6–21–99
Vol. 64 No. 118
Pages 33005–33174

federal register

Monday
June 21, 1999

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $555, or $607 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 64 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

Printed on recycled paper.

Contents

Federal Register

Vol. 64, No. 118

Monday, June 21, 1999

Agency for Toxic Substances and Disease Registry
NOTICES
Hazardous substances releases and facilities:
Public health assessments and effects; list, 33090

Agricultural Marketing Service
RULES
Cherries (tart) grown in—
Michigan et al., 33005–33009

Agriculture Department
See Agricultural Marketing Service
See Foreign Agricultural Service
See National Agricultural Statistics Service
See Natural Resources Conservation Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33043–33044

Architectural and Transportation Barriers Compliance Board
NOTICES
Meetings:
Passenger Vessel Access Advisory Committee, 33045–33046

Arctic Research Commission
NOTICES
Meetings, 33046

Army Department
See Engineers Corps
NOTICES
Agency information collection activities:
Proposed collection; comment request; correction, 33139
Meetings:
Reserve Officers' Training Corps (ROTC) Program Subcommittee; correction, 33139
Military traffic management:
DOD brokers qualifying program, 33067
Military/industry personal property tender of service, 33067–33068

Census Bureau
NOTICES
Meetings:
African American, American Indian and Alaska Native, Asian and Pacific Islander, and Hispanic Populations Census Advisory Committees, 33047–33048
American Indian and Alaska Native Populations Census Advisory Committee, 33048
Hispanic Population Census Advisory Committee, 33048

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
Healthy People 2000—
Viral and bacterial sexually transmitted diseases (STDs) in sexually assaulted female adolescents and children; non-invasive diagnosis, 33091–33093
Human immunodeficiency virus (HIV)—
Primary and secondary prevention needs of HIV-seropositive injection drug users; intervention research, 33093–33097

Commerce Department
See Census Bureau
See Economic Development Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33046–33047

Defense Department
See Army Department
See Engineers Corps
NOTICES
Meetings:
President's Security Policy Advisory Board, 33066

Economic Development Administration
NOTICES
Trade adjustments assistance eligibility determination petitions:
Chicago Dial Indicator Co. et al., 33048–33049

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental statements; notice of intent:
Dworshak Dam and Reservoir, ID, 33068

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 33018–33021
Oregon; effective date corrected, 33021–33022
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Hydrogen peroxide, 33022–33025
NOTICES
Agency information collection activities:
Reporting and recordkeeping requirements, 33078
Committees; establishment, renewal, termination, etc.:
Pesticide Program Dialogue Committee, 33078–33079

Executive Office of the President
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Alexander Schleicher Segelflugzeugbau, 33010
Class E airspace, 33010–33015
PROPOSED RULES
Schools and other certificated agencies:
Repair stations; Part 145 review, 33141–33173

NOTICES
Exemption petitions; summary and disposition, 33131–33133

Federal Energy Regulatory Commission
PROPOSED RULES
Practice and procedure:
Electronic filing issues; staff papers availability and technical conference, 33034–33035
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33068–33069
Hydroelectric applications, 33071–33077
Meetings:
Electronic filing; technical conference, 33077–33078
Applications, hearings, determinations, etc.:
Colorado Interstate Gas Co., 33069
Distrigas of Massachusetts Corp., 33069
National Fuel Gas Distribution Corp., 33069–33070
Questar Pipeline Co., 33070
Tennessee Gas Pipeline Co., 33070–33071

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Monterey County, CA, 33133
Vernon County, WI, 33133–33134

Federal Labor Relations Authority
NOTICES
Amicus curiae briefs in unfair labor practice proceedings pending before FLRA; opportunity to submit, 33079–33081

Federal Maritime Commission
NOTICES
Meetings; Sunshine Act, 33081

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 33081
Permissible nonbanking activities, 33081–33082
Committees; establishment, renewal, termination, etc.:
Consumer Advisory Council, 33082–33083

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 33112–33114

Food and Drug Administration
NOTICES
Color additive petitions:
EM Industries, Inc., 33097
Food additive petitions:
Asahi Chemical Industry Co. et al., 33097
Human drugs:
New drug applications—
SoloPak Laboratories, Inc; approval withdrawn, 33097–33098
Steris Laboratories, Inc.; approval withdrawn, 33098–33100
Memorandums of understanding:
Interstate distribution of compounded drug products, 33100

Foreign Agricultural Service
NOTICES
Meetings:
Emerging Markets Advisory Committee, 33044

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Public Health Service
NOTICES
Committees; establishment, renewal, termination, etc.:
Blood Safety and Availability Advisory Committee, 33083
Grants and cooperative agreements; availability, etc.:
Minority Community Health Coalition Demonstration Program, HIV/AIDS, 33083–33087
State and Territorial Minority HIV/AIDS Demonstration Program, 33087–33090

Health Resources and Services Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33100–33101

Housing and Urban Development Department
NOTICES
Meetings:
Public Housing Agency Plan and Section 8 certificate and voucher merger; public forums, 33111–33112

Immigration and Naturalization Service
NOTICES
Temporary protected status program designations:
Kosovo Province; correction, 33139

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
NOTICES
Committees; establishment, renewal, termination, etc.:
Joint Fire Science Program Stakeholder Advisory Group, 33112

Internal Revenue Service
NOTICES
Bisynchronous communications protocol use for IRS E-filing of forms; discontinuance, 33138

International Trade Commission
NOTICES
Meetings; Sunshine Act, 33116

Justice Department
See Immigration and Naturalization Service
RULES
Police Corps eligibility and selection criteria:
Educational expenses; timing of reimbursements, 33016–33018

Land Management Bureau
NOTICES
Meetings:
Resource Advisory Councils—
Southeast Oregon, 33114

Realty actions; sales, leases, etc.:
Oregon, 33114–33115
Resource management plans, etc.:
Lakeview Resource Area, OR, 33115

National Agricultural Statistics Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33044–33045

National Credit Union Administration
RULES
Credit unions:
Truth in Savings Act—
Indoor lobby signs, disclosure requirements for share accounts, civil liability, etc., 33009–33010
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33116

National Highway Traffic Safety Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33134

National Institute of Standards and Technology
NOTICES
Committees; establishment, renewal, termination, etc.:
Advanced Technology Program Federal Advisory Committee, 33049–33050

National Institutes of Health
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33101
Grants and cooperative agreements; availability, etc.:
National Cancer Institute—
Software for managing distributed knowledgebases consisting of large numbers of objects of diverse categories; research and development, 33101–33102
National Institute of Allergy and Infectious Diseases—
Respiratory syncytial virus and parainfluenza virus in children; drug and method for therapeutic treatment, 33102–33103
Inventions, Government-owned; availability for licensing, 33103–33104
Meetings:
National Cancer Institute, 33104–33105
National Center for Complementary and Alternative Medicine, 33105
National Heart, Lung, and Blood Institute, 33105–33106
National Institute of Allergy and Infectious Diseases, 33106–33107
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 33107
National Institute of Mental Health, 33107
National Institute of Neurological Disorders and Stroke, 33106
National Library of Medicine, 33107–33108
Scientific Review Center, 33108–33109

National Labor Relations Board
NOTICES
Privacy Act:
Systems of records; correction, 33139

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
West Coast States and Western Pacific fisheries—
Pacific Coast groundfish; limited entry permits; CFR correction, 33026
PROPOSED RULES
Endangered and threatened species:
Critical habitat designation—
Puget Sound marine fishes, 33037–33040
Findings on petitions, etc.—
Barndoor skate, 33040–33041
Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries—
Puerto Rico and Virgin Islands coral reef resources, 33041–33042
NOTICES
Grants and cooperative agreements; availability, etc.:
Fishing industry research and development projects—
Saltonstall-Kennedy Program, 33050–33056
Permits:
Marine mammals, 33056

National Park Service
NOTICES
Meetings:
Acadia National Park Advisory Commission, 33115–33116

National Science Foundation
NOTICES
Meetings:
Advanced Networking and Infrastructure Research Special Emphasis Panel, 33116–33117
Chemistry Special Emphasis Panel, 33117
Civil and Mechanical Systems Special Emphasis Panel, 33117–33118
Experimental and Integrative Activities Special Emphasis Panel, 33118
Research, Evaluation and Communication Special Emphasis Panel, 33118
U.S. National Assessment Synthesis Team, 33118

Natural Resources Conservation Service
NOTICES
Field office technical guides; changes:
Indiana, 33045

Northeast Dairy Compact Commission
PROPOSED RULES
Over-order price regulations:
Supply management program; hearings, 33027–33034
NOTICES
Meetings, 33118

Nuclear Regulatory Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33119
Meetings:
Reactor Safeguards Advisory Committee, 33119

Office of United States Trade Representative
See Trade Representative, Office of United States

Patent and Trademark Office
NOTICES
Electronic information dissemination:
Internet usage policy, 33056–33066

Personnel Management Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33119–33120

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Reports and guidance documents; availability, etc.:
National toxicology program—
Corrositex; in vitro test method for assessing dermal corrosivity of chemicals, 33109–33111

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Depository Trust Co., 33124–33125
MBS Clearing Corp., 33125–33127
Philadelphia Stock Exchange, Inc., 33127–33128
Applications, hearings, determinations, etc.:
PaineWebber Group Inc. et al., 33120–33124

Small Business Administration
NOTICES
Disaster loan areas:
Iowa, 33128
New Mexico, 33128–33129
North Dakota, 33129
South Dakota, 33129

Social Security Administration
RULES
Social security benefits:
Federal old age, survivors, and disability insurance—
Employer identification numbers for State and local government employment, 33015–33016
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33130

State Department
NOTICES
Meetings:
American indigenous groups; consultation to discuss indigenous rights and other issues, 33130

Statistical Reporting Service
See National Agricultural Statistics Service

Surface Transportation Board
NOTICES
Railroad services abandonment:
Pittsburgh Industrial Railroad, Inc., 33134–33135

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Trade Representative, Office of United States
NOTICES
World Trade Organization:
Dispute settlement panel establishment requests—
European Communities; wheat gluten import limitation, 33130–33131

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board
PROPOSED RULES
Standard time zone boundaries:
Kentucky, 33035–33037

Treasury Department
See Internal Revenue Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33135–33138

Separate Parts In This Issue

Part II
Department of Transportation, Federal Aviation Administration, 33141–33173

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
930 33005
Proposed Rules:
1306 33027
1307 33027
1309 33027
1310 33027

12 CFR
707 33009

14 CFR
39 33010
71 (5 documents) 33010, 33011, 33012, 33013, 33014
Proposed Rules:
11 33142
91 33142
121 33142
135 33142
145 33142

18 CFR
Proposed Rules:
385 33034

20 CFR
404 33015
422 33015

28 CFR
92 33016

40 CFR
52 (2 documents) 33018, 33021
180 33022

49 CFR
Proposed Rules:
71 33035

50 CFR
660 33026
Proposed Rules:
223 (2 documents) 33037, 33040
224 (2 documents) 33037, 33040
622 33041

Rules and Regulations

Federal Register
Vol. 64, No. 118
Monday, June 21, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV99–930–1 FIR]

Tart Cherries Grown in the States of Michigan, et al.; Additional Option for Handler Diversion and Receipt of Diversion Credits

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, with a change, the provisions of an interim final rule adding a method of handler diversion to the regulations under the Federal tart cherry marketing order (order). Handlers handling cherries harvested in a regulated district may fulfill any restricted percentage requirement when volume regulation is in effect by diverting cherries or cherry products rather than by placing them in an inventory reserve. Under this additional method, handlers are allowed to obtain diversion certificates when marketable finished tart cherry products owned by them are accidentally destroyed. In addition, this rule continues in effect the removal of a paragraph in the regulations which limited diversion credit for exempted products to one million pounds each crop year. The order regulates the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin and is administered locally by the Cherry Industry Administrative Board (Board).

EFFECTIVE DATE: June 22, 1999.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, F&V, AMS, USDA, room 2530–S, P.O. Box 96456, Washington, DC 20090–6456, telephone: (202) 720–2491. Small businesses may request information on compliance with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov. You may also view the marketing agreements and orders small business compliance guide at the following website: http://www.ams.usda.gov/fv/moab.html.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930) regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department or USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule continues to allow handlers to obtain diversion credit for finished marketable tart cherry products owned by them which are accidentally destroyed during the 1998–99 crop year (July 1, 1998, through June 30, 1999), and subsequent crop years. It also continues the removal of a provision from the regulation which limited diversion credit for exempted products to one million pounds for each crop year. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect an additional method of handler diversion involving marketable finished tart cherry products which are accidentally destroyed. Handler diversion is authorized under section 930.59 of the order and, when volume regulation is in effect, handlers may fulfill restricted percentage requirements by diverting cherries or cherry products. Volume regulation is intended to help the tart cherry industry stabilize supplies and prices in years of excess production. The volume regulation provisions of the order provide for a combination of processor owned inventory reserves and grower or handler diversion of excess tart cherries. Reserve cherries may be released for sale into commercial outlets when the current crop is not expected to fill demand. Under certain circumstances, such cherries may also be used for charity, experimental purposes, nonhuman use, and other approved purposes.

Section 930.59(b) of the order provides for the designation of allowable forms of handler diversion. These include: Uses exempt under section 930.62; contributions to a Board approved food bank or other approved charitable organization; acquisitions of grower diversion certificates that have been issued in accordance with section 930.58; or other uses, including diversion by destruction of the cherries at the handler's facilities as provided for in section 930.59(c).

Section 930.159 of the rules and regulations under the order allows handlers to divert cherries by destruction of the cherries at the handler's facility. At-plant diversion of cherries takes place at the handler's facility prior to placing cherries into the processing line. This is to ensure that the cherries diverted were not simply an undesirable or unmarketable product of processing. The additional method for

handler diversion for finished tart cherry products accidentally destroyed should not be confused with at-plant diversion.

The Board unanimously recommended that handlers should receive diversion credit when marketable, finished cherry products are accidentally destroyed. For the purposes of this rule, products will be considered destroyed if they sustain damage which renders them unacceptable for use in normal market channels. For example, finished, marketable cherry products could be accidentally destroyed in a fire, explosion, or through freezer malfunction. To receive diversion credit under this added option, the Board recommended that the cherry products must: (1) Be owned by the handler at the time of accidental destruction; (2) be a marketable product at the time of processing; (3) be included in the handler's end of the year handler plan; and (4) have been assigned a Raw Product Equivalent (RPE) by the handler to determine the volume of cherries. In addition, the accidental destruction, as well as the disposition of the now unmarketable cherry product, must be verified by either a USDA inspector or Board agent or employee. For the purpose of proper control and oversight, the measures recommended by the Board are considered appropriate.

At the Board meeting, there was a discussion that accidents may occur at a handler's facility after the processing of cherries has taken place. Freezers have collapsed and malfunctioned rendering the finished product unmarketable. The Board noted that one of the goals of the volume regulation program is to control the flow of marketable fruit in the marketplace. Therefore, it was the Board's recommendation that finished marketable products accidentally destroyed should be allowed diversion credit.

Handlers wishing to obtain diversion certificates for finished tart cherry products owned by them which are accidentally destroyed must allow the disposition of the destroyed product to take place under the supervision of USDA's Processed Products Branch inspectors or a Board agent or employee. This will allow the Board to verify that the accidentally destroyed finished product was unmarketable and that it was disposed of properly.

Once diversion is satisfactorily accomplished, handlers receive diversion certificates from the Board stating the weight of cherries diverted. Such diversion certificates can be used to satisfy handlers' restricted percentage obligations.

In addition, this rule continues in effect the removal of a paragraph in the regulations which limited diversion credit for exempted products to one million pounds each crop year. Prior to the issuance of the interim final rule, section 930.159 provided for diversion credit of up to one million pounds of exempted products each crop year. Exempted products include products used in new product development and new market development. Exempted products also include those that were used to expand the use of new or different products or the sales of existing products, or those that are exported to countries other than Canada, Mexico, and Japan, but such cherry products do not include juice or juice concentrate.

The supplementary information in the rulemaking which implemented section 930.159 on January 6, 1998, (63 FR 399; interim final rule) and April 22, 1998, (63 FR 20012; final rule), stated that during its deliberations, the Board discussed its view that allowing diversion credit for exempt uses would provide adequate flexibility for individual handlers to ship cherries. The Board, however, recommended providing some restriction on the absolute volume of such allowable diversions until more experience with the program had been obtained, and that restriction was set at one million pounds. The one million pound limit for exempted product did not apply to those products receiving export diversions for the 1997–98 season. The Board continued reviewing the issue of what limits, if any, to impose on exempted products.

