) Production facilities owned by an oil and gas lessee or lease operator, if within the federal oil and gas lease, because the lease authorizes these facilities; and

(d) Grants issued under the authority of the Federal Land Policy and Management Act of 1976, which are addressed under part 2800 of this chapter.

§ 2881.9 Does BLM have the authority to ask me for the information required in these regulations?

(a) Yes. The Office of Management and Budget has approved the information collection requirements contained in Part 2880 under clearance 44 U.S.C. 3507 and assigned clearance number 1004–0060 (for Form SF–299) and 1004–_____ to them. BLM collects the information to determine if using particular parcels of the public lands for right-of-way corridors is appropriate. You must respond to get a benefit.

(b) Send comments regarding any aspect of the information collection, including suggestions for reducing the collection burden, to the Information Collection Clearance Officer, Bureau of Land Management, 1849 C St., N.W., Mail Stop 401 LS, Washington, D. C. 20240.

§ 2881.10 Severability.

If any provisions of the rules in this part or their applicability to any person or circumstances are held invalid, the remainder of these rules and their applicability to other people or circumstances shall not be affected.

Subpart 2882—What Lands Are Available for MLA Grants and Permits?

BLM uses the same criteria to determine whether lands are available for oil and gas rights-of-way as it does to determine whether lands are available for other rights-of-way. (See subpart 2802, part 2800, of this chapter.) Where the proposed right-of-way involves additional federal lands or lands managed by two or more agencies other than BLM, such lands may also be available for such grants.

Subpart 2883—What Qualifications Do I Need To Hold an MLA Grant or Permit?

§ 2883.10 Who may hold a right-of-way grant under the MLA?

(a) To hold such a grant, you must be:

(1) Able to show that you are economically and technically capable of constructing, operating, and maintaining the proposed facilities; and

(2) A United States citizen; or

(3) An association of such citizens; or

(4) A corporation organized under the laws of the United States, or of any state therein; or

(5) A state or local government.

§ 2883.11 Who is not eligible to hold an MLA right-of-way grant or temporary use permit?

Aliens may not acquire or hold any direct or indirect interest in MLA grants or temporary use permits, except as otherwise provided by treaty or similar agreement.

§ 2883.12 How do I prove I meet the qualifications?

(a) If you are a private individual, BLM requires no proof of citizenship with your application.

(b) If you are a partnership, corporation, association, or other business entity, submit the following information in your application:

(1) The identity of the participants in the business entity;

(2) The name, address, and citizenship of each participant (partner, associate, or other);

(3) If a corporation, the name, address, and citizenship of each shareholder owning 3 percent or more of each class of shares, together with the number and percentage of any class of voting share of the entity which each shareholder is authorized to vote; and

(4) If a corporation, the name and address of each affiliate controlling or controlled by the entity, either directly or indirectly. Where the corporation controls an affiliate, disclose the number of shares and the percentage of each class of voting stock of the corporation owned, directly or indirectly, by the affiliate.

(c) If you already have supplied this information to BLM and the information remains accurate, you need only reference the serial number under which it is filed.

§ 2883.13 What happens if BLM issues me an MLA grant or permit and later determines that I am not qualified to hold it?

BLM will terminate your grant or permit, subject to your right of appeal to the Interior Board of Land Appeals under part 4 of this title.

Subpart 2884—How Do I Apply for an MLA Grant or Permit?

§ 2884.10 What should I do before I file my application?

(a) When you determine that an oil and gas pipeline project would cross lands under BLM jurisdiction or under the jurisdiction of two or more federal agencies, you should notify BLM or the Secretary of the Interior.

(b) Before filing an application with BLM, you are strongly encouraged to visit or telephone the BLM field office having jurisdiction over the lands affected by your application to identify potential routing and other constraints, determine whether or not the lands are located within a designated or existing right-of-way corridor, tentatively schedule the processing of your application, get information about qualifications for MLA grants and permits, and identify any work which will require obtaining one or more temporary use permits. BLM may share this information with federal, state, and local government agencies to ensure that these agencies are aware of any authorizations you may need from them.

§ 2884.11 What information do I need to provide in my application?

(a) File your application on Form SF–299 or as part of an Application to Drill or Sundry Notice. Include a complete description of the project, including the exact diameters and locations of the pipelines, proposed construction techniques, and the estimated life of the facility. Simultaneously file any applications with other federal agencies, such as the Federal Energy Regulatory Commission, for licenses, certificates, or other authorities involving a right-of-way with your application to BLM.

(b) BLM may request you to submit additional information beyond that required in the form to assist in processing your application. This information may include the following:

(1) Any federal and state approvals required for the proposal,

(2) A description of the alternative route(s) and mode(s) considered when developing the proposal,

(3) Copies of or reference to similar applications or grants you have submitted or hold,

(4) A statement of need and economic feasibility,

(5) A statement of the environmental, social and economic effects of the proposal, and

(6) Your technical and financial capabilities to implement the project.

(c) Before BLM reviews your request for a grant or grant renewal, you must submit the following information and material:

(1) Conditions for, and agreements among, owners or operators to add pumping facilities, looping, or otherwise to increase the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand;

(2) Conditions for adding or abandoning intake, offtake, or storage points or facilities;

(3) Minimum shipment or purchase tenders;

(4) Evidence of your technical and financial capabilities to implement the project; and

(5) Other information necessary to process your application.

(d) Should conditions or information change, promptly notify BLM and make the necessary changes to your application. Failing to do so may result in BLM's rejecting or revoking your application.

§ 2884.12 Is there a filing fee for my application?

(a) Yes. You must file a non-refundable processing fee with the application. The fee reimburses BLM for the costs of processing your application, including the costs of preparing any report or documents required by the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*

(b) BLM categorizes applications according to the following criteria:

(1) *Category I.* Either BLM has on hand or you supply the data necessary to process your application; neither a field examination nor land use plan amendment is needed; and the estimated processing time does not exceed 24 work hours for all BLM personnel involved in reviewing the application. *Cost:* Refer to the MLA fee schedule, available from any BLM field office.

(2) *Category II.* Same as Category I, plus one field examination is needed to verify existing information; and the estimated processing time, including the time required to conduct the field exam, falls between 25 and 36 work hours for all BLM personnel involved in reviewing the application. *Cost:* Refer to the MLA fee schedule, available from any BLM field office.

(3) *Category III.* Category I, plus two field examinations are needed to verify existing information; and the estimated processing time, including the time required to conduct the field exams, falls between 37 and 50 work hours for all BLM personnel involved in reviewing the application. *Cost:* Refer to the MLA fee schedule, available from any BLM field office.

(4) *Category IV.* Original data must be collected; a plan amendment may be needed; two or more field examinations are needed; and the estimated processing time, including the time required for the field exams, is more than 50 work hours for all BLM personnel involved in reviewing the application. *Cost:* Full actual costs.

(5) *Master agreement.* Instead of one of categories I through IV, you may enter into an agreement with BLM to fully reimburse BLM for actual processing costs. The agreement should be written to include any applications you may subsequently file within the same area.

(c) The costs for Categories I, II, and III are contained in a fee schedule that BLM maintains. BLM updates these fees each calendar year, based on the previous year's change in the Implicit Price Deflator-Gross Domestic Product, measured second quarter to second quarter. BLM will round changes to the nearest dollar. You may obtain a copy of the revised schedule from any BLM State or Field Office or by writing: Director, BLM, 1849 C St., N.W., Mail Stop 1000 LS, Washington, D. C. 20240. BLM will post the schedule to the BLM National HomePage on the internet, at http://www.blm.gov.

(d) After initially reviewing your application, BLM will determine the category based on estimated costs of processing the application. BLM will give you a written decision as to the processing category, and you must submit the payment before BLM begins processing your application. You may appeal the decision determining the category under part 4 of this title.

(e) If you overpay processing costs, BLM will refund you the amount that you overpaid and adjust your next bill or, if you request it in writing, apply the overpayment to rentals or monitoring costs.

(f) BLM may change the processing cost category to Category IV while processing your application if preparing an environmental impact statement becomes necessary. BLM will send you a written decision of the change and you may appeal this decision under part 4 of this title. While your appeal is pending, BLM will not process your application unless you have paid the processing fee.

(g) If you have a grant or permit relating to the Trans-Alaska Pipeline System, BLM will send you a written

statement of reimbursable costs by the sixtieth day after the close of each quarter. Quarters end on the last day of March, June, September, and December.

§ 2884.13 What is a master agreement and what must it contain?

(a) See paragraphs (a) and (b) of § 2804.17 of this chapter for information about specifications and requirements for master agreements.

(b) Your signature on a master agreement constitutes your agreement with the category determination.

§ 2884.14 Are there any special payment requirements related to Category IV applications?

Yes. If you have a Category IV application, you must also:

(a) Reimburse the United States for the full actual administrative and other costs of processing the application and monitoring the grant. BLM will credit your application processing fee toward your total cost reimbursement obligation; and

(b) For additional information, see § 2804.16 of this chapter.

§ 2884.15 What happens if there are two or more competing applications for the same pipeline facility or system?

If this happens,

(a) *Categories I through III:* You must reimburse BLM for processing costs as if the other application had not been filed.

(b) *Category IV:* You are responsible for the costs identifiable with your application. If BLM cannot readily separate costs, such as costs associated with preparing environmental documents, you must pay an equal share or a proportion agreed to in writing among all applicants and BLM. BLM will not do any work without an advance payment.

(c) *Who determines whether competition exists.* BLM will determine whether or not the applications for right-of-way grants are part of one right-of-way system or are competing applications for the same system.

(d) *Liability.* Each applicant is jointly and severally liable for costs of processing the application for the entire system.

§ 2884.16 Where do I file my application for an MLA grant or permit?

(a) If BLM has exclusive jurisdiction over the lands involved, file your application with the appropriate BLM State Office.

(b) If another federal agency has exclusive jurisdiction over the land involved, file your application with that agency and refer to their regulations for information about their requirements.

(c) If there are no BLM lands involved but the lands are under multiple federal jurisdiction, you may file your application with any BLM office in the vicinity of the project. BLM will notify you where to direct future communications about the project. See also § 2804.11 of this chapter.

(d) If several federal agencies, including BLM, have jurisdiction, file your application at the most convenient BLM office having jurisdiction over a portion of the federal lands. BLM will notify you where to direct all future communications concerning the project. See also § 2804.11(a) of this chapter.

§ 2884.17 What are the public notification requirements for my application?

(a) When BLM receives your application, it will publish a notice in a general circulation newspaper in the vicinity of the lands involved and in the **Federal Register**. BLM may not publish this notice for pipeline projects which it believes will have only minor impacts. The notice will contain:

(1) A description of the pipeline systems and such other information as BLM considers pertinent, and

(2) A statement of where the application and related documents are available for interested persons to review.

(b) BLM will send copies of the notice for review and comment to the:

(1) Governor of each state within which the pipeline system may be located, and

(2) Head of each local government or jurisdiction within which the pipeline system may be located.

(c) BLM will also refer the application to the:

(1) Heads of other federal agencies whose jurisdiction includes areas through which the right-of-way would cross, for consultation and other purposes; and

(2) House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources, if your application involves a pipeline that is 24 inches or more in diameter.

(d) BLM may hold public meetings on your application if there is sufficient interest to warrant the time and expense of such meetings. BLM will publish a notice of any such meetings in the **Federal Register** or in local newspapers.

§ 2884.18 How will BLM process my application?

BLM processes all applications for right-of-way grants and temporary use permits in the manner described at § 2804.20 of this chapter. The customer service standard, described in § 2804.20(c) of this chapter, applies to processing MLA applications.

§ 2884.19 Can BLM ask me for additional information?

(a) Yes. BLM may ask you for additional information in order to process your application. This may include, among other information, a detailed construction, operation, rehabilitation, and environmental protection plan, a Plan of Development, and a cultural resources inventory.

(b) If BLM needs more information, we will provide you with a written request and give you a written notice of any deficiencies in the information that you provided and any additional information that BLM needs. You will have a reasonable opportunity to file corrections.

(c) BLM may also ask other federal agencies for additional information, for conditions or stipulations which the grant should contain, and for advice as to whether or not to issue the grant.

§ 2884.20 Can BLM reject my application?

Yes. See § 2804.22 of this chapter.

§ 2884.21 Do I owe any money if BLM rejects my application or if I withdraw my application?

Yes. See § 2804.23 of this chapter. You owe the actual amount, as opposed to a reasonable amount, that BLM expends in processing your application.

§ 2884.22 What may I do on the land while BLM is processing my application?

You may not conduct any activities other than casual use on the lands under application. You must get prior approval from BLM before conducting any activities that are not casual use.

§ 2884.23 When will BLM issue the grant or permit?

If the grant involves:

(a) A pipeline 24 inches or more in diameter, BLM will not issue or renew the grant until after we notify the Congress;

(b) Lands not under BLM jurisdiction, BLM will not issue or renew the grant or permit until the heads of the other agency or agencies involved have concurred;

(c) Lands managed by several federal agencies, including BLM, BLM will not issue or renew the grant or permit until the Secretary of the Interior has consulted with these agencies. BLM may issue or renew the grant or permit without their concurrence, but not through lands within a federal reservation, if doing so would be inconsistent with the purposes of the reservation; and

(d) Lands managed by BLM, we will issue or renew the grant or permit when we approve your application.

Subpart 2885—What Are the Terms and Conditions of MLA Grants and Permits?

§ 2885.10 When is the MLA grant or permit effective?

See § 2805.11 of this chapter.

§ 2885.11 What are the terms and conditions of the grant or permit?

The general provisions at §§ 2805.10, 2805.12, and 2805.13 of this chapter apply. In addition, an MLA grant or permit contains the following requirements:

(a) *How long you may use the grant or permit.* Each grant will have a specific time limit, not to exceed 30 years. BLM will consider the following factors in establishing the time limit:

(1) Cost of the facility,

(2) Its useful life,

(3) The public purpose served, and

(4) Any potentially conflicting land uses.

(b) *Terms and conditions of use.* By accepting the grant or permit, you agree to comply with and be bound by its terms and conditions and by the regulations in subpart 2805, part 2800, of this chapter, the regulations in this part, and applicable laws. You must comply with the terms and conditions found at § 2805.10(c) of this chapter. In addition, you must:

(1) Construct, operate, and maintain the pipeline system, or a logical part of the system of which this pipeline right-of-way is a part, as BLM determines, as a common carrier. This means that you and your operators and joint owners must accept, convey, transport, or purchase all oil and gas delivered to the pipeline system without regard to where the oil and gas was produced, i.e., whether on federal or non-federal lands. See paragraph (c) of this section for the exception;

(2) Within 30 days after BLM requests it, file rate schedules and tariffs for oil and gas, or derivative products, transported by the pipeline system as a common carrier with the agency prescribed by the authorized officer, and provide proof to BLM that you have made the required filing;

(3) With certain exceptions, not export domestically produced crude oil without Presidential approval (30 U.S.C. 185 and 50 U.S.C. 2401);

(4) Not exceed a right-of-way width of 50 feet plus the ground occupied by the pipeline and related facilities without BLM's written authorization;

(5) Not use the grant area for any use other than that authorized by the grant. If other pipelines or looping lines are required, first secure BLM's written authorization for the activity; and

(6) If appropriate, not construct or use the land until you submit to BLM a detailed construction, operation, rehabilitation, and environmental protection plan and receive a notice to proceed.

(c) The common carrier provisions of paragraph (b)(1) of this section do not apply to natural gas pipelines subject to regulation under the Natural Gas Act or by state or municipal agencies with the authority to set rates and charges for the sale of natural gas to consumers within the state or municipality.

(d) BLM may require you to certify that you have a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, or property resulting from or related to your activities on the right-of-way. Liability coverage includes potential damages or injuries resulting from actual or threatened discharges or releases of hazardous materials. Based on changes in conditions or risk and your record of compliance, BLM may require a decrease or increase in the amount of your security.

§ 2885.13 How much does it cost to hold a grant or permit?

In addition to the cost reimbursement requirements described at § 2883.13(a) you must pay rent and monitoring costs.

(a) *Rents.* The provisions for paying rents for MLA grants are the same as those for other grants, as given at §§ 2806.14, 2806.16, and 2806.28 of this chapter, except that you must always pay full rent. There are no reductions or waivers to paying rents for MLA grants.

(b) *Monitoring costs.* You must reimburse BLM for any costs we incur in monitoring your construction, operation, maintenance, and termination within grant areas and in protecting and rehabilitating the affected area. There are no exceptions to paying monitoring costs. BLM uses the same category for monitoring as it does for determining processing costs for each application. (See paragraphs (c) and (d) of this section.) As with the application processing costs (see § 2884.12), BLM updates this schedule annually, based on the previous year's change in the Implicit Price Deflator-Gross Domestic Product, second quarter to second quarter. BLM rounds these changes up to the nearest dollar. The monitoring cost schedule is available from any BLM State or field office or by writing: Director, Bureau of Land Management, 1849 C St., N.W., Mail Stop 1000LS, Washington, D.C. 20240. BLM will post this schedule to the BLM Homepage on the Internet, http://www.blm.gov.

(c) *Categories I through III.* For Categories I through III, you must submit monitoring fees with your written acceptance of the terms and conditions of the grant. BLM will not accept your written acceptance of the grant until you pay the fees.

(d) *Category IV.* For Category IV monitoring costs and project agreements, you must submit your written acceptance of the terms and conditions of the grant and the estimated costs of BLM's administering and monitoring your grant. You must periodically pay the estimated costs in advance. If your payments exceed the actual cost, BLM will reimburse you the difference or adjust the next billing to reflect the overpayment.

§ 2885.14 Who is liable for payments?

See subpart 2804, part 2800, of this chapter.

§ 2885.15 What happens if I default on my rental and other payments?

See § 2806.12 of this chapter.

Subpart 2886—What Can I Do Once I Get My MLA Grant or Permit?

§ 2886.10 When can I start activities under my grant or permit?

See § 2807.10 of this chapter. Before you begin operations, you must send BLM a certification of construction, verifying that the pipeline system has been constructed and tested according to the terms of the grant or permit and is in compliance with all required plans, specifications and provisions of federal and state laws and regulations.

§ 2886.11 Who regulates my activities?

The head of the agency having administrative jurisdiction over the federal lands involved has the authority to regulate your activities, unless BLM and the agency head reach another agreement.

§ 2886.12 What happens if I need a wider right-of-way in limited areas?

You may apply to BLM for a wider right-of-way in limited areas to operate and maintain the pipeline after you construct it, protect the environment, or provide for public safety. BLM will send you a written report of its findings, either authorizing or disapproving your request for a wider right-of-way.

§ 2886.13 When must I contact BLM?

See § 2807.11 of this chapter.

§ 2886.14 When can BLM suspend my activities?

See § 2807.15 of this chapter. The same provisions apply to temporary use permits issued under this part.

§ 2886.15 For what am I liable?

See § 2807.12 of this chapter.

§ 2886.16 What happens if BLM transfers management of the land on which my grant or permit is located to another agency or outside public ownership?

See § 2807.14 of this chapter. The same provisions apply to temporary use permits issued under this part.

§ 2886.17 When can BLM suspend or terminate temporary use permits?

(a) BLM can suspend or terminate your temporary use permit when it determines that you have:

(1) Not complied with any term, condition, or stipulation in the grant or with applicable laws or regulations; or

(2) Deliberately failed to use the grant for the purpose for which BLM issued it; or

(3) Abandoned the grant.

(b) BLM will send you a written notice of non-compliance. You may file a written request to the next higher level of authority asking for a review of the notice. BLM will notify you within 10 working days of receipt of the request. BLM will review the situation that prompted the notice and provide you with a written determination of our findings within a reasonable period of time.

(c) If the decision is adverse to you, you may appeal it under part 4 of this title.

§ 2886.18 When can BLM suspend or terminate my grant or permit?

(a) If BLM determines your activities are endangering public health, safety or the environment, we may order you to suspend those activities immediately and to take immediate remedial action. BLM may give this order orally or in writing to you, your representative, or a contractor or subcontractor doing work for you, whether or not any action is being taken by other federal or state agencies. The activity must cease immediately. If BLM gives you the order orally, we will follow up as soon as practicable with a written notice.

(b) In cases where public health, safety, or the environment are not being endangered, BLM will give you written notice when we intend to suspend or terminate your grant. BLM will refer the matter to the Office of Hearings and Appeals. An Administrative Law Judge in the Office of Hearings and Appeals will determine when grounds for suspension or termination exist, according to the regulations set out in part 4 of this title. The Administrative Law Judge's decision determines BLM's action on whether or not to suspend or terminate the grant or permit.

§ 2886.19 What happens to any improvements on my grant when it terminates?

See § 2807.18 of this chapter.

Subpart 2887—What Information Do I Need To Know If I Want to Amend, Assign, or Renew My MLA Grant?

§ 2887.10 What conditions require amending a grant?

(a) You must apply for an amendment when you want to change the route of your pipeline or your use of the federal lands. You must apply for an amendment under the provisions of § 2807.19 of this chapter. Any unauthorized activity may be subject to prosecution under the applicable laws or to trespass charges under the provisions of subpart 2888 of this chapter.

(b) If you hold a pipeline grant issued before November 16, 1973, and there is a change in the pipeline route or your use of the federal lands, you must apply for a new right-of-way grant under the Act, as amended.

(c) BLM may ratify or confirm a grant that was issued under any provision of law if we can modify the grant to comply with the provisions of the Act and regulations. BLM and you must jointly approve any modifications.

§ 2887.11 May I assign my grant?

(a) Yes. You may assign a grant in whole or in part, if BLM approves your request.

(b) If you want to assign your grant, the proposed assignee must file an application under the same procedures as for a new grant. (See subpart 2884 of this part.)

(c) Additionally, the request for assignment must include the following:

(1) Documentation that you, the assignor, agree to the assignment; and

(2) A stipulation that the assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned.

(d) BLM will not recognize an assignment until it approves the assignment in writing. BLM may modify or add bonding and other requirements, including additional terms and conditions, to the grant when approving the assignment.

(e) The processing time and conditions for original applications, as described at § 2804.19(c) of this chapter, apply to processing applications for assignments.

§ 2887.12 May I renew my grant?

(a) Yes, except for those cases where a grant has terminated by its own terms. BLM will renew the grant if the pipeline is being operated and maintained in accordance with all provisions of the right-of-way grant, the regulations in this part and the Act. If your grant has terminated, you must apply for a new grant under the procedures described at subpart 2884 of this part.

(b) BLM may modify the terms and conditions of the grant at the time of renewal, and you must pay in advance for the administrative costs of processing the request.

(c) The time and conditions for processing applications for rights-of-way, as described at § 2804.19(c) of this chapter, apply for applications for renewals.

Subpart 2888—What Do I Need To Know About Trespass?

See subpart 2808, part 2800, of this chapter.

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Part III

Department of Justice

Immigration and Naturalization Service

8 CFR Part 214

Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens; Interim Rule

Treatment of Certain H Petitions Filed After the Numerical Cap Is Reached; Proposed Rule

Information Regarding the H–1B Numerical Limitation for Fiscal Year 1999; Notice

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS 1992–99]

RIN 1115–AF47

Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (Service) regulations to provide that the Commissioner may publish a notice to extend the duration of status, under specified conditions, of certain F–1 and J–1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H–1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule is a necessary stop-gap measure because a large number of F–1 and J–1 nonimmigrant aliens seek a change of nonimmigrant status to that of H–1B after completion of their studies or their program. However, many of these aliens will be unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H–1B petitions. This rule will allow such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

DATES: *Effective date:* This interim rule is effective June 15, 1999.

Comment date: Written comments must be submitted on or before August 16, 1999.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW, Room 5307, Washington, DC 20536. To ensure proper handling, please reference the INS No. 1992–99 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: John W. Brown, Adjudications Officer, Benefits Division, Immigration and Naturalization Service, 425 I Street, NW, Room 3214, Washington, DC 20536, telephone (202) 353–8177.

SUPPLEMENTARY INFORMATION:

Who Is an F–1, J–1, and H–1B Nonimmigrant Alien?

An F–1 nonimmigrant alien is an alien having a residence in a foreign country which he or she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who enters the United States solely for the purpose of such a course of study.

A J–1 nonimmigrant alien is an alien having a residence in a foreign country which he or she has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training.

An H–1B nonimmigrant is an alien employed in a specialty occupation or a fashion model of distinguished merit and ability. A specialty occupation is an occupation that requires theoretical and practical application of a body of specialized knowledge and attainment of a bachelor's or higher degree in the specific specialty as a minimum for entry into the United States.

What Is the Purpose of This Interim Rule?

This interim rule grants authority to the Commissioner to extend the duration of status, for a limited period of time, for any F–1 and J–1 nonimmigrant alien who is the beneficiary of an H–1B petition when it is determined that the H–1B cap will likely be reached before the end of a fiscal year. (See notice published elsewhere in this issue of the **Federal Register.**)

Many F–1 and J–1 nonimmigrant aliens who complete their course of study or program seek a change of nonimmigrant status to that of an H–1B nonimmigrant. During the last 3 fiscal years, the H–1B cap has been reached before the end of the fiscal year, and aliens were statutorily ineligible to change their nonimmigrant status because H–1B numbers were not available. As a result, aliens whose F and J status expired before the end of the fiscal year have been required to depart the United States and wait for H–1B numbers to again become available at the start of the new fiscal year beginning October 1. This rule will allow these F–1 and J–1 aliens to remain in the United States in lawful status until the start of the new fiscal year. However, these aliens are not permitted to engage in employment or other activities inconsistent with the terms and conditions of their F–1 and J–1 status without Service authorization until the date the Service adjudicates and approves their change of status application. In no event, can this date be earlier than October 1 of the new fiscal year.

Are There Any Conditions That an F–1 or J–1 Alien Must Meet To Extend the Period of Duration of Status?

In order for an F–1 or J–1 nonimmigrant to obtain an extension of the period of duration of status, the following conditions must be met:

(1) The alien's employer must have filed a timely request to change the alien's nonimmigrant status to that of an H–1B nonimmigrant on Form I–129, Petition for Nonimmigrant Worker, as the term timely filed is defined in 8 CFR 248.1(b);

(2) The cap on H–1B petitions prevents the Service from changing the alien's status to H–1B during the current fiscal year;

(3) The alien must have maintained the terms of his or her current admission to the United States in accordance with 8 CFR part 248; and

(4) In the case of a J–1 nonimmigrant, the alien is not subject to the 2-year foreign residence requirement.

How Does This Regulation Affect Duration of Status for Certain F–1 and J–1 Nonimmigrant Aliens?

Under existing regulations, an F–1 student is permitted to remain in the United States for a period of 60 days after completion of his or her course of studies or period of practical training. A J–1 nonimmigrant, on the other hand, is permitted to remain in the United States for a period of 30 days after completion of his or her program.

An F–1 or J–1 nonimmigrant alien whose duration of status is extended as provided in this rule is permitted to stay in the United States after completion of his or her course of study or program in a valid F–1 or J–1 status until the Service changes the alien's nonimmigrant status.

If it appears that the cap on H–1B nonimmigrant aliens will be reached in a given fiscal year, the Commissioner may extend the period of duration of status of certain F–1 and J–1 nonimmigrant aliens for such time as is necessary for the Service to act on the petition for a change of status.

When the Commissioner has extended the duration of status of F–1 and J–1 nonimmigrant aliens, the Service will publish a notice in the **Federal Register** (see notice published elsewhere in this issue of the **Federal Register**). The notice will provide the public with the date to which duration of status has been extended.

Does This Provision Apply to the Dependents of F–1 or J–1 Nonimmigrant Aliens?

Yes, this extension of duration of status will also apply to the dependents who are F–2 or J–2 nonimmigrant aliens.

What Is the Effect of Extending Duration of Status for F–1 or J–1 Nonimmigrant Aliens?

An alien whose duration of status has been extended under this rule may remain lawfully in the United States until H–1B visa numbers become available and the Service adjudicates the change of status application. These aliens are considered to be in a valid nonimmigrant status for all purposes under the Immigration and Nationality Act as long as they continue to comply with all other terms of their status.

May an F–1 or J–1 Nonimmigrant Alien Work Before the Validity Date of the H–1B Petition?

An F or J alien whose duration of status is extended under this provision may not work during this period of time.

Good Cause Exception

This interim rule is effective on the date of publication in the **Federal Register**. The Service invites post-promulgation comments and will address any such comments in a final rule. For the following reasons, the Service finds that good cause exists for adopting this rule without the prior notice and comment period ordinarily required by 5 U.S.C. 553. The purpose of this rule is to grant the Commissioner the authority to extend the duration of status for certain F and J nonimmigrant aliens if it appears that the H–1B cap will be reached in a fiscal year. This will allow these aliens to remain in the United States in a valid nonimmigrant status until H–1B numbers become available and such time as the Service adjudicates the change of status application. Since the H–1B cap will be reached before the end of the current fiscal year, and the normal duration of status of a great many F and J nonimmigrants who have applied for a change of nonimmigrant status will expire prior to the beginning of the next fiscal year, sufficient time does not exist for publication of a proposed rule with notice and comment.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with 5 U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. The aliens affected by this regulation are not small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget (OMB) for review.

Executive Order 12612

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of the Federalism Assessment.

Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 214

Administrative practice and procedures, Aliens, Employment, Reporting and Recordkeeping requirements.

Accordingly, part 214 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; 8 CFR part 2.

2. Section 214.2 is amended by:

a. Revising paragraph (f)(5)(i);

b. Adding paragraph (f)(5)(vi);

c. Revising paragraph (j)(1)(ii); and

d. Adding paragraph (j)(1)(vi) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * * *

(f) * * *

(5) * * *

(i) *General.* Duration of status is defined as the time during which an F–1 student is pursuing a full course of studies at an educational institution approved by the Service for attendance by foreign students, or engaging in authorized practical training following completion of studies, plus 60 days to prepare for departure from the United States. The student is considered to be maintaining status if he or she is making normal progress toward completing a course of studies. Duration of status also includes the period designated by the Commissioner as provided in paragraph (f)(5)(vi) of this section.