During the 1997 season, 2.7 million pounds of exempted products for new market and product development received diversion credit. In recent seasons, sales to export markets have risen dramatically. In 1997, export sales of 61.1 million pounds represented 379 percent of 1994 sales (16.1 million pounds). There was also an increase in export sales to those destinations exempt from volume regulation (countries other than Canada, Japan, and Mexico), rising from 12.2 million pounds to 48.7 million pounds. In view of the dynamics taking place in the cherry industry, and particularly the expanding markets and opportunities, the Board did not believe that the one million pound exemption should be continued. The removal of the one million pound limitation on exempted products should continue to encourage the further development of new markets and new tart cherry products. Therefore, the removal of section 930.159(f) continues in effect.

The Regulatory Flexibility Act and Effects on Small Businesses

The Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities and has prepared this final regulatory flexibility analysis. The Regulatory Flexibility Act (RFA) allows AMS to certify that regulations do not have a significant economic impact on a substantial number of small entities. However, as a matter of general policy, AMS' Fruit and Vegetable Programs (Programs) no longer opts for such certification, but rather performs regulatory flexibility analyses for any rulemaking that would generate the interest of a significant number of small entities. Performing such analyses shifts the Programs' efforts from determining whether regulatory flexibility analyses are required to the consideration of regulatory options and economic or regulatory impacts.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of tart cherries who are subject to regulation under the order and approximately 900 producers of tart cherries in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. The majority of handlers and producers of tart cherries may be classified as small entities.

The principal demand for tart cherries is in the form of processed products. Tart cherries are dried, frozen, canned, juiced, and pureed. During the period 1993/94 through 1997/98, approximately 89 percent of the U.S. tart cherry crop, or 281.1 million pounds, was processed annually. Of the 281.1 million pounds of tart cherries processed, 63 percent were frozen, 25 percent were canned, and 4 percent were utilized for juice. The remaining 8 percent were dried or assembled into juice packs.

The Board reported that for the 1997–98 crop year handlers received export diversion certificates for 48.7 million

pounds of cherries and 7.1 million pounds were diverted at handlers' facilities.

Section 930.59 of the tart cherry marketing order provides authority for handler diversion. Handlers handling cherries harvested in a regulated district may fulfill any restricted percentage requirement in full or in part through diversion of cherries or cherry products in a program approved by the Board, rather than placing cherries in an inventory reserve. Handlers can divert by destruction of the cherries at the handler's facility, making charitable donations and selling cherry products in exempt outlets or by redeeming grower diversion certificates obtained from growers who have diverted cherries by non-harvest, and who have been issued diversion certificates by the Board. This rule continues to provide for handler diversion certificates in cases where marketable, finished tart cherry products are accidentally destroyed, and thus, rendered unacceptable for the marketplace. Such diversion certificates can be used to satisfy the handler's restricted percentage obligation.

Handler diversion options enable handlers to either place cherries into an inventory reserve or select the diversion option most advantageous to their particular business operation. The diversion options allow handlers to minimize processing and storage costs associated with meeting restricted percentage obligations. Such cost savings may also be passed on to growers and consumers. Thus, this action continues to accomplish the purposes of the order and the Act by providing a means of increasing grower returns and stabilizing supplies with demand.

The impact of this rule will be beneficial to growers and handlers regardless of size. Continuing the additional diversion option will prevent financial hardships when marketable finished tart cherry products are destroyed by accident. An alternative to this rule would be to not grant diversion credit for such products. However, this is not in the best interest of the industry. The marketing order's volume regulation feature was designed to increase grower returns by stabilizing supplies with demand. Providing for handler diversion is one of the mechanisms employed to accomplish this goal, and this action broadens handler diversion options. Moreover, handlers may divert cherries by destroying them at their plants/facilities. Therefore, allowing diversion credit for products which are accidentally destroyed, is consistent with the overall regulatory scheme established by the marketing order.

In addition, this rule continues in effect the removal of a paragraph in the regulations which limited diversion credit for exempted products to one million pounds each crop year. Previously, section 930.159 provided for diversion credit of up to one million pounds of exempted products each crop year, with the exception of exported products for the 1997 season. The Board had recommended providing some restriction on the absolute volume of exempted product diversions until more experience with the program had been obtained. The one million pound limitation for exempted products did not apply to diversion credit for exports for the 1997–98 season. The Board continued reviewing the issue of what limits, if any, to impose on exempted products.

During the 1997 season, 2.7 million pounds of exempted products for new market and product development received diversion credit. In recent seasons, sales to export markets have risen dramatically. In 1997, export sales of 61.1 million pounds represented 379 percent of 1994 sales (16.1 million pounds). There was also an increase in export sales to those destinations exempt from volume regulation (countries other than Canada, Japan, and Mexico), rising from 12.2 million pounds to 48.7 million pounds. In view of the dynamics taking place in the cherry industry, and particularly the expanding markets and opportunities, the Board does not believe that the one million pound exemption should be continued. The removal of the one million pound limitation on exempted products should continue to encourage the further development of new markets and new tart cherry products. Therefore, continuing the removal of the limitation will provide more flexibility to handlers by allowing them to expand markets and new product opportunities.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by this order have been previously approved by OMB and assigned OMB Number 0581–0177. Included in the OMB approval is the Handler Reserve Plan and Final Pack Report which handlers must submit to utilize at-plant and exempt use diversion and the requirements for other reports related to handler diversion and handlers meeting their restricted percentage obligations. Handlers applying for diversion credit for marketable finished tart cherry products accidentally destroyed do not have to submit an additional Handler Plan and Pack Report to the Board. Handlers can make changes in their previously submitted Handler Plan and Final Pack Report to account for product accidentally destroyed.

Accordingly, this rule will not impose any additional recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules which duplicate, overlap or conflict with this rule.

The Board's meetings were widely publicized throughout the tart cherry industry and all interested persons were invited to attend them and participate in Board deliberations. Like all Board meetings, the September 1998 meeting was a public meeting and all entities, both large and small, were able to express their views on these issues. The Board itself is composed of 18 members, of which 17 members are growers and handlers and one represents the public. Also, the Board has a number of appointed committees to review marketing order issues and make recommendations.

The Board considered alternatives to its recommendations. These included not granting diversion credit and continuing to impose limitations on the volume of exempted product receiving diversion credit. However, these alternatives were determined as not being in the best interest of the industry.

An interim final rule concerning this action was published in the **Federal Register** on February 25, 1999 (64 FR 9265). Copies of the rule were mailed by the Board's staff to all Board members and cherry handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided a 60-day comment period which ended April 26, 1999. One comment was received from a tart cherry association representing tart cherry growers and processors in the State of Oregon.

The commenter asked several questions about the additional handler diversion option, and expressed the view that Board meetings are not well publicized. These comments are addressed below.

The commenter first asked whether the additional diversion option concerning accidentally destroyed tart cherry products applied to cherries harvested during the Summer of 1998

and whether such application is equitable.

The regulation applies to finished products accidentally destroyed during the 1998–99 crop year (July 1, 1998, through June 30, 1999), and thereafter. The interim final rule was effective February 6, 1999, and making the rule applicable to the whole crop year is not inequitable.

Only handlers in volume regulated districts are eligible to receive diversion credit. Allowing a handler to receive diversion credit for accidentally destroyed product satisfies part, or all, of the handler's restricted obligation and is consistent with the concept of volume regulation. The goal of volume regulation is to bring supplies in line with market needs, strengthen market conditions, and to increase grower returns.

The commenter also asked whether handlers with insurance who were compensated for their accidental loss would be eligible for diversion credit. Under this regulation, an insurance settlement received by a handler for product loss or damage does not prevent the handler from obtaining diversion credit.

Another issue raised by the commenter concerns the term ''handler's facility'' as it relates to obtaining diversion credit for product which is accidentally destroyed at a handler's facility. In this regard, the commenter raised questions about product accidentally destroyed while in a facility leased by a handler or in storage at a public cold storage warehouse. The commenter also asked whether the diversion credit applies to accidentally destroyed cherries before processing on the handler's premises, or to cherries or product destroyed while en route to a handler's facility. The diversion option in this regulation is intended to apply to finished marketable cherry products that are owned by a handler and are accidentally destroyed. It does not apply to cherries before processing which are accidentally destroyed.

The interim final rule published February 25, 1999 (64 FR 9265), stated that finished marketable product accidentally destroyed at a handler's facility may be granted diversion credit. It was the Board's intent that diversion credit be granted for finished marketable product, when the product is owned by the handler at time of accidental destruction. The physical location of the finished product at the time of accidental destruction is not a determining factor. Because of the commenter's questions, the Department has modified the regulatory provisions to clarify the Board's intent. That is, handlers can receive diversion credit for accidentally destroyed finished marketable product as long as the product is owned by the handler at the time of destruction.

Finally, the commenter disagreed with the statement that Board meetings are widely publicized throughout the tart cherry industry and all interested persons are invited to attend them and participate in Board deliberations. The commenter stated that the Board office seems to communicate only through the ''The Fruit Growers News'' in the Michigan area or through direct mail to Board participants. The commenter mentioned that he was a member of the Board, and did not know if many of the things he received from the Board office go to all growers or handlers or just to the Board members and alternates.

The Board has and will continue to take appropriate action to provide broad notice of upcoming meetings to all handlers and Board members and alternate members. The Board sends meeting notices to all Board members and several tart cherry organizations throughout the production area. In fact, the Board sends a newsletter to all growers and handlers of record in the production area which further publicizes, among other things, upcoming Board meetings.

The commenter also mentioned that participation in Board meetings is challenging to all growers because a majority of them are held in Michigan, and that travel is extremely expensive from the west coast and very time consuming. The commenter also stated that the Board has not considered holding meetings at major hub city airports that are more accessible, and less expensive. According to the commenter, this situation limits the level of involvement by, and consideration for, smaller industry participants, such as the small, remote, and the independent members of the tart cherry industry.

On the matter of Board meeting location, the Board has to consider the cost of travel for all Board members because it pays travel expenses for all of its members. It is a considerable expense to the Board to hold the meetings outside of Michigan since 16 members and alternates of the 18 member Board are from the State of Michigan. The Board realizes the time spent in travel by Board members and producers and handlers throughout the production area. To make attendance at Board meetings easier while properly managing travel costs, the Board has made a commitment to hold the June 1999 marketing policy meeting in Michigan and the September 1999 marketing policy meeting in Washington. The Board is also considering holding meetings outside the Michigan districts to allow producers and handlers to attend the meetings and cut down on travel time for those not located in Michigan. Recently, producer meetings were held in Pasco, Washington and Rochester, New York, to inform growers about proposed amendments to the order and the activities of the Board.

Based on the comments and the questions received, the limitation on the location of the accidental destruction is being removed. In the first sentence of paragraph (a), the phrase ''at a handlers' facility'' following the words ''by diverting cherry products accidentally destroyed'' is removed from this regulation. Also, removed in the first sentence of paragraph (d), is the phrase ''at a handler's facility'' following the words ''Handlers may be granted diversion credit for diverting finished tart cherry products accidentally destroyed''. The removal of the these phrases is intended to clarify the intent of the regulation. In addition, to clarify the period of applicability, wording has been added to the regulation indicating that it applies to finished products accidentally destroyed during the 1998–99 crop year (July 1, 1998, through June 30, 1999), and thereafter.

After consideration of all relevant material presented, including the Board's recommendation, the comment received, and other information, it is found that finalizing this interim final rule, with modifications, as published in the **Federal Register** (64 FR 9265), will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule continues to relax requirements by providing an additional opportunity for handlers to receive diversion credit and meet their restricted obligations; and (2) the clarifications made to the provisions should be effective promptly to effectively carry out this program.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

Accordingly, the interim final rule amending 7 CFR part 930 which was published at 64 FR 9265 on February 25, 1999, is adopted as a final rule with the following change:

1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 930.159 paragraphs (a) and (d) are revised to read as follows:

§ 930.159 Handler diversion.

(a) *Methods of diversion.* Handlers may divert cherries by redeeming grower diversion certificates, by destroying cherries at handlers' facilities (at-plant), by diverting cherry products accidentally destroyed, by donating cherries or cherry products to charitable organizations or by using cherries or cherry products for exempt purposes under § 930.162, including export to countries other than Canada, Mexico and Japan. Once diversion has taken place, handlers will receive diversion certificates stating the weight of cherries diverted. Diversion credit may be used to fulfill any restricted percentage requirement in full or in part. Any information of a confidential and/or proprietary nature included in this application would be held in confidence pursuant to § 930.73 of the order.

* * * * *

(d) *Diversion of finished products.* Handlers may be granted diversion credit for finished tart cherry products that are accidentally destroyed during the 1998–1999 crop year (July 1, 1998, through June 30, 1999), and thereafter. To receive diversion credit under this option the cherry products must be owned by the handler at the time of accidental destruction, be a marketable product at the time of processing, be included in the handler's end of the year handler plan, and have been assigned a Raw Product Equivalent (RPE) by the handler to determine the volume of cherries. In addition, the accidental destruction, and disposition of the product must be verified by either a USDA inspector or Board agent or employee who witnesses the disposition of the accidentally destroyed product. Products will be considered destroyed if they sustain damage which renders them unacceptable in normal market channels.

* * * * *

Dated: June 14, 1999.

Eric M. Forman,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–15625 Filed 6–18–99; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 707

Truth in Savings

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA is adopting as a final rule without change the interim final amendments to part 707 issued by NCUA on December 29, 1998. Those amendments implemented certain statutory changes to the Truth in Savings Act (TISA). Specifically, they modified the rules governing indoor lobby signs, eliminated subsequent disclosure requirements for automatically renewable term share accounts with terms of one month or less, repealed TISA's civil liability provisions as of September 30, 2001, and permitted disclosure of an annual percentage yield (APY) equal to the contract dividend rate for term share accounts with maturities greater than one year that do not compound but require dividend distributions at least annually.

DATES: This rule is effective July 21, 1999.

FOR FURTHER INFORMATION CONTACT: Frank S. Kressman, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1998, the NCUA Board issued an interim final rule with request for comments amending part 707 of NCUA's regulations regarding truth in savings. 63 FR 71573 (December 29, 1998). Part 707 implements TISA. 12 CFR part 707. The purpose of part 707 and TISA is to assist members in making meaningful comparisons among share accounts offered by credit unions. Part 707 requires disclosure of fees, dividend rates, APY, and other terms concerning share accounts to members at account opening or whenever a member requests this information. Fees and other information also must be provided on any periodic statement credit unions send to their members.

TISA requires NCUA to promulgate regulations substantially similar to those promulgated by the Board of Governors of the Federal Reserve System (Federal Reserve). 12 U.S.C. 4311(b). In doing so, NCUA is to take into account the unique nature of credit unions and the limitations under which they may pay dividends on member accounts.

The Federal Reserve issued final rules to implement certain statutory changes to TISA. One of these rules expanded an exemption from certain advertising provisions for signs on the interior of depository institutions, eliminated the requirement that depository institutions provide disclosures in advance of maturity for automatically renewable (rollover) accounts with a term of one month or less, and repealed TISA's civil liability provisions, effective September 30, 2001. 63 FR 52105 (September 29, 1998). The Federal Reserve also promulgated a final rule to permit depository institutions to disclose an APY equal to the contract interest rate for time accounts with maturities greater than one year that do not compound but require interest distributions at least annually. 63 FR 40635 (July 30, 1998). The interim final rule issued by NCUA on December 29, 1998 is substantially similar to the above rules issued by the Federal Reserve.

Summary of Comments

The NCUA Board received two comment letters regarding the interim final rule from credit union trade associations. Both commenters generally supported the interim final rule as drafted.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under $1 million in assets). The NCUA has determined and certifies that this final rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

This final rule has no net effect on the reporting requirements in part 707.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. It states that: ''Federal action limiting the policy-

making discretion of the states should be taken only where constitutional authority for the action is clear and certain, and the national activity is necessitated by the presence of a problem of national scope.'' This final rule will not have a direct effect 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. NCUA has determined that this final rule does not constitute a significant regulatory action for purposes of the executive order.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. The Office of Management and Budget has reviewed this rule and has determined that for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 this is not a major rule.

List of Subjects in 12 CFR Part 707

Advertising, Consumer protection, Credit unions, Reporting and recordkeeping requirements, Truth in savings.

By the National Credit Union Administration Board on June 14, 1999.

Becky Baker,

Secretary of the Board.

PART 707—TRUTH IN SAVINGS

Accordingly, the interim final rule amending 12 CFR part 707 which was published at 63 FR 71573 on December 29, 1998, is adopted as a final rule without change.

[FR Doc. 99–15649 Filed 6–18–99; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–CE–25–AD; Amendment 39–11149; AD 95–11–15 R1]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK 21 Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of Airworthiness Directive (AD) 95–11–15 R1, which applies to Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASK 21 gliders. AD 95–11–15 R1 requires replacing the parallel rocker with a part of improved design and incorporating flight manual revisions, but only for those gliders with the automatic elevator connection incorporated. AD 95–11–15 was the result of two incidents of the parallel rocker breaking at the elevator connection on the affected gliders. Since that time, the FAA has determined that the AD should only affect those Model ASK 21 gliders equipped with the automatic elevator connection. The actions specified in this AD are intended to continue to prevent possible loss of elevator control that could result from a broken parallel rocker.

EFFECTIVE DATE: July 25, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with request for comments in the **Federal Register** on April 26, 1999 (64 FR 20142). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA anticipates that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, was received within the comment period, the regulation would become effective on July 25, 1999. No adverse comments were received, and thus this notice confirms that this final rule will become effective on that date.

Issued in Kansas City, Missouri, on June 11, 1999.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–15619 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–6]

Revision of Class E Airspace, Santa Catalina, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: In May 1999, the U.S. Navy reduced the size of Warning Area 290 (W–290). This action will amend the lateral boundaries of the Class E airspace for Santa Catalina, CA, to include the area west of the island.

EFFECTIVE DATE: 0901 UTC November 4, 1999. *Comment date:* Comments for inclusion in the Rules Docket must be received on or before July 21, 1999.

ADDRESSES: Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–6, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Richard V. Coffin Jr., Air Traffic Division, Airspace Specialist, AWP–520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6533.

SUPPLEMENTARY INFORMATION: This action will amend the airspace legal description to reflect the new lateral boundaries of the Class E airspace for Santa Catalina, CA. The reduction of W–290 has made this action necessary. The intended effect of this action is to modify the lateral boundaries of the Santa Catalina Class E airspace area in the legal description of the controlled airspace. Class E airspace is published in Paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation

listed in this document would be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–AWP–6.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth

* * * * *

AWP CA E5 Santa Catalina, CA [Revised]

Santa Catalina VORTAC
(Lat. 33°22′30″ N, long. 118°25′12″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Santa Catalina VORTAC and within 4.3 miles each side of the Santa Catalina VORTAC 229° radial extending from the 6-mile radius to 10.4 miles southwest of the Santa Catalina VORTAC. That airspace extending upward from 1,200 feet above the surface bounded on the east by long. 117°30′03″ W, on the south by a line extending from lat. 33°15′00″ N, long. 117°30′03″ W; to lat. 33°12′30″ N, long. 117°58′48″ W; to lat. 33°18′00″ N, long. 118°34′03″ W; to lat. 33°19′30″ N, 118°37′03″ W, on the west by a line extending to lat. 33°28′30″ N, long. 118°47′00″ W, and on the north by a line extending to lat. 33°28′30″ N, long. 118°34′03″ W; to lat. 33°30′00″ N, long. 118°34′03″ W, thence east along lat. 33°30′00″ N, to long. 117°30′03″ W, excluding the portion within Control Area 1177L.

Issued in Los Angeles, California, on June 8, 1999.

R.E. Cusic,

Acting Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 99–15593 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–20]

Amendment to Class E Airspace; Macon, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Macon, MO.

DATES: The direct final rule published at 64 FR 19267 is effective on 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a

request for comments in the **Federal Register** on April 20, 1999 (64 FR 19267). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on July 15, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on May 25, 1999.

Donovan D. Schardt,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–15710 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–24]

Amendment to Class E Airspace; Emporia, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace areas at Emporia Municipal Airport, Emporia, KS. The FAA has developed Global Positioning System (GPS) Runway (RWY) 1, GPS RWY 19, VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Area Navigation (RNAV) RWY 19, and amended the VOR or GPS–A Standard Instrument Approach Procedures (SIAPs) to serve Emporia Municipal Airport, KS. The Development of these SIAPs has resulted in a slight reduction in the Class E surface area. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs, however the extensions to the north and southeast have been eliminated. The enlarged Class E area will contain the new GPS RWY 1, GPS RWY 19, VOR/DME RNAV RWY 19, and VOR or GPS–A SIAPs in controlled airspace.

In addition, a minor revision to the Airport Reference Point (ARP) geographic coordinates for the Emporia Municipal Airport is included in this document. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 1, GPS RWY 19, VOR/DME RNAV RWY 19, and VOR or GPS–A SIAPs, revise the ARP coordinates for the Emporia Municipal Airport, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, September 9, 1999.

Comments for inclusion in the Rules Docket must be received on or before July 26, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–24, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 1, GPS RWY 19, VOR/DME RNAV RWY19, and VOR or GPS–A SIAPs to serve the Emporia Municipal Airport, Emporia, KS. In addition, the Class E airspace includes a minor revision to the geographic coordinates for the Emporia Municipal Airport ARP. The Class E surface area is slightly reduced. The amendment to Class E airspace at Emporia, KS, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, eliminate the extensions to the north and southeast, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The areas will be depicted on appropriate aeronautical charts. Class E airspace areas designated as a surface area for an airport are published in paragraph 6002 and Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related

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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–24.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1997); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g) 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area airport.

* * * * *

ACE KS E2 Emporia, KS [Revised]

Emporia Municipal Airport, KS
(Lat. 38°19′56″ N., long. 96°11′28″ W.)

Within a 4-mile radius of Emporia Municipal Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE KS E5 Emporia, KS [Revised]

Emporia Municipal Airport, KS
(Lat. 38°19′56″ N., long. 96°11′28″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Emporia Municipal Airport.

* * * * *

Issued in Kansas City, MO, on May 21, 1999.

Donovan D. Schardt,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–15709 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–25]

Amendment to Class E Airspace; York, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at York Municipal Airport, York, NE. The FAA has revised the Nondirectional Radio Beacon (NDB) Runway (RWY) 17 Standard Instrument Approach Procedure (SIAP) to serve York Municipal Airport, York, NE. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the revised NDB RWY 17 SIAP in controlled airspace.

In addition, a minor revision to the Airport Reference Point (ARP) geographic coordinates for the York Municipal Airport is included in this document. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the NDB RWY 17 SIAP, revise the ARP coordinates for the York Municipal Airport, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, November 4, 1999.

Comments for inclusion in the Rules Docket must be received on or before August 15, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–25, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has revised the NDB RWY 17 SIAP to serve the York Municipal Airport, York, NE. In addition, the Class E airspace includes a minor revision to the geographic coordinates for the York Municipal Airport ARP. The amendment to Class E airspace at York, NE, will provide additional controlled airspace at and above 700 feet AGL in order to contain the revised SIAP within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14

CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–25.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE NE E5 York, NE [Revised]

York Municipal Airport, NE
(Lat. 40°53′48″ N., long. 97°37′22″ W.)
York NDB
(Lat. 40°53′51″ N., long. 97°37′01″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of York Municipal Airport and within 2.6 miles each side of the 202° bearing from the York NDB extending from the 6.6-mile radius to 7.4 miles southwest of the airport and within 2.5 miles each side of the 337° bearing from the York NDB extending from the 6.6-mile radius to 7 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on June 2, 1999.

Donovan D. Schardt,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–15708 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–2]

Establishment of Class E Airspace; Taylor, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class E airspace area at Taylor, AZ. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 21 at Taylor Municipal Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the GPS RWY 21 SIAP to Taylor Municipal Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Taylor Municipal Airport, Taylor, AZ.

EFFECTIVE DATE: 0901 UTC September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

History

On April 13, 1999, the FAA proposed to amend 14 CFR part 71 by establishing a Class E airspace area at Taylor, AZ (64 FR 17984). Additional controlled airspace extending upward from 700 feet above the surface is needed to contain airspace executing the GPS RWY 21 SIAP at Taylor Municipal Airport. This action will provide adequate controlled airspace for aircraft executing the GPS RWY 21 SIAP at Taylor Municipal Airport, Taylor, AZ.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations for airspace extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes a Class E airspace area at Taylor, AZ. The development of a GPS RWY 21 SIAP has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 21 SIAP at Taylor Municipal Airport, Taylor, AZ.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP AZ E5 Taylor, AZ [New]

Taylor Municipal Airport, AZ
(Lat. 34°27′17″N, long. 110°06′89″W)
Show Low Municipal Airport, AZ
(Lat. 34°15′56″N, long. 110°00′17″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taylor Municipal Airport, excluding the portion within the Show Low, AZ, Class E airspace area. That airspace extending upward from 1200 feet above the surface within 5 miles southeast and 8 miles northwest of the 041° radial from the Taylor Municipal Airport, extending from the Taylor Municipal Airport to the southern boundary of V–264.

* * * * *

Issued in Los Angeles, California, on June 9, 1999.

R. E. Cusic,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–15592 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 422

[Regulations Nos. 4 and 22]

RIN 0960–AE84

Federal Old-Age, Survivors, and Disability Insurance; Employer Identification Numbers for State and Local Government Employment

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: We are amending our rules dealing with the special identification numbers we issue to States that submit modifications to their voluntary social security coverage group agreements. Under this revision, we will issue special identification numbers only in cases where a modification extends coverage to periods prior to 1987. This revision will permit SSA to divert scarce SSA resources to other priority workloads without adversely affecting State recordkeeping operations.

EFFECTIVE DATE: This regulation is effective July 21, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Augustine, Social Insurance Specialist, Office of Process and Innovation Management, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410)966–5121 or TTY (410) 966–5609 for information about this rule. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778.

SUPPLEMENTARY INFORMATION: Section 205(c)(2)(A) of the Social Security Act (the Act) requires SSA to maintain a record of the wages and self-employment income of each individual. The record is identified by the individual's social security number. Wages posted to an individual's record are based on wage reports submitted to SSA and the Internal Revenue Service (IRS) by employers. IRS regulations at 26 CFR 31.6011(a)–l require an employer to file returns required under the Federal Insurance Contributions Act (FICA) with IRS each year and IRS regulations at 26 CFR 31.6051–2 and 31.6091–1(d) require an employer to file wage reports with SSA each year. These requirements are also explained on wage reporting forms and in related instructions issued by SSA and IRS. To help account for these returns and reports, IRS assigns an employer identification number (EIN) to most employers. Additionally, SSA assigns a special identification number to each political subdivision of a State which is

included in a modification to the State's coverage agreement under section 218 of the Act. These special identification numbers must currently be issued to any State that requests a modification of its coverage agreement, and to interstate instrumentalities if pre-1987 coverage is obtained. However, for SSA program purposes, such numbers are necessary only if the modification covers wages for years prior to 1987. In cases where the modification does not cover pre-1987 wages, the number is assigned solely for State bookkeeping purposes.

Regulatory Provisions

We are modifying paragraph (a) of § 404.1220 and paragraph (b) of § 422.112 of our regulations to indicate that we will issue a special identification number to each political subdivision of a State included in a modification to the State's voluntary coverage agreement under section 218 of the Act only if the modification extends coverage to periods prior to 1987. States are free to assign their own identification numbers to employers covered under modifications that do not cover pre-1987 earnings, so that these final rules will have no adverse impact on State recordkeeping operations. This revision will permit SSA to divert scarce resources to other priority workloads.

On December 24, 1998, we published proposed rules in the **Federal Register** at 63 FR 71237 and provided a 60-day period for interested parties to comment. We received no comments. We are, therefore, publishing these rules unchanged.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and have determined that these final rules do not meet the criteria for a significant regulatory action under Executive Order (E.O.) 12866. Thus, they are not subject to OMB review.

Regulatory Flexibility Act

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

Paperwork Reduction Act

These final regulations will impose no additional reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001 Social Security Disability Insurance; 96.002 Social Security Retirement Insurance; 96.004 Social Security Survivors Insurance.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 422

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies), Social Security.

Dated: June 10, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set forth in the preamble, we are amending subpart M of part 404 and subpart B of part 422 of Chapter III of the Code of Federal Regulations as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Subpart M—[Amended]

1. The authority citation for subpart M of part 404 continues to read as follows:

Authority: Secs. 205, 210, 218 and 702(a)(5) of the Social Security Act (42 U.S.C. 405, 410, 418 and 902(a)(5)); sec. 12110, Pub. L. 99–272, 100 Stat. 287 (42 U.S.C. 418 note); sec. 9002, Pub. L. 99–509, 100 Stat. 1970.

2. Section 404.1220 is amended by revising paragraph (a) to read as follows:

§ 404.1220 Identification numbers.

(a) *State and local governments.* When a State submits a modification to its agreement under section 218 of the Act, which extends coverage to periods prior to 1987, SSA will assign a special identification number to each political subdivision included in that modification. SSA will send the State a Form SSA–214–CD, ''Notice of Identifying Number,'' to inform the State of the special identification number(s). The special number will be used for reporting the pre-1987 wages to SSA. The special number will also be assigned to an interstate instrumentality if pre-1987 coverage is obtained and SSA will send a Form SSA–214–CD to the interstate instrumentality to notify it of the number assigned.

* * * * *

PART 422—ORGANIZATION AND PROCEDURES

Subpart B—[Amended]

3. The authority citation for subpart B of part 422 continues to read as follows:

Authority: Secs. 205, 232, 702(a)(5), 1131, and 1143 of the Social Security Act (42 U.S.C. 405, 432, 902(a)(5), 1320b–1, and 1320b–13).

4. Section 422.112 is amended by revising paragraph (b) to read as follows:

§ 422.112 Employer identification numbers.

* * * * *

(b) *State and local governments.* When a State submits a modification to its agreement under section 218 of the Act, which extends coverage to periods prior to 1987, SSA will assign a special identification number to each political subdivision included in that modification. SSA will send the State a Form SSA–214–CD, ''Notice of Identifying Number,'' to inform the State of the special identification number(s). The special number will be used for reporting the pre-1987 wages to SSA. The special number will also be assigned to an interstate instrumentality if pre-1987 coverage is obtained and SSA will send a Form SSA–214–CD to the interstate instrumentality to notify it of the number assigned.

[FR Doc. 99–15585 Filed 6–18–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF JUSTICE

28 CFR Part 92

[OJP(OJP)–1205]

RIN 1121–AA50

Timing of Police Corps Reimbursements of Educational Expenses

AGENCY: Office of Justice Programs, Office of the Police Corps and Law Enforcement Education, Justice.

ACTION: Interim final rule.

SUMMARY: This interim final rule concerns the timing of Police Corps reimbursements of educational expenses. The Police Corps Act (42 U.S.C. 14091 *et seq.*) provides that participants who complete one or more years of college study before being accepted into the Police Corps program are to be reimbursed for eligible educational expenses incurred during those years. The Police Corps Act does not specify the timing of these reimbursements. This rule provides that

reimbursements will be made through two equal payments at the start and conclusion of a participant's first year of service as a police officer or sheriff's deputy. This rule also permits the Director of the Office of the Police Corps and Law Enforcement Education, on a showing of good cause, to advance the date of a participant's first reimbursement payment to precede the start of required service.

DATES: This Interim Final Rule is effective on June 21, 1999. Comments on this rule must be received on or before September 20, 1999.

ADDRESSES: Comments should be sent to: Police Corps Reimbursement Schedule, Office of the Police Corps and Law Enforcement Education, Office of Justice Programs, 810 Seventh Street, NW, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Robert Cole, Program Coordinator, Office of the Police Corps and Law Enforcement Education at 202–353–8953. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Authority

This action is authorized under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14091 *et seq.* (''Police Corps Act'').

Background

The Office of Justice Programs, Office of the Police Corps and Law Enforcement Education (''Office of the Police Corps'') offers, pursuant to the Police Corps Act, 42 U.S.C. 14091 *et seq.*, and through the Police Corps program, financial aid on a competitive basis to college students who agree to undergo rigorous training and serve as police officers in specially designated areas for at least four years.

Once a college student is accepted into the Police Corps, he or she receives financial aid on a prospective basis through scholarship payments. 42 U.S.C. 14095(a). If a college student completes one or more years of college study before being accepted into the Police Corps, he or she is entitled to be reimbursed for educational expenses incurred during the years prior to his or her acceptance into the program. 42 U.S.C. 14095(b). The Police Corps Act does not specify the timing of these reimbursements, and the reimbursements do not include interest.