* * * * *

(vi) *Extension of duration of status.* The Commissioner may, by notice in the **Federal Register**, at any time she determines that the H–1B numerical limitation as described in section 214(g)(1)(A) of the Act will likely be reached prior to the end of a current fiscal year, extend for such a period of time as the Commissioner deems necessary to complete the adjudication of the H–1B application, the duration of status of any F–1 student on behalf of whom an employer has timely filed an application for change of status to H–1B. The alien, according to 8 CFR part 248, must not have violated the terms of his or her nonimmigrant stay in order to

obtain this extension of stay. An F–1 student whose duration of status has been so extended shall be considered to be maintaining lawful nonimmigrant status for all purposes under the Act, provided that the alien does not violate the terms and conditions of his or her F nonimmigrant stay. An extension made under this paragraph applies to the F–2 dependent aliens.

* * * * *

(j) * * *

(1) * * *

(ii) *Admission.* The initial admission of an exchange alien, spouse, and children may not exceed the period specified on Form IAP–66, plus a period of 30 days for the purpose of travel or for the period designated by the Commissioner as provided in paragraph (j)(1)(vi) of this section. Regulations of the United States Information Agency published at 22 CFR 514.23 give general limitations on the length of stay of the various classes of exchange visitors. A spouse or child (J–2) may not be admitted for longer than the principal exchange alien (J–1).

* * * * *

(vi) *Extension of duration of status.* The Commissioner may, by notice in the **Federal Register**, at any time she determines that the H–1B numerical limitation as described in section 214(g)(1)(A) of the Act will likely be reached prior to the end of a current fiscal year, extend for such a period of time as the Commissioner deems necessary to complete the adjudication of the H–1B application, the duration of status of any J–1 alien on behalf of whom an employer has timely filed an application for change of status to H–1B. The alien, in accordance with 8 CFR part 248, must not have violated the terms of his or her nonimmigrant stay and is not subject to the 2-year foreign residence requirement at 212(e) of the Act. any J–1 student whose duration of status has been extended shall be considered to be maintaining lawful nonimmigrant status for all purposes under the Act, provided that the alien does not violate the terms and conditions of his or her J nonimmigrant stay. An extension made under this paragraph also applies to the J–2 dependent aliens.

* * * * *

Dated: June 4, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–15032 Filed 6–11–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 2003–99]

RIN 1115–AF47

Treatment of Certain H Petitions Filed After the Numerical Cap Is Reached

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rules.

SUMMARY: This rule proposes to amend the Immigration and Naturalization Service's (Service) regulations by allowing the Service to accept and adjudicate certain petitions submitted after any of the annual numerical caps for H nonimmigrants have been reached. Under this proposed rule, petitions that are approved would be assigned a work start date to begin no earlier than the beginning of the following fiscal year. This rule is intended to benefit the great majority of petitioners by relieving them from the burden of refiling a new or amended petition once the H numerical cap is reached.

DATES: Written comments must be submitted on or August 16, 1999.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling please reference INS No. 2003–99 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Sandra Schatz, Acting Branch Chief, Management and Records Liaison, Immigration Services Division, Immigration and Naturalization Service, 801 I Street, NW., Room 980, Washington, DC 20536, telephone (202) 616–7991.

SUPPLEMENTARY INFORMATION:

Background

Section 214(g)(1)(A) of the Act sets a cap on the total number of aliens who may be provided H–1B nonimmigrant classification during any fiscal year. This section of the Act applies to ''new'' H–1B petitions, as explained in a Service Notice which is being published elsewhere in this issue of the **Federal Register**. In addition, section 214(g)(1)(A) of the Act sets annual numerical limitations for certain other H nomimmigrants. Under the Service's current regulations at 8 CFR 214.2(h)(8)(ii)(E), once the total numbers available to a particular H nonimmigrant classification have been used in a fiscal year, the Service must reject any new petition for that classification which contains a request for a work start date prior to October 1 of the following fiscal year, and refund to the petitioner the accompanying fee. Under current regulations, such a petitioner may not employ the alien as a new H nonimmigrant in the remaining portion of the fiscal year. To employ the alien as a new H nonimmigrant, the petitioner is required to file a new petition to request a work start date on or after October 1 of the following fiscal year, when numbers once again become available.

On December 30, 1997, the Service proposed to amend 8 CFR 214.2(h)(8)(ii)(E) to enable the Service, in its discretion, to adopt mechanisms other than rejection of petitions filed after the cap had been reached. *See* 62 FR 67764 (December 30, 1997). The purpose of the proposed change was to prevent unnecessary hardship to petitions and to avoid unnecessary work by the Service in situations where rejecting petitions was deemed not to be prudent. *Id.* The December 30 proposal did not discuss whether any petitioner may be adversely affected by the proposal. The December 30 proposal was not published as a final rule.

The Service received three comments regarding this specific proposal in the December 30 rule. All three commenters applauded the Service's proposal to change the method used to process H petitions filed after the numerical cap is reached in a fiscal year.

Why Is the Service Proposing This Change to Its Regulations?

In the case of H–1B petitioners, it has been the experience of the Service that the great majority of petitioners whose petitions were in the ''pipeline,'' (*i.e.*, on file with the Service) at the time the numerical cap had been reached, in fact, have opted for a start date on or after October 1 of the following fiscal year rather than to withdraw their petitions. For Fiscal year 2000 and beyond, therefore, the Service is proposing to assign a work start date of no earlier than October 1 of the following fiscal year for certain petitions which are filed after the numerical cap is reached. Specifically, petitions which contain a request for a work start date prior to the beginning of the following fiscal year will be assigned an October 1 or later start date, regardless of the work start date requested in the petition. The Service believes that this proposal will benefit the great majority of petitioners by relieving them from the burden of refiling or submitting a new petition once the cap is reached. This proposal would also ensure that petitions filed after the cap is reached are treated similarly to those petitions that were not adjudicated when the numerical cap was reached.

In light of the above, the Service believes that only a relatively small number of petitioners might not wish to have an October 1 or later work start date. Accordingly, the Service believes that the current proposed rule is preferable to its earlier proposed regulation which failed to take into account that the great majority of petitioners actually have preferred that the Service assign an October 1 work start date in order to avoid additional handling.

Could Any Petitioners Be Adversely Affected by This Proposed Regulation?

The Service recognizes that certain H–1B petitioners might not wish to be assigned an October 1 or later work start date, and may therefore be adversely affected by this proposed regulation. Under the current regulation, the Service would reject such employers' petitions and accompanying fees. The proposed regulation, however, would require the Service to accept all petitions, together with filing fee, for adjudication and processing, regardless of the petitioner's requested work start date. Although certain petitioners may not wish to avail themselves of a work start date later than they requested, they would, under this proposal, forfeit their filing fee. the Service believes, nevertheless, that this proposal will benefit the great majority of petitioners by relieving them from the burden of refiling the petition once the numerical cap is reached.

The Service notes that this proposed regulation would also apply to certain other H petitioners, should the respective numerical caps ever be reached. To date, however, none of the other visa classification caps have ever even been approached. for this reason, the Service does not anticipate that this proposal would have any immediate impact on the other H programs. The Service welcomes comments concerning this proposed regulation.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in Accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed regulation and, by approving it, certifies that this rule will not have a significant economic

impact on a substantial number of small entities because of the following factors: The proposed procedures are intended to minimize burdens to the great majority of employers who use the H nonimmigrant visa program by removing the requirement to refile a new or amend petition once the numerical cap is reached. In addition, this proposed rule would ensure consistent treatment of all petitioners whose petitions have not been adjudicated by the time the numerical cap has been reached in a fiscal year by assigning all of them an October 1 or later work start date. This proposal may cause inconvenience, however, to certain petitioners who might not wish to accept an October 1 or later work start date.

Unfunded Mandates Reform Act of 1995

This proposed rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This proposed rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this rule has been submitted to the Office of Management and Budget (OMB) for review.

Executive Order 12612

The regulation proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988 Civil Justice Reform

This proposed rule meets the applicable standards set forth in sections 3(a) and (b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Employment, Foreign officials, Health professions, Reporting and recordkeeping requirements, Students.

Accordingly, part 214 of chapter I of title 8 of the Code Federal Regulations is proposed to be amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282; 8 CFR Part 2.

2. Section 214.2 is amended by revising paragraph (h)(8)(ii)(E) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) * * *

(8) * * *

(ii) * * *

(E) The Service shall continue to accept for adjudication any new petition containing a request for a work start date prior to the beginning for the following fiscal year, together with the accompanying fee, even if the total numbers made available in a fiscal year have been used. If the petition is approved, the Service will grant the petition with a starting date no earlier than October 1 of the following fiscal year, regardless of the work start date requested in the petition.

* * * * *

Dated: June 4, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–15033 Filed 6–11–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS 1993–99]

Information Regarding the H–1B Numerical Limitation for Fiscal Year 1999

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice explains how the Immigration and Naturalization Service (Service) will process H–1B petitions for new employment for the remainder of this fiscal year now that it is clear that the demand for H–1B workers exceeds the statutory numerical limit (the cap) of 115,000 H–1B petitions. This notice is published so that the public will understand the Service's procedure for processing H–1B petitions as the procedure may affect the business decisions of some prospective H–1B petitioners. These procedures are intended to minimize the confusion and burden to employers who use the H–1B program, reduce the administrative burden at the service centers, and eliminate the need for employers to inquire about the status of pending H–1B petitions.

This notice also serves to inform the public that the Commissioner is exercising her authority under 8 CFR 214.2(f)(5)(vi) and (j)(1)(vi) for this fiscal year to extend the duration of stay for certain F and J nonimmigrants (students and exchange visitors) if their employer has filed a timely request for change of nonimmigrant status to that of an H–1B nonimmigrant alien and the petition was filed on or before October 1, 1999. This is a stop-gap measure for such aliens in order to prevent a lapse of status until the Service is able to act on petitions to change their status.

The Service is also publishing a proposed rule in this issue of the **Federal Register** which would require the Service to accept and adjudicate petitions submitted after the cap is reached in future fiscal years and to assign to approved petitions a work start date beginning no earlier than the beginning of the next fiscal year.

DATES: This notice is effective June 15, 1999.

FOR FURTHER INFORMATION CONTACT: Sandra Schatz, Acting Branch Chief, Management and Records Liaison, Immigration Services Division, Immigration and Naturalization Service, 801 I Street, NW., Room 980, Washington, DC 20536, telephone (202) 616–7991.

SUPPLEMENTARY INFORMATION:

Background

Section 214(g) of the Immigration and Nationality Act provides, among other things, that the total number of aliens who may be issued H–1B visas or otherwise granted H–1B status during Fiscal Year 1999 may not exceed 115,000. As of April 30, 1999, the Service has recorded 103,753 petitions against the cap for Fiscal Year 1999. As of April 30, 1999, there are 42,376 H–1B cap petitions pending at the four service centers. Since on average the Service approves 92 percent of the H–1B petitions it receives, there now appears to be a sufficient number of H–1B petitions pending at the four service centers to reach the cap for this fiscal year.

Who Is an H–1B Nonimmigrant?

An H–1B nonimmigrant is an alien employed in a speciality occupation or a fashion model of distinguished merit and ability. A specialty occupation is an occupation that requires theoretical and practical application of a body of specialized knowledge and attainment of a bachelor's or higher degree in the specific speciality as a minimum for entry into the United States.

What Does This Notice Do?

This notice explains the Service's procedure for processing H–1B petitions for new employment that are filed by employers seeking to employ H–1B aliens during the remainder of this fiscal year, *i.e.*, through September 30, 1999. The process described in this notice is different from the process the Service used last year for handling H–1B petitions and applies only to Fiscal Year 1999. The Service intends to amend its regulations to prescribe the method to be used in handling H–1B petitions in subsequent fiscal years. In this regard, the Service is publishing a proposed rule in this issue of the **Federal Register**, concerning treatment of petitions filed after the cap has been reached. In addition, in the near future the Service intends to publish in the **Federal Register** a proposed rule to cover other aspects of handling of H–1B petitions.

Does This Procedure Apply to All H–1B Petitions Filed for This Fiscal Year?

No. The procedure described in this notice relates only to H–1B petitions filed for new employment to commence on or before September 30, 1999. A petition for new employment includes a petition where the alien beneficiary is outside the United States when the H–1B petition is approved or where the alien is already in the United States and is seeking a change of nonimmigrant status to an H–1B nonimmigrant alien.

Amended petitions and petitions for extension of stay are not affected by this procedure because these H–1B petitions do not count against the cap. Likewise, petitions for aliens in the United States who already hold H–1B status, *i.e.*, petitions filed on behalf of an H–1B alien by a new or additional employer, are not affected by this procedure. This procedure does not relate to petitions filed before October 1, 1999, for employment to commence on or after October 1, 1999. However, as described below, the Service is extending the duration of status for certain F and J nonimmigrant aliens who are the beneficiaries of a pending H–1B petition.

What Is the Service's Procedure for Processing H–1B Petitions for New Employment During the Remainder of This Fiscal Year?

The Service will adjudicate all H–1B petitions for new employment to commence on or before September 30, 1999, if the petition was filed before publication of this notice. The Service will not reject a petition solely because the Fiscal Year 1999 allotment of 115,000 H–1B numbers has been exhausted. If the cap is reached before the Service adjudicates a petition, and the petition is otherwise approvable, the Service will grant the petition with a starting validity date of October 1, 1999. An alien beneficiary may not begin his or her employment with the petitioner under the H–1B petition until that date.

Unlike previous years when the cap was reached before the close of the fiscal year, the Service will not attempt to contact petitioners individually to advise that the cap has been reached. Rather, the Service will proceed to adjudicate the petition based on a presumption that the employer will accept October 1, 1999, as the date from which the approved petition is valid and the first date on which the alien beneficiary may begin employment as an H–1B worker.

How Will the Service Treat Petitions Received After Publication of This Notice?

This notice informs the public that there is a sufficient number of H–1B petitions pending at the four service centers to reach the cap of 115,000 for this fiscal year. The Service, in keeping with current practice, will not accept any further H–1B petitions for new employment to commence before October 1, 1999. These petitions will be rejected and returned (along with the

fee) to the petitioner according to 8 CFR 214.2(h)(8)(ii)(E). However, such petitioners are free to refile those petitions with a new starting date of October 1, 1999, or later. The Service does not anticipate that it will be required to return a significant number of petitions under the existing rule.

For Fiscal Year 2000 and beyond, the Service is publishing a proposed rule in this issue of the **Federal Register** to amend its regulations to assign a work start date of no earlier than the beginning of the following fiscal year for approval petitions which are filed after the cap is reached. The Service believes that this proposed rule will benefit the great majority of petitioners by relieving them from the burden of refiling or resubmitting a new petition once the cap is reached. The rule would also ensure consistency by providing an October 1 or later work start date to beneficiaries of petitions filed and pending before the date of the cap is reached and beneficiaries of those petitioners filed thereafter.

How Will the Service Adjudicate H–1B Petitioners Pending on the Date of This Notice?

The fiscal year allotment of 115,000 H–1B numbers is available on a national basis to qualifying United States employers. As a matter of fairness to participating employers, the Service has developed procedures to ensure that petitions will be processed in all four service centers based on the time of filing and in the same order of receipt by the Service. Each of the service centers will coordinate their adjudication of pending H–1B petitions to ensure that petitions will be processed in order of receipt by the Service irrespective of the place of filing. The Service is currently adjudicating H–1B petitions which were filed as late as April 7, 1999. All service centers will continue to adjudicate petitions having the same priority date until the cap is reached. Thereafter ''pipeline'' cases (petitions filed prior to the date the cap was reached) will be adjudicated in the order of receipt but will be assigned a work start date of October 1 of the new fiscal year or later.