The relevant implementing regulation pertaining to the Police Corps Act at 28 CFR 92.5(b)(7) currently provides that reimbursements are made through four equal payments, one upon completion of each of the four years of required service. This interim final rule changes the current regulatory provision to accelerate reimbursements. Under this new rule, participants will be reimbursed in full for all eligible educational expenses once they successfully complete their first year of required service.

The change will enable participants to promptly repay student loans and, by allowing the Director flexibility in dealing with special individual circumstances, enable participants to have funds available to make loan payments and meet other ongoing financial obligations during the 16 to 24 weeks of required residential training. By reducing the number of payments per participant, the change also will ease the administrative burden on both the Office of the Police Corps and state lead agencies.

Executive Order 12866

This interim final regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Office of Justice Programs has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This interim final regulation 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 preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Office of Justice Programs, 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:

(1) This interim final rule provides the schedule under which eligible applicants receive reimbursements for educational expenses under the Act; and

(2) Such reimbursements impose no requirements on small business or on small entities.

Unfunded Mandates Reform Act of 1995

This interim final 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 one year, and it will not 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 interim final 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 million or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete in domestic and export markets.

Paperwork Reduction Act

There are no collection of information requirements contained in this regulation that would require review and approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Good Cause Exception

This regulation is being published as an interim final rule, without prior publication of notice and comment, and is made effective immediately, for good cause. 5 U.S.C. 553(d)(3). Good cause can be demonstrated because advance notice of this interim final rule would be impractical, unnecessary, and contrary to the legislative intent, as well as the public interest, in making the Police Corps program available to men and women of all races and ethnicities without regard to individual economic circumstances or financial need. Indeed, the Police Corps Act requires that all participants be selected on a fully competitive basis and that states make special efforts to solicit applications from among members of all racial, ethnic, and gender groups. 42 U.S.C. 14096(a),(c). Economic need and financial circumstances are not a factor in the selection process. 42 U.S.C. 14096(b).

In order to achieve these ends, and in light of the substantial financial demands on many participants during training and/or during the first year of required service in the Police Corps program, a minor revision of the

reimbursement schedule is necessary. In particular, both the Police Corps Act and the contract that each participant must sign upon acceptance into the Police Corps require that the participant complete a baccalaureate degree and also complete 16 to 24 weeks (approximately four to six months) of intense residential training before beginning his or her required four years of service as a police officer or sheriff's deputy. 42 U.S.C. 14095(d); 14097(b),(d). During Police Corps training, participants are not employed by a law enforcement agency and receive no salary. Instead, participants receive a statutory stipend of $250 per week. 42 U.S.C. 14097(f); 14098(a).

The vast majority of Police Corps participants are accepted into the program as college sophomores, juniors, or seniors. Such participants frequently have student loans that they must begin to repay shortly after graduation from college and that, if not repaid in full shortly after graduation, accrue interest. In addition, some participants, because they have children or other significant support responsibilities, have ongoing financial obligations (child support, child care, mortgages, etc.) that cannot be satisfied through the training stipend. Reimbursement of participants in full during the first year of service, as provided for in this rule, will enable all participants—regardless of their personal or family economic circumstances—to repay student loans and similar obligations on a timely basis. Moreover, the flexibility to advance the first reimbursement payment will enable the Director to address special circumstances such as child support obligations. Together, these changes will make participation in the Police Corps feasible and practical across all economic groups, as contemplated by the Police Corps Act.

Further demonstration that such a revision of the reimbursement schedule is necessary and practical is evident by the activities in recent months of states that participate in the Police Corps program. States have requested an accelerated reimbursement schedule to address situations such as those outlined above. In addition, at least one state has expressed concern to the Office of the Police Corps and Law Enforcement Education that the current rule inhibits qualified men and women with dependents from applying to the program.

Finally, to publish a notice of a proposed rulemaking and await receipt of comments would significantly delay an appropriate response to the unintended financial hardships that the current rule poses to participants and prospective participants whose financial circumstances do not permit them to pay student loan expenses and dependent support while they await reimbursements owed under the statute and contract. Such delay would be contrary to the public interest and would be in contravention of the Congressional intent set forth in the Police Corps Act that the Police Corps be available to qualified applicants without regard to economic circumstances.

The Office of the Police Corps is, however, interested in receiving public comment on the interim final rule and will consider fully all such comments. Therefore, comments to be considered in preparing a final rule must be submitted on or before September 20, 1999.

List of Subjects in 28 CFR Part 92

Colleges and universities, Education, Educational facilities, Educational study programs, Law enforcement officers, Schools, Student aid.

For the reasons set forth in the preamble, 28 CFR part 92 is amended as follows:

PART 92—[AMENDED]

1. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 13811–13812; 42 U.S.C. 14091–14102.

2. Section 92.5 is amended by revising paragraph (b)(7) to read as follows:

§ 92.5 What educational expenses does the Police Corps cover, and how will they be paid?

* * * * *

(b) * * *

(7) Reimbursements for past expenses will be made directly to the Police Corps participant. One half of the reimbursement will be paid after the participant is sworn in and starts the first year of required service. The remainder will be paid upon successful completion of the first year of required service. The Director may, upon a showing of good cause, advance the date of the first reimbursement payment to an individual participant.

Laurie Robinson,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 99–15622 Filed 6–18–99; 8:45 am]

BILLING CODE 4410–18–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 187–150; FRL–6358–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of a revision to the California State Implementation Plan (SIP) proposed in the **Federal Register** on June 18, 1998. The revision concerns a rule from the South Coast Air Quality Management District (SCAQMD). This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC emissions from architectural coatings. Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on July 21, 1999.

ADDRESSES: Copies of the rule revision and EPA's evaluation report for this rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182

FOR FURTHER INFORMATION CONTACT: Yvonne Fong, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1199

SUPPLEMENTARY INFORMATION:

I. Applicability

This **Federal Register** action for the SCAQMD excludes the Los Angeles County portion of the Southeast Desert Air Quality Management District, otherwise known as the Antelope Valley Region in Los Angeles County, which is now under the jurisdiction of the Antelope Valley Air Pollution Control District as of July 1, 1997. The rule being approved into the California SIP is SCAQMD, Rule 1113, Architectural Coatings. This rule was submitted by the California Air Resources Board (CARB) to EPA on November 26, 1996.

II. Background

On June 18, 1998, in 63 FR 33312, EPA proposed to approve SCAQMD Rule 1113, Architectural Coatings into the California SIP. Rule 1113 was adopted by SCAQMD on November 8, 1996, and was submitted by the CARB to EPA on November 26, 1996. This rule was submitted in response to EPA's 1988 SIP-Call and the CAA section 110(a)(2)(A) requirement that plans which are submitted to the EPA in order to achieve the National Ambient Air Quality Standards (NAAQS) contain enforceable emission limitations. A detailed discussion of the background for this rule and nonattainment area is provided in the proposed rulemaking cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rulemaking cited above. EPA has found that the rule meets the applicable EPA requirements. The rule is enforceable and strengthens the applicable SIP. However, as noted in the proposed rulemaking cited above, it does not fulfill the SCAQMD's SIP-approved commitment in CTS–07 to reduce VOCs from architectural coatings by 75%. A detailed discussion of the rule provisions and evaluation has been provided in 63 FR 33312 and in a technical support document (TSD) dated May 1, 1998 available at EPA's Region IX office.

III. Response to Public Comments

EPA provided for a 30-day public comment period in 63 FR 33312. EPA received two comments on the proposed rulemaking prior to the closing of the comment period on July 20, 1998. We received comments from the main trade association representing the paint industry, and from an attorney representing a major paint manufacturer.

Comments: The trade association representing some 500 paint and coatings manufacturers, raw materials suppliers and distributors, submitted comments stating that while it supports EPA's national architectural coatings rule, it does not support VOC content limits for two categories of coatings contained in submitted Rule 1113. The association asserted that the VOC limits for lacquers and flats are not technologically or economically feasible and noted that it was involved in litigation over this issue. This commenter suggested that EPA must not approve the revisions to Rule 1113 because of the alleged technological and economical infeasibility.

The attorney representing a major paint manufacturer submitted similar comments. This commenter indicated that his client contested the VOC limit for flats and a small manufacturers exemption in submitted Rule 1113. Citing *Sierra Club* v. *Indiana-Kentucky Electric Corp.,* 716 F.2d 1145 (7th Cir. 1983), the commenter argued that EPA approval of the revised Rule 1113 prior to resolution of the litigation could result in confusion if the Court invalidated the revisions to Rule 1113. This commenter explicitly requested that EPA postpone approval of at least portions of submitted Rule 1113 until resolution of the litigation.

Response: Both commenters asserted that SCAQMD Rule 1113 as revised is technologically and economically infeasible. For this reason, each commenter requested that EPA either reconsider or delay approval of all or portions of Rule 1113. Under CAA section 110(a)(2), EPA may not consider the economic or technological feasibility of the provisions of the SCAQMD Rule in approval of the SIP revision. *Union Electric Co.* v. *EPA,* 427 U.S. 246, 265–66 (1976). As noted by the Supreme Court, it is the province of State and local authorities to determine whether or not to impose more stringent limits that may require technology forcing. EPA must assess the SIP revision on the basis of the factors set forth in CAA section 110(a)(2) which do not provide for the disapproval of a rule in a SIP based upon economic or technological infeasibility.

Both commenters also argued that the pendency of litigation by them against the SCAQMD Rule should preclude EPA approval of the revisions to Rule 1113. To the extent that such litigation concerned the economic and technological feasibility of the Rule, such litigation is not relevant to EPA's SIP approval for the reasons discussed above. One commenter further stated, however, that SCAQMD may have violated state procedural law in the adoption of Rule 1113, thereby implying that EPA should disapprove or delay approval of the SIP revision because SCAQMD might not have authority under State or local law to carry out the SIP as required by CAA section 110(a)(2)(E)(i).

EPA believes that it is inappropriate to disapprove or delay approval of a SIP revision merely on the basis of pending State court challenges to SCAQMD's regulation. To do so would allow parties to impede SIP development merely by initiating litigation. Alternatively, were EPA required to assess the validity of a litigant's State law claims in the SIP approval process, EPA would have to act like a State court, in effect weighing the competing claims of a State and a litigant. Therefore, EPA does not interpret CAA section 110(a)(2) to require the Agency to make such judgments in the SIP approval process, especially where the validity of those challenges turns upon issues of State procedural law. The Agency may, however, consider disapproval of a SIP revision because of pending challenges where it deems appropriate because of the facts and circumstances of the underlying challenge, as in the case of allegations of violation of Federal law administered by the Agency. Moreover, EPA believes that the structure of the CAA provides appropriate mechanisms for litigants to pursue their claims and appropriate remedies in the event that they are ultimately successful, as discussed in the case cited by a commenter. See, *Sierra Club* v. *Indiana-Kentucky Electric Corp.,* 716 F.2d 1145, 1153 (7th Cir. 1983) (State court invalidation of a SIP provision resulted in an unenforceable SIP provision which the State had to reenact or which EPA may use as the basis for a SIP call).

In any case, EPA notes that the State trial court has now ruled against those parties who challenged Rule 1113, including the commenters. See, *Sherwin-Williams Co. et al.* v. *SCAQMD,* [Superior Court of Cal., County of Los Angeles, No. BC162162, Order dated Feb. 3, 1999]. The outcome of that litigation confirms EPA's conclusion that SCAQMD has provided the necessary assurances contemplated in CAA section 110(a)(2). EPA acknowledges that the ruling of the trial court against the litigants may not be the final disposition of their claims, but the Agency believes in this instance that until a court rules against SCAQMD on the commenters' State law claims, the Agency cannot disapprove the SIP revision on the basis of those claims.

For the reasons discussed above, if the litigants appeal the order of the trial court, the mere pendency of an appeal by the commenters likewise does not provide a basis for the Agency to delay or disapprove the SIP revision.

Finally, one commenter also suggested that EPA should disapprove the revision of Rule 1113 because its VOC content limits differed from those of EPA's proposed national rule for architectural coatings under CAA section 183(e). As stated in the preamble to the final rule for architectural coatings, Congress did not intend section 183(e) to preempt any existing or future State rules governing VOC emissions from consumer and commercial products. See, *e.g.*, 63 FR 48,848, 48,857 (Sept. 11, 1998). Section 59.410 of the final architectural coatings regulations explicitly provides that States and their political subdivisions retain authority to adopt and enforce their own additional regulations affecting these products. See, 63 FR 48,848, 48,884 (Sept. 11, 1998). Accordingly, SCAQMD retains authority to impose more stringent limits for architectural coatings as part of its SIP, and its election to do so is not a basis for EPA to disapprove the SIP. See, *Union Electric Co.* v. *EPA*, 427 U.S. 246, 265–66 (1976). EPA favors national uniformity in consumer and commercial product regulation, but recognizes that some localities may need more stringent regulation to combat more serious and more intransigent ozone nonattainment problems.

IV. EPA Action

EPA is finalizing action to approve the above rule for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA and in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under E.O. 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action.

The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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. 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 rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: May 28, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(242) introductory text, (c)(242)(i) introductory text, and (c)(242)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(242) New and amended regulations for the following APCDs were submitted on November 26, 1996, by the Governor's designee.

(i) Incorporation by reference.

* * * * *

(B) South Coast Air Quality Management District.

(*1*) Rule 1113, adopted on September 2, 1977 and amended on November 8, 1996.

* * * * *

[FR Doc. 99–15167 Filed 6–18–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6363–6]

Technical Amendments to Approval and Promulgation of Implementation Plans: Oregon; Correction of Effective Date Under CRA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On July 24, 1998 (63 FR 39743), the Environmental Protection Agency published in the **Federal Register** a direct final rule approving revisions to the Oregon State Implementation Plan, which established an effective date of September 22, 1998. EPA promulgated that revision to satisfy the requirements of section 110 of the Clean Air Act (CAA) and 40 CFR part 51. In this document, EPA is correcting the effective date of the July 24, 1998 rule to June 21, 1999 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801, 808.

EFFECTIVE DATE: June 21, 1999.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos (206) 553–6510

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits 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 (GAO). In the July 24, 1998 direct final rule, EPA erroneously concluded that the rule was a rule of particular applicability, and thus, was not subject to the CRA. EPA now has determined that the July 24, 1998 rule is subject to the CRA because it is a rule of general applicability; thus, although the rule was promulgated on July 24, 1998, the action did not take effect on September 22, 1998 as originally stated. After we discovered our error, we submitted the rule to both Houses of Congress and the GAO on April 28, 1999. This document amends the effective date of the rule consistent with the provisions of the CRA.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable,

unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since July 24, 1998, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore 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 (Pub. L. 104–4). This rule 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.

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 rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of June 21, 1999. 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 action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

This action only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of the action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 1999.

Dated: June 14, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–15542 Filed 6–18–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300872; FRL–6083–9]

RIN 2070–AB78

Hydrogen Peroxide; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the biochemical hydrogen peroxide on all food commodities when applied/used as an algaecide, fungicide, and bactericide at the rate of ≤ 1% hydrogen peroxide per application on growing crops (all food commodities) and postharvest potatoes. Biosafe Systems submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of hydrogen peroxide.

DATES: This regulation is effective June 21, 1999. Objections and requests for hearings must be received by EPA on or before August 20, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300872], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300872], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP–300872]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Anne Ball, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location, telephone number, and e-mail address: 9th fl., Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–308–8717; e-mail address: ball.anne@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 23, 1998 (63 FR 50901) (FRL–6028–4), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide tolerance petition by Biosafe Systems, at that date at 45 E. Woodthrush Trail, East Medford, NJ 08055, at present at 80 Commerce St., Glastonbury, CT 06033. The notice included a summary of the petition prepared by the petitioner Biosafe Systems, the registrant. There were no comments received in response to the notice of filing. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of hydrogen peroxide. By this final rule, EPA is granting the petition. EPA is amending the existing exemption for hydrogen peroxide in accordance with the petition. Based on this action, EPA considers the existing exemption to be reassessed.

I. Risk Assessment and Statutory Findings

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' Additionally, section 408(b)(2)(D) requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

II. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Hydrogen peroxide at a concentration of 27.17% has a pH of 1.05 at which concentration EPA assumes a toxicity category I for skin and eye irritation. Biosafe has submitted toxicology information from open literature for aqueous solutions containing 6% hydrogen peroxide and for aqueous solutions containing 50% hydrogen peroxide. The concentrate (27.17% hydrogen peroxide) will be diluted with water at the rate of 1:50 or 1:100 or 1:300 and thus, the concentration of hydrogen peroxide in the product at the time of application will range from 0.09% to 0.54%. The information from open literature demonstrated that solutions containing 6% hydrogen peroxide have an acute oral $LD_{50} \geq 5{,}000$ milligram/kilogram (mg/kg) in rats (toxicity category III), an acute dermal $LD_{50} \geq 10{,}000$ mg/kg in rabbits (toxicity category IV), and an inhalation LC_{50} of 4 milligram/liter (mg/l) (toxicity category IV). The 6% hydrogen peroxide solutions are mild irritants to rabbit skin and cause severe irreversible corneal injury in half of the exposed rabbits (toxicity category I). Toxicology information from open literature demonstrated that solutions which contained 50% hydrogen peroxide have an acute oral $LD_{50} \leq 500$ mg/kg in rats (toxicity category II), and an acute dermal $LD_{50} \leq 1{,}000$ mg/kg in rabbits(toxicity category II). No deaths resulted after an 8–hour exposure of rats to saturated vapors of 90% hydrogen peroxide, $LC_{50} = 4$ mg/l (2,000 ppm). Solutions which contain 50% hydrogen peroxide also are extremely irritating (corrosive) to rabbit eyes (toxicity category I).

EPA has concluded that for food use at an application rate of ≤ 1% hydrogen peroxide no apparent acute toxicity and subchronic toxicity end points exist to suggest a significant toxicity. An RfD (chronic toxicity) for hydrogen peroxide has not been estimated because of its short half-life in the environment and lack of any residues of toxicological concern. For similar reasons, an additional safety factor was not judged necessary to protect the safety of infants and children. Additionally, hydrogen peroxide is listed by the Food and Drug Administration as Generally Recognized As Safe (GRAS). Additionally hydrogen peroxide is used to treat food at a maximum level of 0.05% in milk used in cheesemaking, 0.04% in whey, 0.15% in starch and corn syrup, and 1.25% in emulsifiers containing fatty acid esters as bleaching agents (21 CFR 184.1366). As a GRAS substance hydrogen peroxide may be used in washing or to assist in the lye peeling of fruits and vegetables (21 CFR 173.315).

III. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food*. For the proposed uses the concentrate of hydrogen peroxide will be diluted with water at the rate of 1:50, 1:100 or 1:300 corresponding to a low concentration of hydrogen peroxide in the product at the time of application (0.09–0.54%). The solution, having a low concentration of hydrogen peroxide, reacts on contact with the surface on which it is sprayed and degrades rapidly to oxygen and water. Therefore residues in or on treated food commodities of the algaecide/fungicide/bactericide hydrogen peroxide are expected to be negligible. Additional sources of the GRAS substance hydrogen peroxide in concentrations range from 0.04% to 1.25% in various foods as cited above (21 CFR 184.1366).

2. *Drinking water exposure*. At the proposed application rates, the use of hydrogen peroxide as an algaecide, fungicide, and bactericide to treat food commodities could result in a minimal transfer of residues to potential drinking water sources. This is due to the low application rate and the rapid chemical degradation of hydrogen peroxide into oxygen and water neither of which is of toxicological concern.

B. Other Non-Occupational Exposure

There may be minimal amounts of non-dietary exposure to hydrogen peroxide in homes through the infrequent and short topical use of the substance in treating minor skin injuries and in its use in oral mouthwashes. Exposure is expected to be minimal also because of the rapid chemical degradation of hydrogen peroxide into oxygen and water.

IV. Cumulative Effects

Because of the low use rates of hydrogen peroxide, its low toxicity and rapid degradation, EPA does not believe that there is any concern regarding the potential for cumulative effects of hydrogen peroxide with other substances due to a common mechanism of action. Because hydrogen peroxide is not known to have a common toxic metabolite with other substances, EPA has not assumed that hydrogen peroxide has a common mechanism of toxicity with other substances.

V. Determination of Safety for U.S. Population, Infants and Children

Because hydrogen peroxide is of low toxicity, the proposed uses employ low concentrations of hydrogen peroxide, and hydrogen peroxide degrades rapidly following application, EPA concludes that this exemption from the requirement of a tolerance in or on all food commodities for hydrogen peroxide when applied at ≤ 1% will not pose a dietary risk under reasonably foreseeable circumstances. Further, the EPA Office of Water has stated that it has seen no new data that contradict the assessment previously given, which is that low concentrations of hydrogen peroxide do not typically persist in drinking water at levels that pose a health risk. Accordingly, EPA concludes that there is a reasonable certainty of no harm to consumers, including infants and children, from aggregate exposure to hydrogen peroxide.

VI. Other Considerations

A. Endocrine Disruptors

There is no evidence to suggest that hydrogen peroxide in the proposed concentrations will adversely affect the endocrine system.

B. Analytical Method(s)

An analytical method for the detection of residues of hydrogen peroxide is not applicable to this tolerance exemption because of the low concentration of hydrogen peroxide in the product at the time of application at the time of application (≤ 1%) and its rapid degradation to water and oxygen on contact with crops.

C. Codex Maximum Residue Level

There are no Codex Maximum Residue Levels (MRLs) established for residues of hydrogen peroxide.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) and as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which governs the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 20, 1999, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given under the ''ADDRESSES'' section (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the hearing clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5697, tompkins.jim@epa.gov. Requests for waiver of tolerance objection fees should be sent to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Record and Electronic Submissions

EPA has established a record for this regulation under docket control number [OPP–300872] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Objections and hearing requests may be sent by e-mail directly to EPA at:

opp-docket@epa.gov

E-mailed objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this regulation, as well as the public version, as described in this unit will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also

include all comments submitted directly in writing. The official record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.) do not apply. Nevertheless, the Agency previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

X. Submission to Congress and the Comptroller General

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 the Comptroller General of the United States. 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 rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 3, 1999.

Kathleen D. Knox,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180–[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

2. Section 180.1197 is revised to read as follows:

§180.1197 Hydrogen peroxide; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of hydrogen peroxide in or on all food commodities at the rate of ≤ 1% hydrogen peroxide per application on growing crops and postharvest potatoes when applied as an algaecide, fungicide and bactericide.

[FR Doc. 99–15718 Filed 6–18–99; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

Fisheries off West Coast States and in the Western Pacific

CFR Correction

In Title 50 of the Code of Federal Regulations, part 600 to end, revised as of Oct. 1, 1998, § 660.333 is corrected by revising paragraph (f)(2) as follows:

§ 660.333 Limited entry fishery—general.

* * * * *

(f) * * *

(2) Limited entry permits may not be transferred to a different holder or registered for use with a different vessel more than once every 12 months, except in cases of death of the permit holder or if the permitted vessel is totally lost, as defined at § 660.302. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies. When a permit transferred from one holder to another holder is initially ''unidentified'' with regard to vessel registration, or when a permit's vessel registration is otherwise ''unidentified'', the transaction is not considered a ''transfer'' for purposes of this restriction until the permit is registered for use with a specific vessel.

* * * * *

[FR Doc. 99–55520 Filed 6–18–99; 8:45 am]

BILLING CODE 1505–01–D

Proposed Rules

Federal Register
Vol. 64, No. 118
Monday, June 21, 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.

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Parts 1306, 1307, 1309 and 1310

Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Supplemental proposed rule; reopening of comment period; notice of hearings.

SUMMARY: The Northeast Dairy Compact Commission is continuing to consider whether to amend the over-order price regulation to establish a supply management program. The Commission previously proposed an assessment/refund program and is slightly modifying that proposed program. As an alternative to the assessment/refund program, the Commission is now also proposing a base/excess program. The Commission is reopening the comment period and is requesting additional comment and testimony on each of these proposed programs.

DATES: Written comments and exhibits may be submitted until 5:00 p.m., August 18, 1999. See **SUPPLEMENTARY INFORMATION** section for public hearing dates and filing dates for pre-filed testimony.

ADDRESSES: Mail, or deliver, sworn and notarized testimony, comments and exhibits to: Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, Vermont 05602. See **SUPPLEMENTARY INFORMATION** section for public hearing locations.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229–1941, or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION:

I. Public Hearing Dates, Times and Locations; Filing Dates for Written Comments

The public hearing dates and locations are:

1. July 7, 1999, 7:00 p.m. at the Storrowton Village White Church Meeting House, Eastern States Exposition, 1305 Memorial Avenue, on MA 147, Gate 2, West Springfield, MA.

2. August 4, 1999, 7:00 p.m. at the North Stage Opera House, Exit 11, I–91, White River Junction, VT.

3. Pre-filed testimony is encouraged and may be submitted to the Northeast Dairy Compact Commission at the address in the **ADDRESSES** section by 12:00 p.m. June 30, 1999 for the July 7 hearing and by 12:00 p.m. July 28, 1999 for the August 4 hearing.

II. Background

The Northeast Dairy Compact Commission (''Commission'') was established under authority of the Northeast Interstate Dairy Compact (''Compact''). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 93–57. In accordance with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR Act), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. 7256(1), authorized implementation of the Compact.

Pursuant to its rulemaking authority under Article V, Section 11 of the Compact, the Commission concluded an informal rulemaking process and voted to adopt a compact over-order price regulation on May 30, 1997.[1] The Commission subsequently amended and extended the compact over-order price regulation.[2] In 1998, the Commission further amended specific provisions of the over-order price regulation.[3] The current compact over-order price regulation is codified at 7 CFR Chapter XIII. The Commission published additional regulatory background information in the original notice of the proposed supply management plan at 64 FR 19084 (April 19, 1999). A public hearing on the proposed supply management plan was held on May 5, 1999 and comments were received until May 19, 1999. Following review of the public testimony and comments received, the Commission is requesting additional comments, extending the comment period, holding two additional public hearings and is also proposing an alternative supply management program.

III. Proposed Supply Management Programs

The proposed supply management programs are designed to meet the Commission's responsibilities under Article IV, Section 9(f) of the Compact. That provision provides that ''[w]hen establishing a compact over-order price, the commission shall take such action as necessary and feasible to ensure that the over-order price does not create an incentive for producers to generate additional supplies of milk.'' The Commission is proposing to implement one of two distinct programs to address its responsibilities under Section 9(f) of the Compact. One is an assessment/refund program and the other is a base/excess program. The two programs are presented separately below.

It is the intention and judgment of the Commission that the combination of a supply management program and the recently promulgated rules limiting compact payments on diverted and transferred milk[4] will operate in coordination to regulate the supply of milk in New England relative to the consumer demand and to ensure that the compact payments do not create an incentive to generate supplies of milk in excess of the tolerance levels prescribed for diverted and transferred milk and deemed to be necessary to assure New England ''consumers of an adequate, local supply of pure and wholesome milk.''[5]

Assessment/Refund Program

The Commission initially proposed an assessment/refund program at 64 FR 19084 (April 19, 1999). The Commission proposes slight modifications to that program and requests comments on that program, as modified. The modified proposed program would require the Commission to reduce the producer pay price by five cents per hundredweight in months when there are compact producer payments. No obligation

[1] 62 FR 29626 (May 30, 1997).
[2] 62 FR 62810 (Nov. 25, 1997).
[3] 63 FR 10104 (Feb. 27, 1998); 63 FR 46385 (Sept. 1, 1998); and 63 FR 65517 (Nov. 27, 1998).
[4] 63 FR 65517 (Nov. 27, 1998).
[5] Compact, Art. I, Sec. 1.

would accrue if there is no compact producer payment in a particular month. These funds would be accumulated in an escrow account throughout the calendar year in a supply management-settlement fund.

At the conclusion of the calendar year, producers would have 45 days to submit an application to the Commission for a refund from the supply management-settlement fund. There would be two categories of producers eligible for the refund: (1) Producers who reduced their production as compared to their prior year's production level; and (2) producers who maintained their milk production level at a rate of increase not more than 1% compared to the prior year's production. All eligible producers would receive a refund based on a flat rate per producer. One-half of the supply management-settlement fund would be distributed to eligible producers on a per producer basis. The amount of the flat rate refund would be determined by dividing the total number of eligible producers into one-half the value of the supply management-settlement fund.

In addition, producers who reduced their milk production, compared to the prior year's production, would receive a refund amount based on a price per hundredweight of reduced milk production. There would be a maximum refund per producer of $12,000 for the per hundredweight payment. The maximum would only apply to the per hundredweight portion of the refund and the producer would still be eligible for the per producer portion of the refund.

The assessment/refund program would be intended to assure that compact payments do not create an incentive for producers to generate additional supplies of milk by creating an incentive for all producers to maintain a stable, local supply of milk for the New England milk market. All producers would share equally in the burden of funding this program through a reduction in the producer pay price. Only those producers who reduce or maintain their production level would be eligible for a refund. However, the program would not otherwise restrict the milk production of those producers who, for business reasons unrelated to the compact payments, chose to increase their milk production at a rate greater than 1% per year.

The Commission would also change the regulation regarding any balance left in an account established to meet a potential liability to the Commodity Credit Corporation. The supply management program would be designed to meet the Commission's responsibilities under section 9(f) of the Compact, and therefore, any balance in a CCC escrow account would be returned to the producer-settlement fund for distribution to all producers in the next producer pool.

The Commission offers the following examples to assist interested persons in evaluating the modified proposed assessment/refund program. In calendar year 1998, there was a compact producer price for eight months and there was no compact payment for four months. Applying the proposed program to the actual circumstances of 1998 would result in an accumulated supply management-settlement fund balance of $2,201,700. The proposed program would withhold five cents per hundredweight in the eight months there was a compact payment and there would be no withholding in the four months with no compact payment. This would result in an overall assessment of $.0336 per hundredweight for all producers for the calendar year.

Table 1 shows the cost per producer of a reduction in the producer pay price of $.0336 per hundredweight on a monthly and annual basis. As discussed above, the $.0336 reduction in the producer pay price is the proposed cost of funding the supply management-settlement fund, averaged over the twelve months in 1998.

TABLE 1.—COST OF SUPPLY MANAGEMENT ASSESSMENT TO SELECTED SIZE FARMS

Number of cows	Pounds	Reduced rate/cwt	Cost per month	Cost per year
40	700,000	$.0336	$20	$235
57	1,000,000	.0336	28	336
86	1,500,000	.0336	42	504
286	5,000,000	.0336	140	1,680
1,144	20,000,000	.0336	560	6,720

The examples in Tables 2 and 3 assume that each size farm reduces production by five percent compared to the prior year's production. The proposed supply management program would pay one-half of the supply management-settlement fund on a per producer, flat rate basis, and the other half on a rate per hundredweight of the producer's reduced milk production. The values used in the examples are determined by assuming that 1,000 producers are eligible for the supply management refund, and eligible producers reduced milk production by 91 million pounds. These assumptions result in a per producer refund payment of $1,100 and a per hundredweight rate of $1.20.

Table 2 shows the yearly refund different size farms would receive under the proposed assessment/refund program. The table also reflects the effect of the proposed $12,000 per hundredweight refund maximum.

TABLE 2.—YEARLY REFUND FROM SUPPLY MANAGEMENT PROGRAM: SELECTED SIZE FARMS

Number of cows	Pounds	Reduced pounds	Reduced rate/cwt	Rate/cwt refund	Per farm refund	Total refund
40	700,000	35,000	$1.20	$420	$1,100	$1,520
57	1,000,000	50,000	1.20	600	1,100	1,700
86	1,500,000	75,000	1.20	900	1,100	2,000
286	5,000,000	250,000	1.20	3,000	1,100	4,100
1,144	20,000,000	1,000,000	1.20	12,000	1,100	13,100

Table 3 shows the yearly financial benefit to different size farms of the proposed assessment/refund program, up to the proposed $12,000 per hundredweight maximum refund. Based on the assumptions used in the example, the cost of the program is about one-half of the total refund at the point when the $12,000 per hundredweight maximum would apply. This point would vary based on other assumptions such as a higher or lower percentage of reduced milk production, the per hundredweight payment rate and the yearly cost of the program.