Why Isn't the Service Using the Procedure Adopted Last Fiscal Year To Process H–1B Cases This Fiscal Year?

The procedure used last year by the Service to process H–1B cases was overly labor intensive. Service personnel were required to contact each petitioner and obtain authorization to approve the petition with a start date of October 1. Further, the vast majority of petitioners contacted by the Service last year chose the October 1 start date. If the petitioner declined to postpone the starting date for employment until October 1, then the Service was required to deny the petition outright.

What Should a Petitioner Do if the October 1 Start Date for Employment Is Not Acceptable?

If the petitioner is unwilling to wait until the October 1 start date for employment of the H–1B alien and the Service has not yet adjudicated the petition, the petitioner should notify the Service in writing that he/she wishes to withdraw the petition. AS noted below, the Service cannot refund the filing fee in such cases.

If the Service has approved a petition for work to begin as of October 1, 1999, and the petitioner determines that the date is not acceptable, the petitioner should notify the Service in writing immediately so that the Service can revoke the petition and recapture the number and return it to the pool of unused numbers for Fiscal Year 2000.

How Should a Petitioner Notify the Service That It Wishes To Withdraw a Petition?

If a petitioner wishes to withdraw a pending H–1B petition or an approved H–1B petition for new employment, the petitioner should fax a withdrawal request to the Immigration and Naturalization Service, Immigration Services Division, H–1B Withdrawal Section, Washington, DC, fax number: 202–305–0108. The request should be signed by the petitioner or authorized representative and include the filing receipt number and the names of both the petitioner and beneficiary. Employers seeking to request withdrawal of an H–1B petition through September 30, 1999, should use this fax number and special procedure.

Does This Process Apply to H–1B Petitions Filed for Employment To Commence On or After October 1, 1999?

No. Those petitions are not affected by the procedures described in this notice and will be adjudicated in the normal fashion, whether or not they are currently in the pipeline or filed after this year's cap is reached.

How Will the Service Process Petitions That Are Revoked?

The Service will subtract revocations of any H–1B petitions for new employment from the total H–1B count in the fiscal year for which the new employment was approved. After the petition is revoked, the case number will be sent to the Immigration Services Division (ISD) where the number will be recaptured for use. The number will then be forwarded by ISD to a service center to be assigned to a pending petition. Priority will be given to approved petitions in the order they were filed (*e.g.,* petitions that were originally denied but subsequently ordered approved by the Administrative Appeals Office).

Will the Service Refund a Filing Fee if a Petition Is Withdrawn or Revoked?

No, the Service will not refund either the $110 filing fee or the additional $500 filing fee imposed by the American Competitiveness and Workforce Improvement Act of 1998. The regulation at 8 CFR 103.2(a)(1) precludes the refunding of filing fees for petitions filed in behalf of H nonimmigrant aliens.

Will the Service Allow Certain F and J Nonimmigrant Aliens Who Are the Beneficiaries of H–1B Petitions To Remain in the United States Until They Can Change Their Status to H–1B On or After October 1, 1999?

Yes. The Service is amending its regulations by interim rule (published elsewhere in this issue of the **Federal Register**) to expand the definition of duration of status for certain F and J nonimmigrant aliens whose employers have filed a timely H–1B petition and application for change of nonimmigrant classification before the cap has been reached. Data indicates that 60 percent of the H–1B cases recorded against the cap are for aliens who are changing nonimmigrant classification to H–1B. The Service estimates that of these, the most common changes are from F or J to H–1B.

In order to avoid confusion for employers and adverse legal consequences to certain F and J nonimmigrant aliens, the interim rule (published elsewhere in this issue of the **Federal Register**) provides that the Commissioner may, at any time she determines that the H–1B cap will be reached prior to the end of the fiscal year, extend the duration of status, by notice in the **Federal Register**, of any F or J nonimmigrant alien whose employer has filed a timely petition for change of nonimmigrant status to that of an H–1B nonimmigrant. As provided in 8 CFR part 248, the alien must not have violated the terms of his or her admission to the United States in order to qualify for the change of nonimmigrant status. This extension shall continue for such time as is necessary for the Service to approve a petition changing the alien's status to H–1B in the following fiscal year. An alien whose duration of status has been

extended by the Commissioner under these regulations (and who continues to adhere to the other terms of the alien's F and J status) is considered to be maintaining lawful nonimmigrant status for all purposes under the Immigration and Nationality Act.

When Will the Commissioner Exercise Her Authority To Extend Duration of Status for This Fiscal Year?

This notice serves to inform the public that the Commissioner, in her discretion, has exercised her authority under 8 CFR 214.2(f)(5)(vi) and (j)(1)(vi) for this fiscal year. Accordingly, any F or J nonimmigrant whose employer has filed a timely request for change of nonimmigrant status to that of an H–1B nonimmigrant alien whose petition was filed on or before October 1, 1999, is considered to be in a valid nonimmigrant status until October 1, 1999, or until the date the Service adjudicates the change of status application. Pursuant to 8 CFR 248.1(b) and 214.1(c)(4), the term ''timely filed'' refers to an application for a change of nonimmigrant status filed prior to the expiration of the alien's period of authorized stay in the United States. This provision also applies to the dependents of the affected F and J nonimmigrant aliens. An alien affected by this provision may not work for the petitioning employer or otherwise engage in activities inconsistent with the terms and conditions of the alien's nonimmigrant classification prior to the date for which the Service approved the request for a change of status.

Dated: June 4, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–15034 Filed 6–11–99; 8:45 am]

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Federal Register

Tuesday
June 15, 1999

Part IV

Department of Agriculture

Foreign Agricultural Service

7 CFR Part 1550

Programs to Help Develop Foreign Markets for Agricultural Commodities (Foreign Market Development Cooperator Program); Proposed Rule

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 1550

RIN 0551–AA26

Programs to Help Develop Foreign Markets for Agricultural Commodities (Foreign Market Development Cooperator Program)

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to revise regulations applicable to the Foreign Market Development Cooperator (Cooperator) Program. The revisions would provide more detailed regulations concerning program administration, including participant eligibility, the application review process, allocation criteria, strategic planning and goal setting requirements, reimbursement rules and procedures, financial reporting and program evaluation requirements, appeal procedures, and program controls. The intent of this proposal is to improve the effective administration of the Cooperator Program by formalizing the existing Cooperator Program guidelines.

DATES: Written comments must be received by July 14, 1999, to be assured of consideration.

ADDRESSES: Comments should be submitted to: Kent Sisson, Director, Marketing Operations Staff, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Avenue SW, Ag Box 1042, Room 4932S, Washington, DC 20250–1042. Fax: (202) 720–9361, e-mail: mosadmin@fas.usda.gov.

FOR FURTHER INFORMATION CONTACT: Kent Sisson or Denise Huttenlocker by phone at (202) 720–4327, by fax at (202) 720–9361, or by e-mail at mosadmin@fas.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866. It has been determined that this proposed rule would not have an annual economic effect in excess of $100 million; would not cause a major increase in costs to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. The rule would have preemptive effect with respect to any State or local laws, regulations or policies which conflict with such provisions or which otherwise impede their full implementation; would not have retroactive effect; and would require administrative proceedings before suit may be filed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (see the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule because the Foreign Agricultural Service (FAS) is not required by any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule.

Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this proposed rule have been submitted for emergency reinstatement to the Office of Management and Budget (OMB). OMB has previously assigned control number 0551–0026 to the information collection and recordkeeping requirements. There are no new information collection requirements associated with this proposed rule. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for Agriculture, Washington, DC 20503. Please also send a copy of your comments to Kent Sisson, director, Marketing Operations Staff, Foreign Agricultural Service, United States Department of Agriculture, 1400 Independence Avenue SW, Ag Box 1042, Room 4932S, Washington, DC 20250–1042. Fax: (202) 720–9361, e-mail: mosadmin@fas.usda.gov.

The reporting and recordkeeping requirements associated with the Foreign Market Development Cooperator Program include information necessary to apply for the program and determine eligibility as well as program performance information such as financial reporting and program evaluation reports. FAS uses this information to manage, plan, evaluate and account for the proper and judicious use of public funds disbursed to private trade organizations. We are soliciting comments from the public (as well as affected agencies) concerning our information collection and recordkeeping requirements. We need this outside input to help us accomplish the following:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 20.5 minutes per response.

Respondents: not for profit institutions and state, local, or tribal governments.

Estimated number of respondents: 30.

Estimated number of responses per respondent: 2134.

Estimated total annual burden on respondents: 43,748 hours.

Copies of this information collection can be obtained from: Information Clearance Officer, OCIO, USDA, Room 404–W, 1400 Independence Avenue, Washington, DC 20250.

Background

General Background

The Foreign Market Development Cooperator Program's first participants (known as Cooperators) entered into agreements with FAS in 1954. The Cooperator program is currently authorized by Title VII of the Agricultural Trade Act of 1978, which directs the Secretary of Agriculture to ''establish and, in cooperation with

eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.'' FAS implements this provision by entering into agreements with non-profit U.S. agricultural trade organizations that have the broadest possible producer representation of the commodity being promoted and gives priority to those organizations that are nationwide in membership and scope. A program participant may not, during the term of an agreement with FAS, make export sales of the agricultural commodity being promoted or charge fees for facilitating an export sale if promotional activities designed to result in that specific sale are supported by Cooperator program funds.

Project Agreements involve the promotion of agricultural commodities on a generic basis and, therefore, do not involve activities targeted directly toward individual consumers. Approved activities contribute to the maintenance or growth of demand for the agricultural commodities and generally address long-term foreign import constraints by focusing on matters such as:

- Reducing infra-structural or historical market impediments;
- Improving processing capabilities;
- Modifying codes and standards; and
- Identifying new markets or new applications or uses for the agricultural commodity or product in the foreign market.

Significant Provisions

The proposed rule describes the current program and incorporates the majority of the guidelines and procedures currently in effect under the Cooperator program. The proposed regulation would, among other things:

1. Describe procedures for establishing project agreements;
2. List eligible and ineligible Cooperator contributions and the consequences of a Cooperator failing to meet its required contribution level;
3. List reimbursable and non-reimbursable Cooperator expenditures;
4. Explain the procedures followed in the submission and payment of reimbursement claims;
5. Detail required Cooperator employment practices;
6. Provide financial management guidelines for Cooperators;
7. Identify the reports FAS requires of Cooperators;
8. Explain FAS'' position on program evaluation and the associated requirements of Cooperators;
9. Detail the steps a Cooperator should follow to appeal compliance findings;
10. List the standards of ethical conduct required of Cooperators;
11. Describe contracting procedures to be used by Cooperators; and
12. Outline the travel restrictions placed on Cooperators by FAS, including the Federal Travel Regulation and the Fly America Act.

List of Subjects in 7 CFR Part 1550

Agricultural commodities, Exports, Grant programs—agriculture, Reporting and recordkeeping requirements.

Accordingly, FAS proposes to revise part 1550 of chapter XV of title 7 of the Code of Federal Regulations to read as follows:

PART 1550—PROGRAMS TO HELP DEVELOP FOREIGN MARKETS FOR AGRICULTURAL COMMODITIES

Sec.

Subpart A—General Information

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1550.11 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?
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1550.13 What special definitions apply to the Cooperator program?
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1550.32 Must Cooperators follow specific employment practices?
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Subpart D—Contributions and Reimbursements

1550.50 What cost share contributions are eligible?
1550.51 What are ineligible contributions?
1550.52 What are the guidelines for computing the value of non-cash contributions?
1550.53 What are the requirements for documenting and reporting contributions?
1550.54 What expenditures may FAS reimburse under the Cooperator program?
1550.55 What expenditures may not be reimbursed under the Cooperator program?
1550.56 How are Cooperators reimbursed?
1550.57 Will FAS make advance payments to a Cooperator?

Subpart E—Reporting, Evaluation, and Compliance

1550.70 Must Cooperators report to FAS?
1550.71 Are Cooperator documents subject to the provisions of the Freedom of Information Act?
1550.72 How is program effectiveness measured?
1550.73 Are Cooperators penalized for failing to make required contributions?
1550.74 How is Cooperator program compliance monitored?
1550.75 How does a Cooperator respond to a compliance report?
1550.76 Can a Cooperator appeal the determinations of the Deputy Administrator?

Authority: 7 U.S.C. 5721–5723.

Subpart A—General Information

§ 1550.10 What is the effective date of this part?

This part applies to activities that are conducted in accordance with the Cooperators' FY 2000 and subsequent marketing plan years.

§ 1550.11 Has the Office of Management and Budget reviewed the paperwork and record keeping requirements contained in this part?

The paperwork and record keeping requirements imposed by this part have been submitted to the Office of Management and Budget (OMB) for emergency review and reinstatement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously assigned control number 0551–0026 for this information collection.

§ 1550.12 What is the Cooperator program?

(a) Under the Foreign Market Development Cooperator (Cooperator) Program, FAS enters into project agreements with eligible nonprofit U.S. trade organizations to share the costs of certain overseas marketing and promotion activities that are intended to create, expand, or maintain foreign markets for U.S. agricultural commodities and products. FAS does not provide brand promotion assistance to Cooperators under this program.

(b) FAS enters into project agreements with those eligible nonprofit U.S. trade organizations that have the broadest

possible producer representation of the commodity being promoted and gives priority to those organizations that are nationwide in membership and scope. Project agreements involve the promotion of agricultural commodities on a generic basis and, therefore, do not involve activities targeted directly toward individual consumers. Activities must contribute to the maintenance or growth of demand for the agricultural commodities and generally address long-term foreign import constraints by focusing on matters such as reducing infra-structural or historical market impediments; improving processing capabilities; modifying codes and standards; and identifying new markets or new applications or uses for the agricultural commodity or product in the foreign market.

(c) The Cooperator program generally operates on a reimbursement basis.

(d) FAS policy is to ensure that benefits generated by Cooperator agreements are broadly available throughout the relevant agricultural sector and no one entity gains an undue advantage or sole benefit from program activities.

§ 1550.13 What special definitions apply to the Cooperator program?

For purposes of this part the following definitions apply:

Activity—a specific market development effort undertaken by a Cooperator to address a constraint.

Administrator—the Administrator, FAS, USDA, or designee.

Agricultural Commodity—an agricultural commodity, food, feed, fiber, wood, livestock or insect, and any product thereof; and fish harvested from a U.S. aquaculture farm, or harvested by a vessel as defined in title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

Attache/Counselor—the FAS employee representing USDA interests in the foreign country in which promotional activities are conducted.

Commodity Division—the office within the Foreign Agricultural Service responsible for the commodity covered by the project agreement.

Compliance Review Staff—the office within the Foreign Agricultural Service responsible for performing periodic reviews of Cooperators to ensure compliance with this part.

Constraint—a condition in a particular country or region which needs to be addressed in order to develop, expand, or maintain exports of a specific U.S. agricultural commodity.

Contribution—the cost-share expenditure made by a Cooperator or the U.S. industry in support of an activity; e.g., money, personnel, materials, services, facilities, or supplies.

Cooperator or *U.S. Cooperator*—a nonprofit U.S. agricultural trade organization which has entered into a foreign market development agreement with FAS.

Cooperator program—the Foreign Market Development Cooperator Program.

Deputy Administrator—the Deputy Administrator, Commodity and Marketing Programs, FAS, USDA, or designee.

Division Director—the director of a commodity division, Commodity and Marketing Programs, FAS, USDA.

Eligible Commodity—an agricultural commodity that is comprised of at least 50 percent U.S. origin content by weight, exclusive of added water.

Eligible Trade Organization—a United States trade organization that promotes the exports of one or more United States agricultural commodities or products and does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

FAS—Foreign Agricultural Service, USDA.

Foreign Third Party—a foreign entity that assists, in accordance with this part, in promoting the export of a U.S. agricultural commodity.

Generic Promotion—a promotion that does not involve the exclusive or predominant use of a single company name or logo(s) or brand name(s) of a single company.

Market—a country or region in which an activity is conducted.

Marketing Plan Year—the program year beginning on October 1 and ending on September 30, during which Cooperators can undertake activities, consistent with this part and their agreements with FAS, and seek reimbursement. For example, marketing plan year 2000 begins on October 1, 1999, and ends on September 30, 2000.

Project Agreement—a contract between FAS and a Cooperator in which the basic working relationship is described including the program and financial obligations of each.

Project Funds—the funds made available to a Cooperator by FAS under a project agreement, and authorized for expenditure in accordance with this part.

STRE—sales and trade relations expenditures.

Trade Team—a group of individuals engaged in an activity intended to promote the interests of an entire agricultural sector rather than to result in specific sales by any of its members.

USDA—the United States Department of Agriculture.

§ 1550.14 Is my organization eligible to participate in the Cooperator program?

(a) To participate in the Cooperator program, an entity must be a nonprofit U.S. agricultural trade organization and contribute at least 50 percent of the value of resources provided by FAS for activities conducted under the project agreement.

(b) FAS may require that a project agreement include a contribution level greater than that specified in paragraph (a) of this section. In requiring a higher contribution level, FAS will take into account such factors as past Cooperator contributions, previous Cooperator program funding levels, the length of time an entity participates in the program, and the entity's ability to increase its contribution.

(c) FAS will enter into Cooperator agreements only for the promotion of eligible commodities.

Subpart B—Application and Fund Allocation

§ 1550.20 How can my organization apply to the Cooperator program?

FAS will publish a Notice in the **Federal Register** that it is accepting applications for participation in the Cooperator program for a specified marketing plan year. Applications shall be submitted in accordance with the terms and requirements specified in the Notice. An application shall contain basic information about the applicant and the proposed program, a strategic plan, and performance measures. FAS may request any additional information which it deems necessary to evaluate a Cooperator program application.

(a) *Basic applicant and program information.* All Cooperator program applications shall contain:

(1) The name and address of the applicant;

(2) The name of the Chief Executive Officer (or designee);

(3) The name and telephone number of the applicant's primary contact person;

(4) A description of management and administrative capability;

(5) The name(s) of the person(s) responsible for managing the program;

(6) A description of prior export promotion experience;

(7) A description of the organization, its membership, and membership criteria;

(8) A list of affiliated organizations;

(9) The applicant's Federal Tax Identification Number;

(10) The dollar amount of FAS resources requested under the Cooperator program;

(11) The value of the applicant's contribution, stated in dollars or as a percentage of paragraph (a)(10) of this section;

(12) The value of contributions from other sources, stated in dollars or as a percentage of paragraph (a)(10) of this section;

(13) A description of the eligible commodity(s); the associated commodity aggregate code(s), obtained from FAS; and the percentage of U.S. origin content by weight, exclusive of added water; and

(14) A certification statement, and, if requested by the Deputy Administrator, a written explanation supporting the certification, that any funds received will supplement, but not supplant, any private or third party funds or other contributions to program activities. The written explanation, if necessary, shall indicate why the Cooperator is unlikely to carry out the activities without Federal financial assistance. The certification shall also state that information contained in the application is true and accurate and that all records supporting the claim that project funds do not supplant other funds will be made available to authorized officials of the U.S. Government.

(b) *Strategic plan and performance measures.* All Cooperator program applications shall also contain:

(1) A description of the U.S. and world market situation for the eligible commodity;

(2) Data summarizing historical and projected U.S. production, U.S. exports to the world, world trade, and U.S. market share;

(3) A summary of proposed activity budgets by country or region;

(4) A summary of proposed administrative budgets by country or region;

(5) A list of all countries that define any designated region;

(6) For each country or region for which activities are proposed:

(i) A market assessment, including the constraint(s) impeding U.S. exports, the performance of competing suppliers, expected changes in demand, etc.;

(ii) The long-term strategy that will be used to counteract the constraints and achieve additional U.S. exports;

(iii) Previous activities, performance, and evaluation results;

(iv) Projected export goals and U.S. market share; and

(v) Performance indicators against which future success in addressing the constraint(s) may be measured;

(7) A description of all proposed activities, including the requested FAS resources and the specific goals and benchmarks to be used to measure the effectiveness of each activity;

(8) A justification for any new overseas office, including a list of job titles, corresponding position descriptions, salary ranges, and any request for approval of salaries above the Foreign Service National (FSN) salary plan. To request approval of a salary above the FSN salary plan, the Cooperator shall include a detailed description of both the duties and responsibilities of the position, and of the qualifications and background of the individual concerned. The Cooperator shall also justify, based on a verifiable local salary survey or other documented local salary information, why the highest FSN salary level is inappropriate.

§ 1550.21 How does FAS determine which Cooperator program applications are approved?

(a) *General.* FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993 (5 U.S.C. 306; 31 U.S.C. 1105, 1115–1119, 3515, 9703–9704). In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS seeks to identify those projects that would demonstrate a clear, long-term agricultural trade strategy by market or product and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country or region goals. These performance indicators are part of FAS' resource allocation strategy to fund applicants which can demonstrate performance based on a long-term strategic plan and address the performance measurement objectives of the GPRA.

(b) *Approval criteria.* FAS will consider a number of factors when reviewing proposed projects, including:

(1) The ability of the organization to provide an experienced U.S.-based staff with technical and international trade expertise to ensure adequate development, supervision, and execution of the proposed project;

(2) The organization's willingness to contribute resources, including cash and goods and services of the U.S. industry and foreign third parties;

(3) The conditions or constraints affecting the level of U.S. exports and market share for the agricultural commodities and products;

(4) The degree to which the proposed project is likely to contribute to the creation, expansion, or maintenance of foreign markets;

(5) The degree to which the strategic plan is coordinated with other private or U.S. government-funded market development projects;

(6) Past program results and evaluations, if applicable; and

(7) Previous Cooperator program funding.

§ 1550.22 How are Cooperator program funds allocated?

After determining which applications to recommend for approval, the Commodity Divisions recommend funding levels for the approved applicants within their respective divisions. Applications then compete for funds on the basis of the following allocation criteria (the number in parentheses represents a percentage weight factor). Data used in the calculations for contribution levels, past export performance and past demand expansion performance will cover not more than a 6-year period, to the extent such data is available. The method for applying the following criteria will be described in the Cooperator program announcement in the **Federal Register**:

(a) Contribution Level (40%).

(b) Past Export Performance (20%).

(c) Past Demand Expansion Performance (20%).

(d) Future Demand Expansion Goals (10%).

(e) Accuracy of Past Demand Expansion Projections (10%).

Subpart C—Program Operations

§ 1550.30 How does FAS formalize its working relationship with approved Cooperators?

FAS will notify each applicant in writing of the final disposition of its application. FAS will send a program agreement, allocation approval letter, and a signature card to each approved applicant. The allocation approval letter will specify any special terms and conditions applicable to a Cooperator's program, including the required level of Cooperator contribution. An applicant that accepts the terms and conditions contained in the program agreement and allocation approval letter should so indicate by having its Chief Executive Officer sign the program agreement and submit the signed agreement to the Director, Marketing Operations Staff, FAS, USDA. Final agreement shall occur when the Administrator signs the agreement on behalf of FAS. The application, the program agreement, the allocation approval letter, and this part shall establish the terms and conditions

of a Cooperator agreement between FAS and the approved applicant.

§ 1550.31 Who acts on behalf of each Cooperator?

The Cooperator shall designate at least two individuals in its organization to sign program agreements, reimbursement claims, and requests. The Cooperator shall submit the signature card signed by those designated individuals and by the Cooperator's Chief Executive Officer to the Director, Marketing Operations Staff, FAS, USDA, prior to the start of the marketing plan year. The Cooperator shall immediately notify the Director of any changes in signatories (e.g., removal or addition of individuals, name changes, etc.), and shall submit a revised signature card accordingly.

§ 1550.32 Must Cooperators follow specific employment practices?

(a) A Cooperator shall enter into written contracts with all overseas employees and shall ensure that all terms, conditions, and related formalities of such contracts conform to governing local law.

(b) A Cooperator shall, in its overseas offices, conform its office hours, work week, and holidays to local law and to the custom generally observed by U.S. commercial entities in the local business community.

(c) A Cooperator may pay salaries or fees in any currency (U.S. or foreign) in conformance with contract specifications. Cooperators are cautioned to consult local laws regarding currency restrictions.

§ 1550.33 Must Cooperators follow any financial management guidelines?

(a) A Cooperator shall implement and maintain a financial management system that conforms to generally accepted accounting principles.

(b) A Cooperator shall institute internal controls and provide written guidance to commercial entities participating in its activities to ensure their compliance with these provisions. Each Cooperator shall maintain all original records and documents relating to program activities for 5 calendar years following the end of the applicable marketing plan year and shall make such records and documents available upon request to authorized officials of the U.S. Government. A Cooperator shall also maintain all documents related to employment, such as employment applications, contracts, position descriptions, leave records, and salary changes; and all records pertaining to contractors. A Cooperator shall also maintain adequate documentation related to the proper disposition of all capital goods purchased by the Cooperator and for which the Cooperator is reimbursed with program funds.

(c) A Cooperator shall maintain its records of expenditures and contributions in a manner that allows it to provide information by marketing plan year, country or region, activity number, and cost category. Such records shall include:

(1) Receipts for all STRE (actual vendor invoices or restaurant checks, rather than credit card receipts);

(2) Original receipts for any other program related expenditure in excess of $25.00;

(3) The exchange rate used to calculate the dollar equivalent of each expenditure made in a foreign currency and the basis for such calculation;

(4) Copies of reimbursement claims;

(5) An itemized list of claims charged to the Cooperator's FMD account;

(6) Documentation with accompanying English translation supporting each reimbursement claim, including original evidence to support the financial transactions, such as canceled checks, receipted paid bills, contracts or purchase orders, per diem calculations, and travel vouchers; and

(7) Documentation supporting contributions including: the date(s), purpose, and location(s) of each activity for which cash or in-kind items were claimed as a contribution; who conducted the activity; the participating groups or individuals; and the method of computing the claimed contributions. Cooperators must retain, and make available for audit, documentation related to claimed contributions.

(d) Upon request, a Cooperator shall provide to FAS the original documents which support the Cooperator's reimbursement claims. FAS may deny a claim for reimbursement if the claim is not supported by adequate documentation.

§ 1550.34 Must Cooperators adhere to specific standards of ethical conduct?

(a) A Cooperator shall conduct its business in accordance with the laws and regulations of the country(s) in which each activity is carried out.

(b) Neither a Cooperator nor its affiliates shall make export sales of agricultural commodities covered under the terms of a project agreement. Neither a Cooperator nor its affiliates shall charge a fee for facilitating an export sale. For the purposes of this paragraph, ''affiliate'' means any partnership, association, company, corporation, trust, or any other such party in which the Cooperator has an investment, other than a mutual fund. A Cooperator may collect check-off funds and membership fees that are required for membership in the Cooperator's organization.

(c) The Cooperator shall not use program activities or program funds to promote private self interests or conduct private business, except as members of sales teams.

(d) A Cooperator shall select U.S. agricultural industry representatives to participate in activities such as trade teams or trade fairs based on criteria that ensure participation on an equitable basis by a broad cross section of the U.S. industry. If requested, a Cooperator shall submit such selection criteria to FAS for approval.

(e) All Cooperators should endeavor to ensure fair and accurate fact-based advertising. Deceptive or misleading promotions may result in cancellation or termination of a project agreement.

(f) The Cooperator must report any actions or circumstances that have a bearing on the propriety of program activities to the Attache/Counselor and the Cooperator's U.S. office shall report such actions in writing to the appropriate Division Director.

§ 1550.35 Must Cooperators follow specific contracting procedures?

(a) Cooperators have full and sole responsibility for the legal sufficiency of all contracts and assume financial liability for any costs or claims resulting from suits, challenges, or other disputes based on contracts entered into by the Cooperator. Neither FAS nor any other agency of the United States Government or any official or employee of FAS or the United States Government has any obligation or responsibility with respect to Cooperator contracts with third parties.

(b) Cooperators are responsible for ensuring to the extent possible that the terms, conditions, and costs of contracts constitute the most economical and effective use of project funds.

(c) All fees for personnel and professional services paid in any part with project funds must be covered by contracts.

(d) A Cooperator shall:

(1) Ensure that all expenditures for goods and services reimbursed, in excess of $25.00, by FAS are documented by a purchase order, invoice, or contract;

(2) Ensure that no employee or officer participates in the selection or award of a contract in which such employee or officer, or the employee's or officer's family or partners has a financial interest;

(3) Conduct all contracting in an open manner. Individuals who develop or draft specifications, requirements,

statements of work, invitations for bids, or requests for proposals for procurement of any goods or services shall be excluded from competition for such procurement;

(4) Base each solicitation for professional or technical services on a clear and accurate description of the requirements for the services to be procured;

(5) Perform some form of price or cost analysis, such as a comparison of price quotations to market prices or other price indicia, to determine the reasonableness of the offered prices; and

(6) Document the decision-making process.

§ 1550.36 How do Cooperators dispose of disposable capital goods?

(a) Capital goods purchased by the Cooperator and for which the Cooperator is reimbursed by FAS that are unusable, unserviceable, or no longer needed for project purposes shall be disposed of in one of the following ways. The Cooperator may:

(1) Exchange or sell the goods, provided that it applies any exchange allowance, insurance proceeds, or sales proceeds toward the purchase of other property needed in the project;

(2) With FAS approval, transfer the goods to other Cooperators for their activities, or to a foreign third party; or

(3) Upon Attache/Counselor approval, donate the goods to a local charity, or convey the goods to the Attache/Counselor, along with an itemized inventory list and any documents of title.

(b) A Cooperator shall maintain an inventory of all capital goods valued at $100 or more which were acquired in furtherance of program activities. The inventory shall list and number each item and include the date of purchase or acquisition, cost of purchase, replacement value, serial number, make, model, and electrical requirements.

(c) The Cooperator shall insure all capital goods which were acquired with program funds and safeguard such goods against theft, damage, and unauthorized use. The Cooperator shall promptly report any loss, theft, or damage of such property to the insurance company.

(d) The Cooperator is responsible for reimbursing FAS for the value of any uninsured property at the time of the loss or theft of the property.

§ 1550.37 Must Cooperators adhere to Federal Travel Regulations?

All travel shall conform to the U.S. Federal Travel Regulation (41 CFR chapters 300 through 304) and air travel shall conform to the requirements of the ''Fly America Act'' (49 U.S.C. 1517). The Cooperator shall notify the Attache/Counselor in the destination countries in writing in advance of any proposed travel. The timing of such notice should be far enough in advance to enable the Attache/Counselor to schedule appointments, make preparations, or otherwise provide any assistance being requested. Failure to provide advance notification of travel may result in disallowance of the expenses related to the travel.