TABLE 3.—YEARLY BENEFITS FROM SUPPLY MANAGEMENT PROGRAM: SELECTED SIZE FARMS

Number of cows	Total refund	Less cost	Net refund
40	$1,520	$235	$1,285
57	1,700	336	1,364
86	2,000	504	1,496
286	4,100	1,680	2,420
1,144	13,100	6,720	6,380

Table 4 shows the increased income a producer would have received in 1998, on only the volume of milk produced in excess of the prior year's production. The table uses the assumption that the rate of increased production was 1.8%. This is the rate of increased production in the compact region the Commodity Credit Corporation used to set the amount due from the Compact Commission in 1998. The table also applies the average compact over-order producer price for 1998 of $.286. The last column shows the compact payment to the producer for the increased milk production.

TABLE 4.—YEARLY INCREASED INCOME ON AVERAGE PERCENTAGE INCREASED PRODUCTION

Number of cows	Pounds	% increase	Increase lbs.	Av. price	Increase $
40	700,000	1.8	12,600	$.286	$36
57	1,000,000	1.8	18,000	.286	51
86	1,500,000	1.8	27,000	.286	77
286	5,000,000	1.8	90,000	.286	257
1,144	20,000,000	1.8	360,000	.286	1,029

Table 5 shows the comparison between the compact income (reduced income) a producer would not receive due to decreasing production by five (5) percent, and the financial benefit for that production decrease under the proposed supply management program. The table applies the average compact producer price of $.286 for 1998 to compute the value of reduced income and applies the same assumptions as used in Table 3 to show the effect, including the cost to the producer, of the proposed supply management program (SMP).

TABLE 5.—COMPARISON OF REDUCED COMPACT INCOME TO SUPPLY MANAGEMENT BENEFITS FOR 5% PRODUCTION DECREASE

Number of cows	Reduced pounds	Average price	Reduced income	Net SMP refund	Net income increase
40	35,000	$.286	$100	$1,285	$1,185
57	50,000	.286	143	1,364	1,221
86	75,000	.286	214	1,496	1,282
286	250,000	.286	715	2,420	1,705
1,144	1,000,000	.286	2,860	6,380	3,520

Base/Excess Program

The Commission also requests comments on a proposed base/excess program, as an alternative to the proposed assessment/refund program. Under the proposed base/excess program, all compact qualified producers would be assigned a base production level for each month. The base would be the equivalent of the volume of milk produced in the same month in the prior calendar year. Producers would be required to have been qualified to receive compact payments in each month that is used as a base month. Producers who were not qualified to receive compact payments in the same month in the prior calendar year, would be assigned a base of 90% of their current monthly milk production in the months of January, February, July, August, September, October, November and December and 80% of their current monthly milk production in the months of March, April, May and June. Producers would then receive compact payments on only their base production volume, or actual production volume, whichever is less. Any amount of milk produced in excess of the base would not receive compact payments.

Under the proposed program, a base could be transferred from one producer to another only under very limited circumstances. For example, a partnership of two producers could dissolve and each producer take as his individual base the same percent of the partnership base as he had percent ownership in the partnership, or two or more producers may combine their bases if they form a partnership operating one farm. If a producer operates more than one farm, then each

farm would have a separate base, unless the farms and herds are combined into one dairy farm, in which case the separate bases may be combined into one base, if approved by the Commission. In addition, the name of the baseholder could be changed to another member of the baseholder's immediate family if the milk produced is from the same herd and on the same farm and the change is approved by the Compact Commission.

Handlers who operate pool plants and receive milk from producers, and cooperative associations, in their capacity as a handler, would be required to provide the necessary documentation to the Commission on each producer's monthly milk production. The documentation would be required two times a year. The Commission would use this data to notify each producer, and the handler or cooperative association receiving the producer's milk, of the monthly base. The Commission would notify producer s of the base for the months of January through June by January and the base for the months of July through December by July of each calendar year.

If the estimated rate of milk production in the compact region exceeds the national rate of increase for the period October through September of the current year, then the Commission would not adjust the producer base for the following calendar year and the producer base would be frozen at the monthly base then in effect. After the conclusion of a period from October 1 through September 30 when the estimated rate of milk production in the compact region does not exceed the national rate of increase, then the monthly producer base would be adjusted in the next calendar year to the volume of milk produced in the same month in the prior calendar year.

The base/excess program would be intended to assure that compact payments do not create an incentive for producers to generate additional supplies of milk by creating an incentive for all producers to maintain a stable, local supply of milk for the New England milk market.

The Commission offers the following examples to assist interested persons in evaluating the proposed base/excess program. The tables show the impact of the proposed program on different size farms. The actual pool values for April 1999 milk were used to develop the rate per hundredweight for the tables, with the assumption that 96.5% of the milk volume would be ''base'' milk and 3.5% of the milk volume would be ''excess'' milk for which no compact payment would be made.

Table 6 shows the comparison of the monthly compact value for selected size farms to the compact value without the base/excess program. The table assumes that each farm produces milk at the same volume as its base. With the assumptions used in Table 6, the effective compact rate (which is the amount of the compact payment the producer receives divided by the volume of all milk produced, including the excess when applicable) is $1.48 per hundredweight.

TABLE 6.—Monthly Benefits From Base/Excess Program for Selected Size Farms: No Increase in Milk Production

Number of cows	Base lbs	$/cwt	Value	Actual lbs	$/cwt	Value	Difference
40	58,000	1.48	$858	58,000	1.43	829	29
57	83,000	1.48	1,228	83,000	1.43	1,187	41
86	125,000	1.48	1,850	125,000	1.43	1,787	63
286	417,000	1.48	6,172	417,000	1.43	5,963	209
1144	1,667,000	1.48	24,672	1,667,000	1.43	23,838	834

Table 7 is based on all the same assumptions as Table 6, except it shows the impact on the monthly compact value to the producer if milk production is reduced by 5% as compared to the producer's base for the month. The compact payments would be made on the lesser of the base production level or the actual production level. With the assumptions used in Table 7, the effective compact rate (which is the amount of the compact payment the producer receives divided by the volume of all milk produced, including the excess when applicable) is 1.48 per hundredweight.

TABLE 7.—MONTHLY BENEFITS FROM BASE/EXCESS PROGRAM FOR SELECTED SIZE FARMS: 5% REDUCTION IN MILK PRODUCTION

Number of cows	Base lbs	Actual lbs	Value@ $1.48/cwt	Actual lbs	Value@ $1.43/cwt	Difference
40	58,000	55,000	$814	55,000	$787	$27
57	83,000	79,000	1,169	79,000	1,129	40
86	125,000	119,000	1,761	119,000	1,702	59
286	417,000	396,000	5,861	396,000	5,663	198
1144	1,667,000	1,584,000	23,443	1,584,000	22,651	792

Table 8 also uses the same assumptions as Table 6, but shows the impact on the monthly compact value to the producer of a 5% increase in milk production over the base. As the table demonstrates, the compact value becomes a negative, because no compact payment is made on the 5% excess of milk produced over the base, even though the rate per hundredweight paid on the base is increased by five cents when ''excess'' milk is excluded from the pool. With the assumptions used in Table 8, the effective compact rate (which is the amount of the compact payment the producer receives divided by the volume of all milk produced, including the excess when applicable) is $1.41 per hundredweight.

TABLE 8.—MONTHLY BENEFITS FROM BASE/EXCESS PROGRAM FOR SELECTED SIZE FARMS: 5% INCREASE IN MILK PRODUCTION

Number of cows	Base lbs	Value@ $1.48/cwt	Actual lbs	Value@ $1.43/cwt	Difference
40	58,000	$858	61,000	$872	−$14
57	83,000	1,228	87,000	1,244	−$16
86	125,000	1,850	131,000	1,873	−$23
286	417,000	6,172	438,000	6,263	−$91
1144	1,667,000	24,672	1,750,000	25,025	−$353

IV. Proposed Technical Amendments to the Over-Order Price Regulation

In conjunction with implementing a supply management program, either the proposed assessment/refund plan or the base/excess plan, the Commission proposes to amend section 1306.3(c) to delete subsections (1) and (2) and to specify that any surplus remaining in an escrow account established to meet a potential obligation to the Commodity Credit Corporation (CCC) would be returned to the producer-settlement fund for distribution to all producers. These changes eliminate the current provisions for returning the surplus funds to only those producers who did not increase production in the federal fiscal year. The Commission proposes this change because, with the implementation of a specific supply management program, the limitation on the CCC refund of a surplus to only those producers who did not increase production would no longer be appropriate.

Assessment Refund Program

The Commission proposes to amend sections 1306.3(c) and (e) and to add a new Part 1309 to provide the necessary regulations to implement the proposed supply management assessment/refund program. The Commission also proposes to make corresponding technical changes required by the specific amendments and additions to the current regulations.

The Commission proposes to amend section 1306.3, by first redesignating existing paragraphs (e) through (g) as paragraphs (f) through (h) and adding a new paragraph (e). The new paragraph will allow the Commission to withhold five cents per hundredweight from the producer pool to fund the supply management-settlement fund.

A new Part 1309 is proposed to provide the regulations to implement the supply management program. Section 1309.1 defines producer qualifications for the refund program. Section 1309.2 defines the procedure for computing the refund prices to be paid to qualified producers. Section 1309.3 would provide the authority for the establishment of a supply management-settlement fund. Finally, section 1309.4 would describe the procedure for issuing payments to producers eligible for a refund under the supply management program and establishing a maximum per hundredweight payment of $12,000.

If these proposed amendments are adopted corresponding technical amendments to referencing redesignated paragraphs in section 1306.3 will also be necessary.

Base/Excess Program

The Commission proposes to add a new Part 1310 to provide the regulations to implement the base/excess supply management program. Section 1310.1 would define *base milk* and section 1310.2 would define *excess milk*.

Section 1310.3 would provide the method for computing the base for each producer, including new producers, and also would specify the circumstances under which the base period would not automatically be updated from one calendar year to the next. As proposed in section 1310.3(c), if the estimated rate of milk production in the compact region exceeds the national rate of increase for the period October through September of the current year, then the Commission would not adjust the producer base for the following calendar year and the producer base would be frozen at the monthly base then in effect. After the conclusion of a period from October 1 through September 30 when the estimated rate of milk production in the compact region does not exceed the national rate of increase, then the monthly producer base would be adjusted in the next calendar year to the volume of milk produced in the same month in the prior calendar year.

Section 1310.4 specifies the limited circumstances under which a producer base could be transferred. Section 1310.5 would require the Commission to notify each producer, the handler receiving the producer's milk and the producer's cooperative association, of the monthly base. This notice would be provided twice a year, on or before January and July, with each notice providing the base for the next six-month period.

Section 1310.6 would establish the responsibility of handlers who operate a pool plant and receive milk from producers and cooperative associations in their capacity as a handler to provide the documentation to the Commission of each producer's monthly milk production. The documentation would be required every six months. This section would also specify that if the handler failed to provide the documentation, then the Commission would establish the producer base according to the method used to establish the base of new producers.

If these proposed amendments are adopted, the Commission also proposes to make corresponding technical changes required by the specific amendments and additions to the current regulations.

V. Specific Requests for Comments, Data and Testimony

The Commission is considering implementing one of the two proposed programs and encourages all interested persons to provide comments and testimony on each proposal. In addition, the Commission is specifically requesting comments, data and testimony on the following issues:

Assessment/Refund Program

1. The level of refund payment that would best meet the purposes of the supply management program and the level of assessment necessary to accomplish this purpose.

2. The level of assessment necessary to accomplish the purpose of the program to ensure that the compact payments do not create an incentive to generate additional supplies of milk.

3. Whether the assessment should be a flat rate, or whether it should fluctuate with the amount of the monthly compact producer price.

4. Whether a refund payment per hundredweight should be paid on the amount of reduced milk production or the total milk production for the period.

5. Whether the refund should be paid only on a flat per producer basis or only

on a per hundredweight basis to all eligible producers.

Base/Excess Program

1. What percent of production should be used to establish the base for new producers.

2. Whether the base should be established according to the average production of the two preceding calendar years.

Official Notice of Technical, Scientific or Other Matters

Pursuant to the Commission regulations, 7 CFR 1361.5(g)(5), the Commission hereby gives public notice that it may take official notice, at the public hearings on July 7, 1999 and August 4, or afterward, of relevant facts, statistics, data, conclusions, and other information provided by or through the United States Department of Agriculture, including, but not limited to, matters reported by the National Agricultural Statistics Service, the Market Administrators, the Economic Research Service, the Agricultural Marketing Service and information, data and statistics developed and maintained by the Departments of Agriculture of the States or Commonwealth within the Compact regulated area.

Public Participation in Rulemaking Proceedings

The Commission seeks and encourages oral and written testimony and comments from all interested persons regarding these proposed rules. The Commission continues to benefit from the valuable insights and active participation of all segments of the affected community including consumers, processors and producers in the development and administration of the Over-order Price Regulation.

Request for Pre-Filed Testimony and Written Comments

Pursuant to the Commission rules, 7 CFR 1361.4, any person may participate in the rulemaking proceeding independent of the hearing process by submitting written comments or exhibits to the Commission. Comments and exhibits may be submitted at any time before 5:00 p.m. on August 18, 1999.

Please note: Comments and exhibits will be made part of the record of the rulemaking proceeding only if they identify the author's name, address and occupation, and if they include a sworn and notarized statement indicating that the comment and/or exhibit is presented based upon the author's personal knowledge and belief. Facsimile copies will be accepted up until the 5:00 p.m. deadline, but the original must then be sent by ordinary mail.

The Commission is requesting pre-filed testimony from any interested person. Pre-filed testimony must include the name, address and occupation of the witness and a sworn notarized statement indicating that the testimony is presented based upon the author's personal knowledge and belief. Pre-filed testimony must be received in the Commission office no later than 12:00 p.m., June 30, 1999 for the July 7 hearing and by 12:00 p.m., July 28, 1999 for the August 4 hearing.

List of Subjects in 7 CFR Parts 1306, 1307, 1309 and 1310

Milk.

Codification in Code of Federal Regulations

For reasons set forth in the preamble, the Northeast Dairy Compact Commission proposes to amend 7 CFR part 1306, to make corresponding technical amendments to part 1307 and to add a new part 1309 or part 1310 as follows:

PART 1306—COMPACT OVER-ORDER PRODUCER PRICE

1. The authority citation for part 1306 continues to read as follows:

Authority: 7 U.S.C. 7256

2. In § 1306.3 revise paragraph (c) and redesignate paragraphs (e) through (g) as paragraphs (f) through (h) and add a new paragraph (e) to read as follows:

§ 1306.3 Computation of basic over-order producer price.

* * * * *

(c) In any month when the average percentage increase in production in the regulated area comes within 0.25 of the average percentage increase in production for the nation, subtract from the total value computed pursuant to paragraph (a) of this section, for the purpose of retaining a reserve, an amount estimated by the commission in consultation with the USDA for anticipated cost to reimburse the Commodity Credit Corporation (CCC) at the end of its fiscal year for any surplus milk purchases. Should those funds not be needed because no surplus purchases were made by the CCC at the end of its fiscal year or there is a surplus in the fund, it is to be returned to the producer-settlement fund.

* * * * *

(e) Subtract .05 cents per hundredweight from the basic over-order producer price computed pursuant to this section and deposit that amount in the supply management-settlement fund;

* * * * *

PART 1307—PAYMENTS FOR MILK

3. The authority citation for part 1307 continues to read as follows:

Authority: 7 U.S.C. 7256.

4. Section 1307.1 is amended in paragraphs (a), (b) and (c) by removing ''1306.3(f)'' and adding ''1306.3(g)'' in its place.

Option One

5. A new part 1309 is added to read as follows:

PART 1309—SUPPLY MANAGEMENT REFUND PROGRAM

Sec.
1309.1 Producer qualification for supply management refund program.
1309.2 Computation of supply management refund prices.
1309.3 Supply management-settlement fund.
1309.4 Payment to producers of supply management refund.

Authority: 7 U.S.C. 7256.

§ 1309.1 Producer qualification for supply management refund program.

A dairy farmer who is a qualified producer pursuant to § 1301.11 of this chapter for the entire refund year and the dairy farmer's milk production during the refund year is less than or the increase is not more than 1% of the milk production of the preceding calendar year.

§ 1309.2 Computation of supply management refund prices.

The compact commission shall compute the supply management refund prices applicable to all qualified milk as follows:

(a) Combine into one total the values, including all interest earned, deducted pursuant to section 1306.3(e) of this chapter for the refund year;

(b) Subtract 50% from the total value computed pursuant to paragraph (a) of this section to be used for the per farm payments to producers who submitted documentation pursuant to § 1309.4(a);

(c) Add the unobligated balance of the supply management-settlement fund;

(d) Divide the resulting amount by the sum of all milk production reduction reported by producers qualified pursuant to § 1309.1 and who submitted documentation pursuant to § 1309.4(a); and

(e) Subtract not less than one (1) cent nor more than two (2) cents for the purpose of retaining a cash balance in the supply management-settlement fund. The result shall be the supply management refund price for the year.

§ 1309.3 Supply management-settlement fund.

(a) The compact commission shall establish and maintain a separate fund known as the supply management-settlement fund. It shall deposit into the fund all amounts deducted pursuant to § 1306.3(e) of this chapter and the amount subtracted under § 1309.2(e). It shall pay from the fund all amounts due producers pursuant to § 1309.4 and the amount added pursuant to § 1309.2(c);

(b) All amounts subtracted under § 1309.2(e), including interest earned thereon, shall remain in the supply management-settlement fund as an obligated balance until it is withdrawn for the purpose of effectuating § 1309.2(c);

(c) The compact commission shall place all monies subtracted under § 1306.3(e) of this chapter and § 1309.2(e) in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such monies, or invest them in short-term U.S. Government securities.

§ 1309.4 Payment to producers of supply management refund.

(a) All producers who are qualified pursuant to § 1309.1 shall become eligible to receive payment of the supply management refund computed pursuant to § 1309.2 by submitting to the compact commission documentation that the producer milk production during the refund year is less than or the increase is not more than 1% of the milk production of the preceding calendar year. Such documentation shall be filed with the commission not later than 45 days after the end of the calendar year.

(b) The commission will make payment to all producers qualified pursuant to § 1309.1 and eligible pursuant to paragraph (a) of this section in the following manner:

(1) A per farm payment computed by dividing the amount subtracted pursuant to § 1309.2(b) by the total eligible producers; and

(2) The value determined by multiplying the supply management refund price computed pursuant to § 1309.2(e) by the producer's reduced milk pounds, not to exceed $12,000.

Option Two

6. A new part 1310 is added to read as follows:

PART 1310—BASE-EXCESS PROGRAM

Sec.
1310.1 Base milk.
1310.2 Excess milk.
1310.3 Computation of base for each producer.
1310.4 Base rules.
1310.5 Announcement of base.
1310.6 Responsibility for establishment of producer base.

Authority: 7 U.S.C. 7256.

§ 1310.1 Base milk.

Base milk means milk means milk received from a qualified compact producer by a pool handler which is not in excess of such producer's monthly base computed pursuant to § 1310.3 of this part.

§ 1310.2 Excess milk.

Excess milk means milk received from a qualified compact producer by a pool handler which is in excess of base milk received from such producer during the current month.

§ 1310.3 Computation of base for each producer.

For each month of the year, the Compact Commission shall announce, subject to the rules set forth in § 1310.4 of this part, a base for each producer described in paragraphs (a) and (b) of this section. Each producer's base in the current month is based upon their milk production in the same month of the preceding calendar year, except as provided in paragraph (c) of this section.

(a) For any producer, except as provided in paragraph (b) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer.

(b)(1) Any producer who made no qualifying milk deliveries during the base-forming period shall have a base reflecting the percentage of the producer's monthly deliveries or producer milk each month as set forth in the following table:

Month	Percentage of production as base
January, February, July, August, September, October, November and December ...	90
March, April, May and June ...	80

(2) A new monthly base is earned on the basis of the producer's milk deliveries during the current calendar year.

(c) On or before the 31st of October of each calendar year, the Commission will announce the base year to be used for the following calendar year. If the rate of milk production in the compact region for the preceding federal fiscal year (October through September of the current year) exceeds the national rate of increase for the same period, then the Commission shall apply the same base currently in effect to the following calendar year. If the rate of milk production in the compact region for the preceding federal fiscal year (October through September of the current year) is less than or equal to the national rate of increase for the same period, then the Commission shall apply the current year production volumes as the base for the following year. Provided that, a base established pursuant to paragraph (b) of this section shall not be subject to the freezing provisions of this section.

§ 1310.4 Base rules.

The following shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraph (a) of § 1310.3 of this part shall be effective January 1, 2000.

(b) A base computed pursuant to paragraph (a) through (e) of this section may be transferred only in its entirety to another dairy farmer and only upon discontinuance of milk production because of the entry into military service of the baseholder.

(c) Base transfer shall be accomplished only through written application to the Compact Commission on forms prescribed by the Compact Commission and shall be signed by the baseholder and by the person to whom such base is to be transferred: Provided, that if a base is held jointly, except as provided in paragraph (e) of this section, the entire base only is transferable and only upon receipt of such application by all joint baseholders.

(d) If a producer operates more than one farm and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1301.9(d) of this chapter, the producer shall establish a separate base with respect to producer milk delivered from such farm; Provided, that if such farm and herds are combined into one dairy farm, the separate bases may be combined into one base subject to approval of the Compact Commission.

(e) Only one base shall be allocated with respect to milk produced by one or more persons where dairy farm is jointly owned or operated; Provided, that in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interest of the partners in the base is filed with the Compact commission before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to the partner's stated share of the base to hold in the partner's own right or to transfer in conformity with

the provisions of paragraph (b) or (c) of this section (including transfer to a partnership of which the partner is a member). Such termination of a partnership shall become effective as of the end of any month during which an application for such division of base signed by each member of such partnership is received by the Compact Commission.

(f) Two or more producers with bases may combine such bases upon the formation of a bona/fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (c) of this section.

(g) Subject to the approval by the Compact Commission, the name of the baseholder may be changed to that of another member of the baseholder's immediate family, but only under circumstances where the base would be applicable to milk production from the same herd and on the same farm.

§ 1310.5 Announcement of base.

On or before January and July the Compact Commission shall notify each producer, the handler receiving the producer's milk and the cooperative association of which the producer is a member of the monthly base established by such producer.

§ 1310.6 Responsibility for establishment of producer base.

Handlers who operate a pool plant and receive milk from producers and a cooperative association in its capacity as a handler pursuant to § 1301.9(d) of this chapter must submit to the Commission documentation on each producer's monthly milk production of the preceding calendar year. Such documentation shall be filed with the Commission not later than 60 days before January and July of the current year. Failure to comply with this section will result in producer bases be established pursuant to § 1310.3(b) of this part.

Dated: June 14, 1999.

Kenneth M. Becker,

Executive Director.

[FR Doc. 99–15506 Filed 6–18–99; 8:45 am]

BILLING CODE 1650–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. PL98–1–001]

Public Access to Information and Electronic Filing; Notice of Availability of Staff Issue Papers for Technical Conference

June 15, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of availability of staff issue papers for technical conference on electronic filing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) notifies interested persons that the Commission Staff is making staff issue papers on major electronic filing issues available for the purpose of facilitating discussion of these issues at the technical conference. The recommendations in the issue papers are preliminary and are subject to revision based on input from the conference and further analysis by staff.

DATES: The conference will be held on Thursday, June 24, 1999, beginning at 9:30 a.m. The Commission published notice of the conference on May 26, 1999.

ADDRESSES: The technical conference will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Brooks Carter, Office of the Chief Information Officer, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 42–29, Washington, DC 20426, (202) 501–8145, FAX: (202) 208–2425, E-Mail: brooks.carter@ferc.fed.us.

Wilbur Miller, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Room 91–17, Washington, DC 20426, (202) 208–0953.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Home Page (http://www.ferc.fed.us) using the CIPS link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 6.1 format. User assistance is available at 202–208–2474 or by E-mail to CipsMaster@ferc.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202–208–2222, or by E-mail to RimsMaster@ferc.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, N.E., Washington, DC 20426.

Take notice that the Commission Staff (Staff) is making available staff issue papers for review in advance of the technical conference on electronic filing. The issue papers are intended to facilitate discussion at the conference of major issues pertaining to the Commission's Electronic Filing Initiative (EFI). The conference will be held on Thursday, June 24, 1999, and will commence at 9:30 a.m. in the Commission Meeting Room of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The conference is open to all interested persons.

Staff is convening the conference to: discuss and resolve the issues addressed in the issue papers; review and discuss a prototype for electronic filing, including any desired features or enhancements; discuss prototype testing; and address other electronic filing issues of interest to those in attendance.

The issue papers included with this notice contain Staff's analyses and preliminary recommendations for major electronic filing issues, including:

(1) Filing Formats
(2) Citation
(3) Record Retention
(4) Official Filing Date
(5) Electronic Filing Authentication and Verification (Signatures)
(6) Document Content Standards (for Electronic Submissions)

(7) Electronic Filing Phase 1 Profile

The recommendations are Staff recommendations and do not constitute a proposal by the Commission. The recommendations are based in part on an analysis of comments received in response to a request for comments issued in Docket No. PL98–1–000 on May 13, 1998. Staff has created a new link on the Commission's web site (*www.ferc.fed.us*) called ''Electronic Filing Initiative.'' Through this link, interested persons can access all information pertinent to Docket No. PL98–1, including comments and materials from a previous technical conference.

We urge persons planning to attend the conference to review the materials in advance and be prepared to discuss them at the conference. Staff will entertain requests to establish panels to facilitate discussion of the issues, if attendees believe this will lead to a more orderly discussion. If after reviewing the issues, you would like to participate in a discussion, please contact, Brooks Carter via e-mail (brooks.carter@ferc.fed.us), FAX (202–208–2425) or telephone (202–501–8145).

Although this is an informal technical conference, a court reporter will transcribe the proceedings and make a transcript available for interested parties.

The Capital Connection offers all Open and special FERC meetings *live* on the Internet as well as via telephone and satellite. For a reasonable fee, you can receive these meetings in your office, at home or anywhere in the world. To find out more about The Capitol Connection's live Internet, phone bridge or satellite coverage, contact David Reininger or Julia Morelli at (703) 933–3100 or visit Capitol Connection's website at *www.capitolconnection.gmu.edu*). The Capitol Connection also offers FERC Open Meetings through its Washington, D.C. area television service.

In addition, National Narrowcast Network's Hearing-On-The-Line service covers all FERC meetings live by telephone so that interested persons can listen at their desks, from their homes, or from any phone, without special equipment. Billing is based on time on-line. Call 202–966–2211.

Anyone interested in purchasing videotapes of the meeting should call VISCOM at (703) 715–7999).

David P. Boergers,

Secretary.

[FR Doc. 99–15620 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. OST–99–5843]

RIN 2105–AC80

Standard Time Zone Boundary in the State of Kentucky: Proposed Relocation

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Wayne County, Kentucky, Fiscal Court, DOT proposes to relocate the boundary between eastern time and central time in the State of Kentucky. DOT proposes to relocate the boundary in order to move Wayne County from the Central Time Zone to the Eastern Time Zone.

DATES: Comments should be received by August 20, 1999 to be assured of consideration. Comments received after that date will be considered to the extent practicable. If the time zone boundary is changed as a result of this rulemaking, the effective date would be 2:00 a.m. CDT Sunday, October 31, 1999.

ADDRESSES: You may submit your comments and related material by only one of the following methods:

(1) By mail to the Docket Management Facility (OST–1999–), 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 http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, 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 at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

Public Hearing

A public hearing will be chaired by a representative of DOT at the Fiscal Courtroom, Wayne County Courthouse, 109 North Main Street, Monticello, Kentucky, on Thursday, June 24, 1999, at 7:00 p.m. The hearing will be informal and will be tape recorded for inclusion in the docket. Persons who desire to express opinions or ask questions at the hearings do not have to sign up in advance or give any prior notification. To the greatest extent practicable, the DOT representative will provide an opportunity to speak for all those wishing to do so.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9315.

SUPPLEMENTARY INFORMATION:

Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is ''regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce.''

Petition for Rulemaking

On April 22, 1999, the Wayne County, Kentucky, Fiscal Court (the highest governmental body in the county) formally petitioned the Department of Transportation to change its time zone from central to eastern. The Resolution stated the following in support of the request:

I. Supplies for businesses are shipped into Wayne County mostly from the Eastern Time Zone. (Somerset, Lexington, Knoxville). United Parcel Service, FedEX and other carrier deliveries come from terminals in the Eastern Time Zone.

II. The major television stations that consider Wayne County as part of their coverage area are all located in the Eastern Time Zone. (Lexington, Knoxville) The local cable that serves Wayne County has no major local affiliates which are located in the Central Time Zone.

III. All daily newspapers that serve Wayne County are located in the Eastern Time Zone. Those being the Louisville Courier-Journal, Lexington Herald-Leader and the

Commonwealth Journal which comes from Somerset, Ky.

IV. The citizens of Wayne County obtain bus transportation in Corbin, Ky, which is located in the Eastern Time Zone. The closest rail service for public transportation is also located in the Eastern Time Zone.

V. The closest commercial airport is Lexington, Ky., located in the Eastern Time Zone.

VI. Approximately 950 of the local workforce works outside Wayne County. It is estimated that 700 of those work in the Eastern Time Zone. This represents manufacturing jobs and is based on the 1996 manufacturing statistics.

VII. Approximately 90% +/− of Wayne County residents that attend educational institutions outside Wayne County attend schools that are located in the Eastern Time Zone. If you look at only the students that commute for education purposes, the figure would be higher. Wayne County needs desperately to improve our educational obtainment level of our residents. Moving to the Eastern Time zone would align us with the resources to make this improvement more feasible.

VIII. Most interscholastic activities (90% or more) are with schools from the Eastern Time Zone. Most all district and regional competitions are held in areas that are in the Eastern Time Zone.

IX. Tourism plays an important role in our economy and the major portion of that comes from people located in the Eastern Time Zone. Lake Cumberland is a major tourism drawing card for out county. A very large portion (80%) of the tourists that come to this area come from the Eastern Time Zone.

X. Major hospitals that serve Wayne County are located in the Eastern Time Zone. It is estimated that 99% of all Wayne County citizens that are referred to obtain other medical services, that are not available locally, are referred to the Eastern Time Zone. (Somerset, Lexington, Louisville)

XI. The State Police Headquarters that serves our area is located in the Eastern Time Zone.

XII. Wayne County is the only county in the Fifth Congressional District that is in the Central Time Zone.

XIII. Looking at two long term factors that could significantly impact Wayne County in the future (the development of the Big South Fork National River and Recreation Area and the construction of I–66) would require Wayne County to be in the Eastern Time Zone to fully align with these two developments.

XIV. Most all of our industry, if not all, that is not headquartered locally has their main company headquarters in the Eastern Time Zone.

XV. Wayne County residents that go outside the county for ''shopping'' purposes, goes to the Eastern Time Zone (Somerset/Lexington).

XVI. The closest major gateway to our area is I–75. This attaches Wayne County, Kentucky significantly to the Eastern Time Zone.''

Under DOT procedures to change a time zone boundary, the Department will generally begin a rulemaking proceeding if the highest elected officials in the area make a *prima facie* case for the proposed change. DOT has determined that the Resolution of the Wayne County Fiscal Court makes a *prima facie* case that warrants opening a proceeding to determine whether the change should be made. Consequently, in this notice of proposed rulemaking, DOT is proposing to make the requested change and is inviting public comment.

Although the Wayne County Fiscal Court has submitted sufficient information to begin the rulemaking process, the decision whether actually to make the change will be based upon information received at the hearing or submitted in writing to the docket. Persons supporting or opposing the change should not assume that the change will be made merely because DOT is making the proposal. We are not bound either to accept or reject the proposal of the Wayne County Fiscal Court at the present time in the proceeding. The Department here issues no opinion on the merits of the County's request. Our decision will be made on the basis of information developed during the rulemaking proceeding.

Impact on observance of Daylight Saving Time

This time zone proposal does not directly affect the observance of daylight saving time. Under the Uniform Time Act of 1966, as amended, the standard time of each time zone in the United States is advanced one hour from 2:00 a.m. on the first Sunday in April until 2:00 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance.

Regulatory Analysis & Notices

This proposed 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, l979. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The rule primarily affects the convenience of individuals in scheduling activities. By itself, it imposes no direct costs. Its impact is localized in nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises 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 proposal, if adopted, would primarily affect individuals and their scheduling of activities. Although it would effect some small businesses, not-for-profits and, perhaps, several small governmental jurisdictions, it would not be a substantial number. In addition, the change should have little, if any, economic impact.

Therefore, the Office of the Secretary certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES.** In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Joanne Petrie at (202) 366–9315.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O.