§ 1550.38 Can a Cooperator keep proceeds generated from an activity?

Any income or refunds generated from an activity, i.e., participation fees, proceeds of sales, refunds of value added taxes (VAT), the expenditures for which have been wholly or partially reimbursed, shall be repaid by submitting a check payable to FAS or by offsetting the Cooperator's next reimbursement claim.

Subpart D—Contributions and Reimbursements

§ 1550.50 What cost share contributions are eligible?

(a) The Cooperator shall pay all costs necessary for the operation of the Cooperator's U.S. office.

(b) In calculating the amount of contributions that it will make, and the contributions it will receive from a U.S. industry or a State agency, a Cooperator program applicant may include the costs (or such prorated costs) listed under paragraph (c) of this section if:

(1) Expenditures will be made in furtherance of the Cooperator's overall foreign market development program;

(2) The contributor has not been or will not be reimbursed by any other source for such costs; and

(3) The contribution is made during the period covered by the project agreement.

(c) Subject to paragraph (b) of this section, eligible contributions are:

(1) Cash;

(2) Compensation paid to personnel;

(3) The cost of acquiring materials, supplies, or services;

(4) The cost of office space;

(5) A reasonable and justifiable proportion of general administrative costs and overhead;

(6) Payments for indemnity and fidelity bond expenses;

(7) The cost of business cards;

(8) The cost of seasonal greeting cards;

(9) Fees for office parking;

(10) The cost of subscriptions to publications;

(11) The cost of activities conducted overseas;

(12) Credit card fees;

(13) The cost of any independent evaluation or audit that is not required by FAS to ensure compliance with program requirements;

(14) The cost of giveaways, awards, prizes and gifts;

(15) The cost of product samples;

(16) Fees for participating in U.S. government activities;

(17) The cost of air and local travel in the United States;

(18) Transportation and shipping costs;

(19) The cost of displays and promotional materials;

(20) Advertising costs;

(21) Reasonable travel costs and expenses related to undertaking a foreign market development activity;

(22) Payment of employee's or contractor's share of personal taxes; and

(23) The cost associated with trade shows, seminars, entertainment and STRE conducted in the United States.

§ 1550.51 What are ineligible contributions?

(a) The following are not eligible contributions:

(1) Any portion of salary or compensation of an individual who is the target of a promotional activity;

(2) Any land costs other than allowable costs for office space;

(3) Depreciation;

(4) The cost of refreshments and related equipment provided to office staff;

(5) The cost of insuring articles owned by private individuals;

(6) The cost of any arrangement which has the effect of reducing the selling price of an agricultural commodity;

(7) The cost of product development or product modifications;

(8) Slotting fees or similar sales expenditures;

(9) Funds, services, or personnel provided by any U.S. government agency;

(10) Capital investments made by a third party, such as permanent structures, real estate, and the purchase of office equipment and furniture;

(11) The value of any services generated by a Cooperator or third party which involve no expenditure by the Cooperator or third party, e.g., free publicity; and

(12) Membership fees in clubs and social organizations.

(b) The Deputy Administrator shall determine, at the Deputy Administrator's discretion, whether any cost not expressly listed in this section may be included by the Cooperator as an eligible contribution.

§ 1550.52 What are the guidelines for computing the value of non-cash contributions?

(a) *Computing the value of an individual's time.* If an individual's salary is known, allocate the individual's salary on the basis of time spent on foreign market development activities. If the individual's salary is unknown, claim up to the equivalent of a step 10, GS–15 for professional personnel and up to the current estimated industry rate at the person's level of employment for nonprofessional personnel.

(b) *Computing the value of indirect expenditures.* Allocate value on the basis of sound management and accounting procedures when considering indirect expenditures, such as overhead and facilities, which are furnished by the industry.

§ 1550.53 What are the requirements for documenting and reporting contributions?

(a) Each claimed contribution must be documented by the Cooperator, showing the method of computing non-cash contributions, salaries, and travel expenses.

(b) Each Cooperator must keep records of the methods used to compute the value of non-cash contributions, and:

(1) Copies of invoices or receipts for expenses paid by the third party and not reimbursed by the Cooperator for the joint activity; or

(2) If invoices are not available, an itemized statement from the third party as to what costs it incurred pursuant to the joint activity; or

(3) If neither of the foregoing is available, a statement from the third party as to what goods and services it provided; or

(4) If none of the foregoing are available, a memo to the files of the U.S. Cooperator's estimate of what contributions were made by the third party, item by item, and the method used to assign a value to each.

(c) Each Cooperator must report its contributions as described in § 1550.70(a).

§ 1550.54 What expenditures may FAS reimburse under the Cooperator program?

(a) A Cooperator may seek reimbursement for an expenditure if:

(1) An expenditure has been made in furtherance of a market development activity;

(2) The Cooperator or third party has transferred funds to pay for the expenditure; and

(3) The Cooperator has not been or will not be reimbursed for such expenditure by any other source.

(b) Subject to paragraph (a) of this section, FAS will reimburse, in whole or in part, the cost of:

(1) Production and placement of advertising in print or electronic media or on billboards or posters;

(2) Production and distribution of banners, recipe cards, table tents, shelf talkers, and similar point of sale materials;

(3) Direct mail advertising;

(4) Food service promotions, product demonstrations to the trade, and distribution of promotional samples;

(5) Temporary displays and rental of space for temporary displays;

(6) Fees for participation in retail and trade exhibits and shows, and booth construction and transportation of related materials to such exhibits and shows;

(7) Trade seminars, including space rental, equipment rental, and duplication of seminar materials;

(8) Production and distribution of publications;

(9) Part-time contractors, such as interpreters, translators, and receptionists, to help with the implementation of promotional activities, such as trade shows, food service promotions, and trade seminars;

(10) Giveaways, awards, prizes, gifts, and other similar promotional materials, subject to the limitation that FAS will not reimburse more than $1.00 per item;

(11) Compensation and allowances for housing, educational tuition, and cost of living adjustments paid to U.S. citizen employees or U.S. citizen contractors stationed overseas, subject to the limitation that FAS shall not reimburse that portion of:

(i) The total of compensation and allowances that exceed 125 percent of the level of a GS–15, Step 10 salary for U.S. Government employees; and

(ii) Allowances that exceed the rate authorized for U.S. Embassy personnel;

(12) Approved salaries or compensation for non-U.S. citizens and non-U.S. contractors. Generally, FAS will not reimburse any portion of a non-U.S. citizen employee's compensation that exceeds the compensation prescribed for the most comparable position in the Foreign Service National (FSN) salary plan applicable to the country in which the employee works. However, if the local FSN salary plan is inappropriate, a Cooperator may request a higher level of reimbursement for a non-U.S. citizen in accordance with § 1550.20(b)(8);

(13) A retroactive salary adjustment that conforms to a change in FSN salary plans, effective as of the date of such change;

(14) Accrued annual leave at such time when employment is terminated or when required by local law;

(15) Overtime paid to clerical staff;

(16) Fees for personnel and professional services, subject to the limitation that project funds may only be used to pay consultant fees for actual work days and may not be used to pay consultant fees for travel and rest days;

(17) Air travel, plus passports, visas, and inoculations, subject to the limitation that FAS will not reimburse any portion of air travel in excess of the full fare economy rate or when the Cooperator fails to notify the Attache/Counselor in the destination country in advance of the travel, unless the Deputy Administrator determines it was impractical to provide such notification;

(18) Per diem, subject to the limitation that FAS will not reimburse per diem in excess of the rates allowed under the U.S. Federal Travel Regulation (41 CFR chapters 300 through 304);

(19) Automobile mileage at the local U.S. Embassy rate, or rental cars while in travel status;

(20) Other allowable expenditures while in travel status as authorized by the U.S. Federal Travel Regulation (41 CFR chapters 300 through 304);

(21) An overseas office, including rent, utilities, communications originating overseas, office supplies, accident liability insurance premiums, and legal and accounting services;

(22) The purchase, lease, or repair of, or insurance premiums for, capital goods that have an expected useful life of at least one year, such as furniture, equipment, machinery, removable fixtures, draperies, blinds, floor coverings, and computer hardware and software;

(23) Premiums for health or accident insurance or other benefits for foreign national employees that the employer is required by law to pay;

(24) Accident liability insurance premiums for facilities used jointly with third party participants for Cooperator program activities, or such insurance premiums for travel of non-Cooperator personnel;

(25) Market research;

(26) Evaluations, if not required by FAS to ensure compliance with program requirements;

(27) Legal fees to obtain advice on the host country's labor laws;

(28) Employment agency fees;

(29) STRE, including breakfast, lunch, dinner, receptions, and refreshments at activities; miscellaneous courtesies such as checkroom fees, taxi fares, and tips; and decorations for a special promotional occasion;

(30) Educational travel of dependent children, visitation travel, rest and

recuperation travel, home leave travel, and emergency visitation travel for U.S. overseas employees as allowed under the Foreign Affairs Manual;

(31) Evacuation payments (safe haven), and shipment and storage of household goods and motor vehicles;

(32) Demonstration projects;

(33) Purchase of trade and business periodicals containing material related to market development activities for use by overseas staffs;

(34) Training expenses in the U.S. for FSNs;

(35) Language training for U.S. citizen employees at the foreign post of assignment;

(36) Shipment of samples or other program materials from the U.S. to foreign countries; and

(37) That portion of airtime for wireless phones that is devoted to program activities and monthly service fees.

§ 1550.55 What expenditures may not be reimbursed under the Cooperator program?

(a) FAS will not reimburse any cost of:

(1) Expenses, fines, settlements, or claims resulting from suits, challenges, or disputes emanating from employment terms, conditions, contract provisions, or related formalities;

(2) Product development, product modification, or product research;

(3) Product samples;

(4) Slotting fees or similar sales expenditures;

(5) The purchase, construction, or lease of space for permanent displays, i.e., displays lasting beyond one marketing plan year;

(6) Office parking fees;

(7) Coupon redemption or price discounts;

(8) Refundable deposits or advances;

(9) Giveaways, awards, prizes, gifts, and other similar promotional materials in excess of $1.00 per item;

(10) Alcoholic beverages that are not an integral part of a promotional activity;

(11) The purchase, lease (except for use in authorized travel status), or repair of motor vehicles;

(12) Travel of applicants for employment interviews;

(13) Unused non-refundable airline tickets or associated penalty fees, except where travel is restricted by U.S. government action or advisory;

(14) Any arrangement which has the effect of reducing the selling price of an agricultural commodity;

(15) Goods and services and salaries of third party personnel;

(16) Membership fees in clubs and social organizations;

(17) Indemnity and fidelity bonds;

(18) Fees for participating in U.S. Government sponsored activities, other than trade fairs, shows, and exhibits;

(19) Business cards;

(20) Seasonal greeting cards;

(21) Subscriptions to non-trade related publications;

(22) Credit card fees;

(23) Refreshments, or related equipment, for office staff;

(24) Insurance on household goods and personal effects, including privately-owned automobiles, whether overseas or stored in the U.S., belonging to U.S. citizen employees;

(25) Home office domestic administrative expenses, including communication costs;

(26) Payment of U.S. or foreign employee's or contractor's share of personal taxes, except as legally required in a foreign country;

(27) Wireless phone equipment, equipment repair, insurance, and other related charges;

(28) STRE expenses incurred in the U.S;

(29) Night club entertainment, cover charges, personal gifts, or tickets to theatrical or sporting events; or

(30) Functions (including receptions and meals at Cooperator staff conferences) at which target groups, such as members of the overseas trade, opinion leaders, foreign government officials, and other similar groups, are not present.

(b) The Deputy Administrator may determine, at the Deputy Administrator's discretion, whether any cost not expressly listed in this section will be reimbursed.

(c) FAS will reimburse for expenses incurred up to 30 calendar days beyond the conclusion of the marketing plan year.

§ 1550.56 How are Cooperators reimbursed?

(a) A format for reimbursement claims is available from the Director, Marketing Operations Staff, FAS, USDA. Claims for reimbursement shall contain at least the following information:

(1) Activity code;

(2) Country code;

(3) Cost category;

(4) Amount to be reimbursed or credited;

(5) If applicable, any reduction in the amount of reimbursement claimed to offset FAS demand for refund of amounts previously reimbursed, and reference to the relevant Compliance Report; and

(6) If applicable, any amount previously claimed that has not been reimbursed.

(b) All claims for reimbursement shall be submitted by the Cooperator's U.S. office to the Director, Marketing Operations Staff, FAS, USDA.

(c) FAS will not reimburse claims submitted later than 6 months after the end of a marketing plan year.

(d) If FAS overpays a reimbursement claim, the Cooperator shall repay FAS within 30 days the amount of the overpayment either by submitting a check payable to FAS or by offsetting its next reimbursement claim.

(e) If a Cooperator receives a reimbursement or offsets an advanced payment which is later disallowed, the Cooperator shall within 30 days of such disallowance repay FAS the amount owed either by submitting a check payable to FAS or by offsetting its next reimbursement claim.

(f) The Cooperator shall report any actions having a bearing on the propriety of any claims for reimbursement to the Attache/Counselor and its U.S. office shall report such actions in writing to the Division Director(s).

§ 1550.57 Will FAS make advance payments to a Cooperator?

(a) *Policy.* In general, FAS operates the Cooperator program on a reimbursable basis.

(b) *Exception.* Upon request, FAS may make two types of advance payments to a Cooperator. The first is a revolving fund operating advance provided by FAS only to Cooperators with foreign offices supported with project funds. The second is a special advance payment used to pay an impending large cost item. FAS will provide this type of advance expense payment in lieu of direct payments by FAS to vendors or other third parties. All Cooperators, with or without project fund-supported foreign offices, are eligible to request special advance payments. Normally, special advance payments received from FAS must be liquidated by the Cooperator within 90 days from the date of receipt. Prior to making an advance, FAS may require the participant to submit security in a form and amount acceptable to FAS to protect FAS' financial interests. FAS will not make any special advance payment to a Cooperator where a special advance is outstanding from a prior marketing plan year.

(c) *Refunds due FAS.* A participant shall return any unexpended portion of the advance, plus any interest earned, either by submitting a check payable to FAS or by offsetting its next reimbursement claim. All checks shall be mailed to the Director, Marketing Operations Staff, FAS, USDA.

Subpart E—Reporting, Evaluation, and Compliance

§ 1550.70 Must Cooperators report to FAS?

(a) *End-of-year contribution report.* Not later than January 31 of the year following the completion of the marketing plan year, a Cooperator shall submit two copies of a report which identifies contributions made by the Cooperator and the U.S. industry during that marketing plan year. A suggested format of a contribution report is available on the FAS home page (http://www.fas.usda.gov/mos/programs/fnotice.html) on the Internet or from the Director, Marketing Operations Staff, FAS, USDA.

(b) *Trip reports.* Not later than 45 days after completion of travel (other than local travel), a Cooperator shall submit a trip report. The report must include the name(s) of the traveler(s), purpose of travel, itinerary, names and affiliations of contacts, and a brief summary of findings, conclusions, recommendations, or specific accomplishments.

(c) *Research reports.* Not later than 6 months after the end of its marketing plan year, a Cooperator shall submit a report on any research conducted in accordance with its application.

(d) *Submission of reports.* A Cooperator shall submit the reports required by this section to the appropriate Division Director. Trip reports and research reports shall also be submitted to the appropriate Attache/Counselor(s). All reports shall be in English and include the Cooperator's agreement number, the countries and period covered, and the date of the report.

(e) *Additional reports.* FAS may require the submission of additional reports.

(f) *Independent audit reports.* A Cooperator shall provide to the FAS Compliance Review Staff, upon request, any audit reports by independent public accountants.

§ 1550.71 Are Cooperator documents subject to the provisions of the Freedom of Information Act?

(a) Documents submitted to FAS by Cooperators are subject to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 552, 7 CFR part 1, Subpart A—Official Records, and, specifically, 7 CFR 1.11—Handling Information from a Private Business.

(b) If requested by a person located in the United States, a Cooperator shall provide to such person a copy of any document in its possession or control containing market information developed and produced under the terms of its agreement. The Cooperator may charge a fee not to exceed the costs for assembling, duplicating, and distributing the materials.

(c) The results of any research conducted by a Cooperator under an agreement shall be the property of the U.S. Government.

§ 1550.72 How is program effectiveness measured?

(a) The Government Performance and Results Act (GPRA) of 1993 (5 U.S.C. 306; 31 U.S.C. 1105, 1115–1119, 3515, 9703–9704) requires performance measurement of Federal programs, including the Cooperator program. Evaluation of the Cooperator program's effectiveness will depend on a clear statement by each Cooperator of the constraints impeding U.S. exports, goals to be met within a specified time, a schedule of measurable milestones for gauging success, a plan for achievement, and reports of activity results.

(b) Evaluation is an integral element of program planning and implementation, providing the basis for the strategic plan. The evaluation results guide the development and scope of a Cooperator's program, contribute to program accountability, and provide evidence of program effectiveness.

(c) A Cooperator shall conduct periodic evaluations of its program and activities and may contract with an independent evaluator to satisfy this requirement. FAS reserves the right to have direct input and control over design, scope, and methodology of any such evaluation, including direct contact with and provision of guidance to the independent evaluator.

(d) A Cooperator shall complete at least one program evaluation each year. Actual scope and timing of the program evaluation shall be determined by the Cooperator and the Division Director and specified in the Cooperator's application approval letter. A program evaluation shall contain:

(1) The name of the party conducting the evaluation;

(2) The activities covered by the evaluation;

(3) A concise statement of the constraint(s) and the goals specified in the application;

(4) A description of the evaluation methodology;

(5) A description of additional export sales achieved, including the ratio of additional export sales in relation to Cooperator program funding received;

(6) A summary of the findings, including an analysis of the strengths and weaknesses of the program(s); and

(7) Recommendations for future programs.

(e) A Cooperator shall submit, via a cover letter to the Division Director, an executive summary which assesses the program evaluation's findings and recommendations and proposes changes in program strategy or design as a result of the evaluation.

§ 1550.73 Are Cooperators penalized for failing to make required contributions?

A Cooperator's contribution requirement is specified in the Cooperator program allocation letter. If a Cooperator fails to contribute the amount specified in its allocation approval letter, the Cooperator shall pay to FAS in U.S. dollars the difference between the amount it has contributed and the amount specified in the allocation approval letter. A Cooperator shall remit such payment by December 31 following the end of the marketing plan year.

§ 1550.74 How is Cooperator program compliance monitored?

(a) The Compliance Review Staff (CRS), FAS, performs periodic on-site reviews of Cooperators to ensure compliance with this part.

(b) In order to verify that federal funds received by a Cooperator do not supplant private or third party funds or contributions pursuant to § 1550.20 (a)(14), CRS will consider the Cooperator's overall marketing budget from year to year, variations in promotional strategies within a country or region, and new markets.

(c) The Director, CRS, will notify a Cooperator through a compliance report when it appears that FAS may be entitled to recover funds from that Cooperator. The compliance report will state the basis for this action.

§ 1550.75 How does a Cooperator respond to a compliance report?

(a) A Cooperator shall, within 60 days of the date of the compliance report, submit a written response to the Director, CRS. This response shall include any money owed to FAS if the Cooperator does not wish to contest the compliance report. The Director, CRS, at the Director's discretion, may extend the period for response up to an additional 30 days. If the Cooperator does not respond to the compliance report within the required time period or, if after review of the Cooperator's response, the Director, CRS, determines that FAS may be entitled to recover funds from the Cooperator, the Director, CRS, will refer the compliance report to the Deputy Administrator.

(b) If, after review of the compliance report and response, the Deputy Administrator determines that the Cooperator owes money to FAS, the

Deputy Administrator will so inform the Cooperator. The Deputy Administrator may initiate action to collect such amount pursuant to 7 CFR Part 1403, Debt Settlement Policies and Procedures. Determinations of the Deputy Administrator will be in writing and in sufficient detail to inform the Cooperator of the basis for the determination. The Cooperator has 30 days from the date of the Deputy Administrator's initial determination to submit any money owed to FAS or to request reconsideration.

§ 1550.76 Can a Cooperator appeal the determinations of the Deputy Administrator?

(a) The Cooperator may appeal the determinations of the Deputy Administrator to the Administrator. An appeal must be in writing and be submitted to the Office of the Administrator within 30 days following the date of the initial determination by the Deputy Administrator or the determination on reconsideration. The Cooperator may request a hearing.

(b) If the Cooperator submits its appeal and requests a hearing, the Administrator, or the Administrator's designee, will set a date and time, generally within 60 days. The hearing will be an informal proceeding. A transcript will not ordinarily be prepared unless the Cooperator bears the cost of a transcript; however, the Administrator may have a transcript prepared at FAS's expense.

(c) The Administrator will base the determination on appeal upon information contained in the administrative record and will endeavor to make a determination within 60 days after submission of the appeal, hearing, or receipt of any transcript, whichever is later. The determination of the Administrator will be the final determination of FAS. The Cooperator must exhaust all administrative remedies contained in this section before pursuing judicial review of a determination by the Administrator.

Signed at Washington, DC, on June 10, 1999.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 99–15111 Filed 6–14–99; 8:45 am]

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Federal Register

Tuesday
June 15, 1999

Part V

Department of Justice

Federal Prison Industries, Inc.
Bureau of Prisons

28 CFR Parts 345, 540 and 543
Federal Prison Industries (FPI) Inmate Work Programs: Eligibility; Correspondence: Return Address; Federal Tort Claims Act; Final Rules and Proposed Rule

DEPARTMENT OF JUSTICE

Federal Prison Industries, Inc.

28 CFR Part 345

[BOP–1062–F]

RIN 1120–AA57

Federal Prison Industries (FPI) Inmate Work Programs: Eligibility

AGENCY: Federal Prison Industries, Inc., Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its regulations to limit from consideration for Federal Prison Industries (FPI) work assignments pretrial inmates or, with certain exceptions, any inmate currently under an order for deportation, exclusion, or removal. In addition, any pretrial inmate or, with certain exceptions, any inmate in an FPI work assignment currently under an order for deportation, exclusion, or removal shall be removed immediately and shall be reassigned to a non-FPI work assignment for which the inmate is eligible. This amendment is intended to conform with revised regulations of the Immigration and Naturalization Service and to help ensure that FPI work assignments ordinarily will be allocated to sentenced inmates who will be returning to the community within, rather than outside, the United States upon release.

DATES: Effective July 15, 1999; all Bureau institutions are to be in compliance by October 13, 1999.

ADDRESSES: Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on Federal Prison Industries (FPI) inmate work assignments (28 CFR part 345). A proposed rule on this subject was published in the **Federal Register** on April 30, 1997 (62 FR 23536).

Pursuant to statutory authority, it is the policy of the Federal Government that convicted inmates confined in Federal prisons, jails, and other detention facilities shall work (104 Stat. 4914). FPI is further authorized by statute to provide work assignments for inmates (18 U.S.C. 4122). These work assignments are designed, in part, to allow inmates the opportunity to acquire the knowledge, skills, and work habits which will be useful when released from the institution (see 28 CFR 345.10).

In order to ensure that sentenced inmates to be released to the community in the United States will be afforded maximum opportunity to work in FPI assignments, FPI had proposed to restrict from consideration for FPI assignment pretrial inmates and inmates currently under an order for deportation or removal, and to remove from an FPI assignment any pretrial inmate or inmate currently under a deportation or removal order. In keeping with the policy that convicted inmates shall work, any inmate so removed would be reassigned to a non-FPI work assignment for which the inmate is eligible. While a pretrial inmate is not required to work in any assignment other than housekeeping tasks in the inmate's own cell and in the community living area, the pretrial inmate may be eligible for an institutional assignment if the inmate signs a waiver of his or her right not to work (see 28 CFR 551.106).

Section 345.11 accordingly was proposed to be amended by adding a new paragraph (g) to reference the definition of ''pretrial inmate.'' Sections 345.35 and 345.42 were proposed to be amended to incorporate the above mentioned assignment and dismissal procedures.

The Bureau received twenty-one comments on the proposed rulemaking. All of the comments were opposed in total or in part to adopting the proposed amendment as final. None of the comments explicitly addressed applicability of the restriction to pretrial inmates. A summary of the comments and the agency response follows.

Several of the commenters claimed that the proposed amendments were discriminatory. Two commenters stated that the Bureau was contradicting its statement in § 345.35(a) that Federal Prison Industries does not discriminate on the basis of race, color, religion, ethnic origin, age, or disability (one of the two more specifically cited ethnic origin). Another commenter stated that the proposed regulations would make foreign inmates feel like second-class inmates. Similarly, another commenter stated that the proposed regulations would result in unequal treatment and another commenter stated that the same rules should apply to all inmates.

The Bureau, in response, notes that the proposed restriction was to be applicable to pretrial inmates and to inmates under an order for deportation or removal. The restriction is therefore not based directly upon ethnic origin, for example, but upon an administrative status pertaining to deportation or removal and upon the correctional management needs of sentenced inmates. The purpose of the restriction, as stated in the published proposed rule, is to ensure that sentenced inmates to be released to the community in the United States will be afforded opportunities to work in FPI assignments. As stated in § 345.10, FPI work assignments are designed, in part, to allow inmates the opportunity to acquire the knowledge, skills, and work habits which will be useful when released from the institution. FPI work assignments provide inmates with higher remuneration than do institution work assignments. There are more inmates in the Federal system than there are available FPI assignments. Consequently, FPI assignments are coveted positions which are filled from waiting lists of eligible inmates. Because FPI assignments enhance the ability of inmates to work successfully in the domestic marketplace and thereby lowers the risk of recidivism, allocating the assignments to those inmates who will likely be accessible to the domestic marketplace after their release is a proper exercise of the Bureau's discretion in correctional management.

Subsequent to consultation with the Immigration and Naturalization Service (INS), the restriction has been adjusted in conformance with revised INS regulations (see 8 CFR 241.5(c)) and practices to include orders for exclusion, to provide for exceptions when the inmate cannot be removed because no country will accept the inmate, and to include the phrase ''or detainee'' where technically appropriate. In those instances where the Attorney General has determined that the inmate or detainee cannot be removed from the United States because the designated country of removal will not accept the inmate or detainee's return, the inmate or detainee may be considered or may remain eligible for an FPI assignment. Under INS procedures, an inmate or detainee in these circumstances may at some point qualify for release in this country and may realize the intended benefit of an FPI assignment. Under internal agency procedures, INS is responsible for informing the Bureau when an inmate/detainee's designated country of removal will not accept his/her return.

Many of the commenters stated that the wages received from FPI work assignments were useful as a source of income to the inmate or to the inmate's family. Several commenters noted the rehabilitative nature of FPI work assignments. FPI work assignments are

necessarily limited in number, and the purpose of the proposed rulemaking is to allocate this resource prudently on the basis of correctional management needs rather than upon the varied financial needs of inmates.

Several commenters stated that it would be unjust to remove inmates already in an FPI assignment without cause. This rulemaking is intended to establish a generic cause for removal based upon the correctional management needs noted above. One commenter claimed that the amendment was an ex post facto law and therefore was unconstitutional. The Bureau notes that inmates have no entitlement to FPI assignments. The amendment is not intended to be punitive but, as noted above, is being made for correctional management reasons.

Three commenters recommended expedited processing of a deportation or removal hearing if remunerations from an FPI assignment were not available to inmates under a deportation or removal order. Expedited processing of a deportation or removal hearing is subject to regulation by the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review (EOIR).

One commenter, while recognizing and agreeing with the need to remove deportable inmates from participating in a program designed to train and rehabilitate incarcerated felons in order to prepare them for release back into American society, recommended that an inmate already in an FPI assignment who is also under an order of deportation be removed no earlier than 90 days after the effective date of the rule change and that non-U.S. citizens would not be considered for FPI work assignments until after their INS hearings had taken place. These recommendations are intended to minimize disruption at institutions where a significant percentage of the inmate population is either under deportation orders or is awaiting INS hearings. In response, the Bureau agrees to delay compliance by the institution by up to 90 days after the effective date of the regulation. The Bureau believes that the commenter's second recommendation that non-U.S. citizens not be considered for FPI work assignments until after their INS hearings had taken place is unnecessarily presumptive. The existence of an order for deportation, exclusion, or removal is readily identifiable. Any anticipated benefit in work assignment efficiency which may result from the recommended change is outweighed by the correctional management needs addressed by reliance upon the proposed criterion.

After due consideration of comments received, the Bureau is adopting the proposed rule as final with the change noted above as to orders of exclusion and exceptions. Members of the public may submit further comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons:

This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Roy Nanovic, Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First St., Washington, DC 20534; telephone (202) 514–6655.

List of Subjects in 28 CFR Part 345

Prisoners.

Kathleen Hawk Sawyer,

Director, Bureau of Prisons, and Commissioner of Federal Prison Industries.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons and the Board of Directors, Federal Prison Industries in 28 CFR 0.96(o) and 0.99, part 345 in chapter III of 28 CFR is amended as set forth below.

PART 345—FEDERAL PRISON INDUSTRIES (FPI) INMATE WORK PROGRAMS

1. The authority citation for 28 CFR part 345 continues to read as follows:

Authority: 18 U.S.C. 4126, 28 CFR 0.99, and by resolution of the Board of Directors of Federal Prison Industries, Inc.

2. In § 345.11, paragraph (g) is added to read as follows:

§ 354.11 Definitions.

* * * * *

(g) *Pretrial inmate*—The definition of pretrial inmate in 28 CFR 551.101(a) is applicable to this part.

3. In § 345.35, paragraph (a) is revised to read as follows:

§ 345.35 Assignments to FPI.

(a) An inmate or detainee may be considered for assignment with FPI unless the inmate is a pretrial inmate or is currently under an order of deportation, exclusion, or removal. However, an inmate or detainee who is currently under an order of deportation, exclusion, or removal may be

considered for assignment with FPI if the Attorney General has determined that the inmate or detainee cannot be removed from the United States because the designated country of removal will not accept his/her return. Any request by an inmate for consideration must be made through the unit team. FPI does not discriminate on the bases of race, color, religion, ethnic origin, age, or disability.

* * * * *

4. In § 345.42, paragraph (d) is added to read as follows:

§ 345.42 Inmate worker dismissal.

* * * * *

(d) Any inmate or detainee who is a pretrial inmate or who is currently under an order of deportation, exclusion, or removal shall be removed from any FPI work assignment and reassigned to a non-FPI work assignment for which the inmate is eligible. However, an inmate or detainee who is currently under an order of deportation, exclusion, or removal may be retained in the FPI assignment if the Attorney General has determined that the inmate or detainee cannot be removed from the United States because the designated country of removal will not accept his/her return.

[FR Doc. 99–15129 Filed 6–14–99; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 540

RIN 1120–AA69

[BOP–1073–F]

Correspondence: Return Address

AGENCY: Bureau of Prisons, Justice.

ACTION: Final Rule.

SUMMARY: This rule modifies the Bureau of Prisons rule on Correspondence in order to ensure that return address information on an envelope used for outgoing inmate correspondence will be completely and consistently filled out by the inmate. This amendment is intended to provide for the continued secure and efficient operation of the institution.

EFFECTIVE DATE: July 15, 1999.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on correspondence (28 CFR part 540, subpart B). A final rule on this subject was published October 1, 1985 (50 FR 40109) and was amended February 1, 1991 (56 FR 4159), December 18, 1995 (61 FR 65204).

Current provisions in § 540.12(d) state that an inmate shall ensure that each of the inmate's outgoing envelopes contains that inmate's name and register number, P.O. Box, city, state, and zip code. Section 540.11 repeats this information. Envelopes provided for inmate use may contain the name of the institution. In order to ensure consistency, the Bureau is revising § 540.12(d) to specify that return address information on envelopes provided by the institution is completely filled out by the inmate, and that the same return address information is included on any envelope used by the inmate which was not provided by the institution. Sections 540.11 and 540.21(b) are amended to include a reference to this requirement rather than a restatement of the requirement.

Because this amendment is administrative in nature, the Bureau finds good cause for making this amendment effective without notice of proposed rulemaking. Members of the public may submit comments concerning this rule by writing to the previously cited address. Comments received will be considered, but will receive no response in the **Federal Register**.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Roy Nanovic, Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First St., Washington, DC 20534; telephone (202) 514–6655.

List of Subjects in 28 CFR Part 540

Prisoners.

Kathleen Hawk Sawyer,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(o), part 540 in subchapter C of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

1. The authority citation for 28 CFR part 540 continues to read as follows:

Authority: 5 U.S.C. 301, 551, 552a; 18 U.S.C. 1791, 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; Public Law 104–208, Section 614 (110 Stat. 3009); 28 CFR 0.95–0.99.

2. Section 540.11 is amended by revising the third sentence to read as follows:

§ 540.11 Mail depositories.

* * * Each item placed in a mail depository must contain a return address (see § 540.12(d)).

3. In § 540.12, paragraph (d) is revised to read as follows:

§ 540.12 Controls and procedures.

* * * * *

(d) The inmate is responsible for filling out the return address completely on envelopes provided for the inmate's use by the institution. If the inmate uses an envelope not provided by the institution, the inmate is responsible for ensuring that the envelope used contains all return address information listed on the envelope provided by the institution.

4. In § 540.21, paragraph (b) is amended by revising the second sentence to read as follows:

§ 540.21 Payment of postage.

* * * * *

(b) * * * Inmates who use their own envelopes must place a return address on the envelope (see § 540.12(d)).

[FR Doc. 99–15130 Filed 6–14–99; 8:45 am]
BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 543

[BOP–1098–P]

RIN 1120–AA94

Federal Tort Claims Act

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: In this document, the Bureau of Prisons is proposing to revise its regulations on the Federal Tort Claims Act in accordance with the mandate to use plain language. This revision is intended to provide clearer instructions for filing and processing a claim with the Bureau for money damages for personal injury or death and/or damage to or loss of property.

DATES: Comments due by August 16, 1999.

ADDRESSES: Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is proposing to amend its regulations on the Federal Tort Claim Act (28 CFR 543, subpart C). Current regulations on this subject were published in the **Federal Register** on December 30, 1992 (57 FR 62460). In accordance with the President's mandate to use plain language in government writing, we have reorganized this document in a question and answer format. The Bureau believes the question and answer format provides simple, easy to follow instructions for those persons wishing to file a claim with the Bureau for money damages for personal injury or death and/or damage to or loss of property.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received during the comment period will be considered before final action is taken. Comments received after the expiration of the comment period will be considered to the extent practicable. All comments received remain on file for public inspection at the above address. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Roy Nanovic at the address listed above.

List of Subjects in 28 CFR Part 543

Prisoners.

Kathleen Hawk Sawyer,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(o), part 543 in subchapter C of 28 CFR, chapter V is proposed to be amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 543—LEGAL MATTERS

1. The authority citation for 28 CFR part 543 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510 1346(b), 2671–80; 28 CFR 0.95–0.99, 0.172, 14.1–11.

2. Subpart C is revised to read as follows:

Subpart C—Federal Tort Claims Act

Sec.

543.30 Purpose and scope.
543.31 Filing a claim.
543.32 Processing the claim.

Subpart C—Federal Tort Claim Act

§ 543.30 Purpose and scope.

Pursuant to the Federal Tort Claims Act, a claim for money damages for personal injury or death and/or damage to or loss of property must be filed against the United States by the injured party with the appropriate Federal agency for administrative action. General provisions for processing administrative claims under the Federal Tort Claims Act are contained in 28 CFR part 14. The provisions in this subpart describe the procedures to follow when filing an administrative tort claim with the Bureau of Prisons.

§ 543.31 Filing a claim.

(a) *Who may file a claim?* You may file a claim if you are the injured person or the owner of the damaged or lost property. A person acting on your behalf as an agent, executor, administrator, parent, guardian, or other representative

may file a claim for you if the person provides a written statement signed by you giving that person permission to act for you. A representative may also file a claim for wrongful death. If you hire a lawyer or authorize a representative to act on your behalf, the agency will correspond only with that representative, and will not continue to correspond with you.

(b) *Where do I obtain a form for filing a claim?* You may obtain a form from staff in the Central Office, Regional Offices, Bureau institutions, or staff training centers.

(c) *Where do I file the claim?* You may either mail or deliver the claim to the regional office in the region where the claim occurred. If the loss or injury occurred in a specific regional office or within the geographical boundaries of the region, you may either mail or deliver the claim to that regional office. If the loss or injury occurred in the Central Office, you may either mail or deliver the claim to the Office of General Counsel, Central Office. If the loss or injury occurred in one of the training centers, you may either mail or deliver the claim to the Associate General Counsel, Federal Law Enforcement Training Center. 28 CFR part 503 lists Bureau institutions by region and also contains the addresses of the Central Office, regional offices and training centers.

§ 543.32 Processing the claim.

(a) *Will I receive an acknowledgment letter?* Yes. If you have provided all necessary information to process your claim (such as time, date, and place where the incident occurred, and a specific sum of money you are requesting as damages), you will receive an acknowledgment letter indicating the filing date and a claim number. The filing date is the date your claim was first received by either the Department of Justice or an office of the Bureau of Prisons. You should refer to your claim number in all further correspondences with the agency. Additionally, you must inform the agency of any changes in your address. If you fail to provide all necessary information, your claim will be rejected and returned to you requesting supplemental information.

(b) *Will I be notified if my claim is transferred?* Yes. If your claim is improperly filed, you will be notified by the responsible office that your claim was transferred to another regional office, the Central Office, a training center, or another agency.

(c) *Will an investigation be conducted?* Yes. The regional office ordinarily refers the claim to the appropriate institution or office for investigation. You may also be required to provide additional information during the investigation. Your failure to respond within a reasonable time may result in the rejection or denial of the claim.

(d) *Who will decide my administrative claim?* The Regional Counsel reviews the investigation and the supporting evidence and renders a decision of all claims properly filed in the regional office and within regional settlement authority. The Regional Counsel has limited settlement authority (up to an amount established by the Director, Bureau of Prisons). After considering the merits of the claim, the Regional Counsel may deny or propose a settlement of the claim. The General Counsel will investigate and decide all claims properly filed in the Central Office.

(e) *Will my claim be reviewed by or referred to the Central Office?* If the Regional Counsel recommends a proposed settlement in excess of the settlement authority, the claim will be forwarded, with a recommendation, to the Office of General, Central Office for their review.

(f) *Will appreciation or depreciation be considered?* Yes. Staff will consider appreciation or depreciation of lost or damaged property in settling a claim.

(g) *If my claim is denied or I am dissatisfied with a settlement offer, what are my options?* If your claim is denied or you are dissatisfied with a settlement offer, you may request, in writing, that the Bureau of Prisons reconsider your claim in the administrative stage. You should include additional evidence of injury or loss to support your request for reconsideration. If you are dissatisfied with the final agency action, you may file suit in an appropriate U.S. District Court as no further administrative action is available.

(h) *What if I accept a settlement of my claim?* If you accept a settlement, you give up your right to bring a lawsuit against the United States or against any employee of the government whose action or lack of action gave rise to your claim.

(i) *How long will it take to get a response?* Generally, you will receive a decision regarding your claim within six months of when you properly file the claim. If you have not received a letter either proposing a settlement or denying your claim within six months after the date your claim was filed, you may assume your claim is denied. You may proceed to file a lawsuit in the appropriate United States District Court.

[FR Doc. 99–15131 Filed 6–14–99; 8:45 am]

BILLING CODE 4410–05–P

Federal Register

Tuesday
June 15, 1999

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121 and 135

Flight Crewmember Flight Time Limitations and Rest Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

Flight Crewmember Flight Time Limitations and Rest Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of enforcement policy.

SUMMARY: This notice of enforcement policy announces to the public the Federal Aviation Administration's intent to rigorously enforce the regulations concerning flight time limitations and rest requirements. These regulations have been under review for some time, and the FAA has stated with respect to reserve time assignments that if new rules were not adopted, the FAA intended to ensure that the current rules, as interpreted, are being correctly implemented. No new rules with regard to reserve time have been adopted. Therefore, the FAA is reiterating its longstanding interpretation of its regulations on this issue and is giving affected certificate holders and flight crewmembers notice of its intent to enforce its rules in accordance with this interpretation. This notice is being given so that those affected will have an opportunity to review their practices and, if necessary, come into full regulatory compliance.

DATES: This notice of enforcement policy is effective on June 15, 1999.

FOR FURTHER INFORMATION CONTACT: Alberta Brown, Air Transportation Division, AFS–200, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–8321.

SUPPLEMENTARY INFORMATION:

The Regulation

The Civil Aeronautics Act of 1938 (52 Stat. 1007; as amended by 62 Stat. 1216, 49 U.S.C. 551) and subsequently, the Federal Aviation Act of 1958 (now codified at 49 U.S.C. § 40101 *et seq.*) addressed the issue of regulating flight crewmember hours of service. The Federal Aviation Act, as amended, empowers and directs the Secretary of Transportation to establish ''regulations in the interest of safety for the maximum hours or period of service of airmen and other employees of air carriers.'' 49 U.S.C. § 44701(a)(4). Moreover, the Act also provides the FAA with the authority to prescribe ''regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.'' 49 U.S.C. § 44701(a)(5).

The current rules specify flight time limitations and rest requirements for air carriers certificated to operate under part 121 (domestic: subpart Q; flag: subpart R; and supplemental: subpart S) and part 135 (subpart F). The FAA has consistently interpreted the term rest to mean that a flight crewmember is free from actual work for the air carrier or from the present responsibility for work should the occasion arise. Thus, the FAA previously has determined that a flight crewmember on reserve was not at rest if the flight crewmember had a present responsibility for work in that the flight crewmember had to be available for the carrier to notify of a flight assignment.

The FAA's current rules at 14 CFR § 121.471 set forth flight time limitations and rest requirements for domestic operations. Subsections (b) and (c) of this section have generated numerous interpretation requests from industry. These sections provide that:

Section 121.471 Flight time limitations and rest requirements: All flight crewmembers.

(b) Except as provided in paragraph (c) of this section, no certificate holder conducting domestic operations may schedule a flight crewmember and no flight crewmember may accept an assignment for flight time during the 24 consecutive hours preceding the scheduled completion of any flight segment without a scheduled rest period during that 24 hours of at least the following:

(1) 9 consecutive hours of rest for less than 8 hours of scheduled flight time.

(2) 10 consecutive hours of rest for 8 or more but less than 9 hours of scheduled flight time.

(3) 11 consecutive hours of rest for 9 or more hours of scheduled flight time.

(c) A certificate holder may schedule a flight crewmember for less than the rest required in paragraph (b) of this section or may reduce a scheduled rest under the following conditions:

(1) A rest required under paragraph (b)(1) of this section may be scheduled for or reduced to a minimum of 8 hours if the flight crewmember is given a rest period of at least 10 hours that must begin no later than 24 hours after the commencement of the reduced rest period.

(2) A rest required under paragraph (b)(2) of this section may be scheduled for or reduced to a minimum of 8 hours if the flight crewmember is given a rest period of at least 11 hours that must begin no later than 24 hours after the commencement of the reduced rest period.

(3) A rest required under paragraph (b)(3) of this section may be scheduled for or reduced to a minimum of 9 hours if the flight crewmember is given a rest period of at least 12 hours that must begin no later than 24 hours after the commencement of the reduced rest period.

Similar language is contained in Sections 135.265 (b) and (c). Also note the ''look back'' requirement in 135.267(d).

The FAA has consistently interpreted § 121.471(b) and the corresponding § 135.265(b) to mean that the certificate holder and the flight crewmembers must be able to look back over the 24 consecutive hours preceding the scheduled completion of the flight segment and find the required scheduled rest period. This interpretation of rest also has been applied to pilots on ''reserve time.'' Reserve time while not defined in 14 CFR is generally understood to be a period of time when a flight crewmember is not on duty but must be available to report upon notice for a duty period. Thus, a flight crewmembers on reserve could not take a flight assignment, and the certificate holder could not schedule that crewmember for a flight assignment, unless the flight crewmember had a scheduled rest period such that at the end of the flight segment one could look back 24 hours and find the requirement amount of rest.

Compliance and Enforcement Plan

Flight crewmembers and their unions have raised concerns that scheduling processes used by some certificate holders may not ensure compliance with flight time restrictions and rest requirements when a flight crewmember is on reserve duty. Any noncompliance should be corrected without delay.

The FAA recognizes, however, that current processes for scheduling flight crewmembers have been in place for some time and that full compliance might not be able to be achieved immediately. The FAA therefore intends to take into consideration this fact and the certificate holder's good faith efforts to come into compliance in determining what, if any, enforcement action is appropriate if noncompliance is discovered. With regard to violations by individual flight crewmembers, the FAA will consider the circumstances of each case, including such factors as the employing certificate holder's effort to come into compliance and the culpability of the individual.

If any certificate holder needs to make changes to its scheduling system, the FAA believes that full compliance can be achieved by all certificate holders within 180 calendar days. Until that time the FAA does not intend to target its inspection resources on this compliance issue. However, on December 12, 1999, the FAA intends to begin a comprehensive review of certificate holders' flight scheduling

practices and expects to deal stringently with any violations discovered.

Issued in Washington, DC on June 10, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

[FR Doc. 99–15258 Filed 6–11–99; 2:31 pm]

BILLING CODE 4910–13–M

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 1121/P.L. 106–33

To designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse''. (June 7, 1999; 113 Stat. 117)

H.R. 1183/P.L. 106–34

Fastener Quality Act Amendments Act of 1999 (June 8, 1999; 113 Stat. 118)

Last List June 3, 1999

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