12875, Enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this proposed rule under 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 an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 71

Time.

PART 71—[AMENDED]

For the reasons discussed above, the Office of the Secretary proposes to amend Title 49 Part 71 to read as follows:

1. The authority citation for Part 71 would continue to read:

Authority: Secs. 1–4, 40 Stat. 450, as amended; sec. 1, 41 Stat. 1446, as amended; secs. 2–7, 80 Stat. 107, as amended; 100 Stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 U.S.C. 260–267; Pub. L. 99–359; 49 CFR 159(a), unless otherwise noted.

2. Paragraph (c) of § 71.5, *Boundary line between eastern and central zones*, would be revised to read as follows:

§ 71.5, Boundary line between eastern and central zones.

* * * * *

(c) Kentucky. From the junction of the east line of Spencer County, Ind., with the Indiana-Kentucky boundary easterly along that boundary to the west line of Meade County, Ky.; thence southeasterly and southwesterly along the west lines of Meade and Hardin Counties to the southwest corner of Hardin County; thence along the south lines of Hardin and Larue Counties to the northwest corner of Taylor County; thence southeasterly along the west (southwest) line of Taylor County and northeasterly along the east (south-east) line of Taylor County to the west line of Casey County; and thence southerly along the west and south lines of Casey and Pulaski Counties to the intersection with the western boundary of Wayne County; and then south along the western boundary of Wayne County to the Kentucky-Tennessee boundary.

* * * * *

Issued this 11th day of June 1999, at Washington, DC.

Rosalind Knapp,

Acting General Counsel.

[FR Doc. 99–15706 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 990614161–9161–01; I.D. 061199B]

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition To List Eighteen Species of Marine Fishes in Puget Sound, Washington

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

ACTION: Notice of finding; request for information and comments.

SUMMARY: NMFS has received a petition to list 18 species of Puget Sound marine fishes and to designate critical habitat under the Endangered Species Act (ESA). The petitioned fishes include 1 herring, 1 cod, 1 hake, 1 pollock, and 14 rockfish species. NMFS determines that the petition presents substantial scientific information indicating that the petitioned action may be warranted for seven of the species: Pacific herring, Pacific cod, Pacific hake, walleye pollock, brown rockfish, copper rockfish, and quillback rockfish. NMFS solicits information and comments pertaining to these seven species in Puget Sound and seeks suggestions from the public for peer reviewers for the agency's review of the petitioned action.

DATES: Information and comments on the action must be received by September 20, 1999.

ADDRESSES: Information and comments on this action should be submitted to Chief, Protected Resources Division, NMFS, 525 NE Oregon Street - Suite 500, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region (503) 231-2005, or Marta Nammack, NMFS, Office of Protected Resources (301) 713-1401.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 1999, the Secretary of Commerce (Secretary) received a petition from Sam Wright of Olympia, Washington, to list and designate critical habitat for 18 species of marine fishes in Puget Sound, Washington. The following are the species petitioned: Pacific herring (*Clupea pallasi*), Pacific cod (*Gadus macrocephalus*), Pacific hake (Aka Pacific whiting) (*Merluccius productus*), walleye pollock (*Theragra chalcogramma*), brown rockfish (*Sebastes auriculatus*), copper rockfish (*S. caurinus*), greenstripe rockfish (*S. elongatus*), widow rockfish (*S. entomelas*), yellowtail rockfish (*S. flavidus*), quillback rockfish (*S. maliger*), black rockfish (*S. melanops*), blue rockfish (*S. mystinus*), China rockfish (*S. nebulosus*), tiger rockfish (*S. nigrocinctus*), bocaccio (*S. paucispinis*), canary rockfish (*S. pinniger*), redstripe rockfish (*S. proriger*), and yelloweye rockfish (*S. ruberrimus*). Although the petitioner identified Pacific herring as ''*C. harengus pallasi*,'' NMFS has followed the naming convention of Robins *et al.* (1991) which considers *C. harengus* (Atlantic herring) and *C. pallasi* as separate species. Therefore, NMFS considered only the latter as the petitioned species. Copies of this petition are available from NMFS (See **ADDRESSES**).

Analysis of Petition

Section 4(b)(3) of the ESA contains provisions concerning petitions from interested persons requesting the Secretary to list species under the ESA (16 U.S.C. 1533(b)(3)(A)). Section 4(b)(3)(A) requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary make a finding whether the petition presents substantial scientific information indicating that the petitioned action may be warranted. NMFS' ESA implementing regulations define ''substantial information'' as the

amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating a petitioned action, the Secretary considers several factors, including whether the petition contains a detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species (50 CFR. 424.14(b)(2)(ii)). In addition, the Secretary considers whether the petition provides information regarding the status of the species over all or a significant portion of its range (50 CFR. 424.14(b)(2)(iii).

Under the ESA, a listing determination can address a species, subspecies, or distinct population segment (DPS) of a species (16 U.S.C. 1532(15)). The petitioner requested listings for ''—species/populations' or evolutionary[sic] significant units'' in Puget Sound. The term Evolutionarily Significant Unit or ''ESU'' is currently defined only for DPSs of Pacific salmonids (see 56 FR 58612, November 20, 1991). For these petitioned species, NMFS would instead rely on the DPS framework described in a NMFS/U.S. Fish and Wildlife Service policy regarding the identification of distinct vertebrate population segments (61 FR 4722, February 7, 1996). Since the petitioner focused on stocks within Puget Sound (rather than on the entire species or subspecies), NMFS considered the petition in the context of defining DPSs in this area that may warrant listing under the ESA.

For each of the petitioned species, NMFS evaluated whether the information provided or cited in the petition met the ESA's standard for ''substantial information.'' The agency also reviewed other information readily available to NMFS scientists (i.e., currently within agency files) and consulted with state and tribal experts on these species to determine whether there was general agreement on issues related to the uniqueness, distribution, abundance, and threats to the petitioned species/populations. With respect to uniqueness, NMFS assessed whether the petitioner's and otherwise available information might support the identification of DPSs that may warrant listing under the ESA.

Information submitted by the petitioner varied considerably for each of the 18 species, and the level of detail was generally the greatest for the herring and cod species. In addition, some of the information was largely speculative or not directly relevant to the petitioner's request. Hence, the amount and quality of information in the petition played a major role in NMFS' decision on whether to initiate a status review for a particular species.

For all of the petitioned species, the petitioner theorized that Puget Sound's unique hydrological and physical characteristics (i.e., numerous fjord-like estuarine basins with sills and constricted entrances) could contribute to genetic differentiation and population subdivision (i.e., the formation of DPSs). While this is plausible, NMFS assessed whether more direct measures of distinctness (in particular, genetic or life history data) are evident in this area. NMFS also assessed whether the petitioner accurately reflected any known trends in abundance or threats to the 18 species and, moreover, whether these trends/threats would lead a reasonable person to believe that listing under the ESA may be warranted. A summary of the results of this assessment follows; members of the family Scorpaenidae (i.e., rockfishes) were assessed together because of the paucity of data for most of the species.

Pacific herring - The petitioner noted that several stocks have been identified in Puget Sound (Bargmann, 1998) and that life history differences (e.g., spawning timing and growth rates) and spawning site fidelity may contribute to stock separation. Populations in Puget Sound have not been examined in detail for genetic distinctness, but plans are being made to conduct genetic sampling for this species in the range petitioned. Also, several studies conducted in other areas of the North Pacific may help shed light on whether DPSs are present in Puget Sound.

The petitioner cited recent studies indicating that some Puget sound stocks are in ''critical'' or ''depressed'' condition, and noted that the 1998 run size was the lowest on record for at least one herring stock. The petitioner also expressed concern over the apparent increase in natural mortality and the concurrent decrease in number of age classes for some stocks. NMFS' initial assessment corroborated that, overall, catches of Pacific herring reached a peak in the mid-1970s and then declined and have remained at low levels since the 1980s. The petitioner suggested that harvest, marine mammal predation, and urbanization/industrial development have played a role in the species' decline (but noted that the decline of the Discovery Bay stock may not be attributable to overharvest or habitat degradation).

NMFS has determined that the available information is substantial and that the petitioned action may be warranted. Therefore, the agency will initiate a status review of Pacific herring in Puget Sound.

Pacific cod - The petitioner noted that three stocks have been identified in Puget Sound (Palsson, 1990) and that tagging studies indicate that adults of the species may remain near specific spawning grounds. Also, the petition cited a study reporting high growth rates and egg production rates that may indicate the presence of DPSs of Pacific cod in Puget Sound (Palsson *et al.*, 1997). Allozyme studies show a major genetic demarcation across the North Pacific, but little genetic population structure has been detected among local stocks within these two major groups (Grant *et al.*, 1987).

The petitioner cited commercial and recreational catch data and recent surveys indicating that some Puget Sound cod stocks may have collapsed in the late 1970s and 1980s (Palsson, 1990; Palsson *et al.*, 1997). Also cited were recent acoustic surveys indicating that Agate Passage (south Puget Sound) populations may be at a critical or near-extinct level. NMFS has verified that Puget Sound cod populations have undergone a long-term decline since the mid-1970s and a marked decline since the late–1980s. The petitioner did not identify specific threats to this species, although the petition suggests that overharvest, marine mammal predation, and marine, estuarine, and terrestrial habitat degradation are potential factors in the species' decline.

NMFS has determined that the available information is substantial and that the petitioned action may be warranted. Therefore, the agency will initiate a status review of Pacific cod in Puget Sound.

Pacific hake - The petitioner expressed principal concern for a resident population that occurs in south Puget Sound and migrates seasonally between Port Susan and Saratoga Passage. The petitioner cited studies reporting that Puget Sound hake are genetically distinct from coastal populations (Utter and Hodgins, 1971), and that hake within Puget Sound may be distinguishable as two separate stocks (Goni, 1988). NMFS has confirmed these findings and also reviewed information indicating that other species of hake tend to show subdivided population structure around geographically complex coastlines (Roldan *et al.*, 1998), but not along linear coastlines (Grant *et al.*, 1988; Roldan, 1991)

The petitioner cited commercial catch data and recent surveys documenting that south Puget Sound populations have declined from an estimated adult biomass of over 45 million pounds in

1983 to approximately 1 to 3 million pounds in 5 of the past 6 years (Palsson *et al*., 1997). The petition did not document the status of north Puget Sound hake; however, Palson *et al.* (1997) reported that abundance peaked in the late 1970s and early 1980s (approximately 7–33 lb./hour in terms of effort) with a decline thereafter to approximately 5 lb./hour. The petitioner identified overharvest and marine mammal predation as important factors in the species' decline and suggested that marine, estuarine, and terrestrial habitat degradation have also played a role.

NMFS has determined that the available information is substantial and that the petitioned action may be warranted. Therefore, the agency will initiate a status review of Pacific hake in Puget Sound.

Walleye pollock - The petitioner noted that Puget Sound stocks of this species represent the southernmost distribution of this species. The petition cited unpublished data indicating stock separation between north and south Puget Sound, with the latter stock being in the worse condition. While NMFS did not find genetic data specific to populations in Puget Sound, some studies have demonstrated genetic differences between Japanese and Northeastern Pacific pollock populations (Grant and Utter, 1980; Mulligan *et al*., 1992; Shields and Gust, 1995).

The petitioner cited recreational catch data, trawl surveys, and cohort analysis indicating a decline (and possible collapse) in the southern Puget Sound pollock stock since the mid-1980s (Palsson *et al*., 1997). These authors suggest that the South Sound pollock population is at a critical status and possibly extinct. No information was provided on pollock populations in other areas of Puget Sound, although NMFS has verified that a similar trend can be seen in the North Sound pollock populations as well. The current status of North Sound stock is less certain because of minimal catch data and because the status of pollock stocks in the nearby Strait of Georgia is relatively healthy. The petitioner did not identify specific threats to this species, although the petition suggests that overharvest, marine mammal predation, and marine, estuarine, and terrestrial habitat degradation are potential factors in the species' decline.

NMFS has determined that the available information is substantial and that the petitioned action may be warranted. Therefore, the agency will initiate a status review of walleye pollock in Puget Sound.

Rockfishes - Although 14 species of rockfish are identified in the petition, relatively little information was presented or is readily available on the population characteristics and status of individual species. Aside from the petitioner's general assertion that the physical characteristics of Puget Sound may promote greater population subdivision, the petitioner did not provide information specifically addressing the distribution or population structure of each species in Puget Sound. The petitioner noted that genetic studies using conventional techniques have not consistently shown population differentiation or structuring for Puget Sound rockfishes, adding that other techniques may be required to show such distinctness. NMFS did review evidence from high resolution molecular genetic data for some rockfish species that suggests genetic differences may exist between populations of these species within Puget Sound. However, these studies are limited in sampling and scope and address only three of the petitioned species (brown, copper, and quillback rockfish). The petitioner also stated that there are differences in growth rates for some species within Puget Sound, but failed to reference the particular species.

The petitioner provided no species-specific information on trends or past and current abundance, but did characterize three rockfishes (brown, copper, and quillback rockfish) as the most common species currently caught in Puget Sound. Instead, the petitioner relied on composite data for all members of the genus *Sebastes* that suggest a declining trend in recreational fisheries in both north and south Puget Sound. While these data are the primary stock indicator for Puget Sound, it is impossible to discern the status of particular species from these data. NMFS did review limited supplemental survey data (SCUBA and trawl) for south Puget Sound that demonstrate a reduction in counts from the late 1980s to early 1990s, but these data also fail to distinguish among species.

With respect to threats facing the species, the petitioner identified an array of factors potentially contributing to the decline of Puget Sound rockfishes, including overharvest, marine mammal predation, and marine, estuarine, and terrestrial habitat degradation. The petitioner expressed particular concern over the lack of adequate ''no-take'' refuges for these species and the risks associated with overfishing these relatively long-lived species.

NMFS concludes that the available information for Puget Sound rockfish is insubstantial for most of the petitioned species. Still, there are reasons to believe that some of the species may warrant ESA protection. The agency believes that the best approach to identifying candidates for an ESA status review includes determining which rockfish species are most likely to yield conclusive information during the review. It is clear from the assessment made to date that the majority of the petitioned species have little or no prospects for yielding such information in the time required to complete a status review (i.e., by February 2000). However, NMFS believes that the petition provides substantial information indicating serious threats and trends for rockfish in general, and that the prospects are good for obtaining more detailed information for three of the better-studied species, i.e., brown, copper, and quillback rockfish. Therefore, the agency will initiate a status review of brown rockfish, copper rockfish, and quillback rockfish in Puget Sound. In addition, NMFS is hopeful that information obtained during status reviews for these three species may help determine whether other Puget Sound rockfish may warrant consideration for an ESA status review.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available to NMFS scientists, the Secretary determines that the petition presents substantial scientific information indicating the petitioned action may be warranted for seven of the species identified in Puget Sound, namely: Pacific herring, Pacific cod, Pacific hake, walleye pollock, brown rockfish, copper rockfish, and quillback rockfish. In accordance with section 4(b)(3)(B) of the ESA, the Secretary will make his determination whether the petitioned action is warranted for these seven species within 12 months from the date the petition was received (i.e., by February 8, 2000).

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be threatened or endangered based on any of the following factors: (1) The present or threatened destruction, modification, or curtailment of a species' habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting the species continuing existence. Listing

determinations are based solely on the best available scientific and commercial data after taking into account any efforts being made by any state or foreign nation to protect the species.

Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS solicits information and comments concerning the status of Puget Sound populations of Pacific herring, Pacific cod, Pacific hake, walleye pollock, brown rockfish, copper rockfish, and quillback rockfish (see **DATES** and **ADDRESSES**). NMFS specifically requests the following information: (1) Biological or other relevant data that may help identify DPSs of any of these species (e.g., age structure, genetics, migratory patterns, morphology); (2) the range, distribution, and size of these species' populations in Puget Sound and coastal waters of Washington and British Columbia; (3) current or planned activities and their possible impact on this species (e.g., harvest measures and habitat actions); and (4) efforts being made to protect these species in Washington and British Columbia.

NMFS also requests quantitative evaluations describing the quality and extent of estuarine and marine habitats for these species, as well as information on areas that may qualify as critical habitat in Washington. Areas that include the physical and biological features essential to the recovery of the species should be identified. Essential features include, but are not limited, to the following: (1) Habitat for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS requests information describing (1) the activities that affect the area or could be affected by the designation and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation. The economic cost to be considered in the critical habitat designation under the ESA is the probable economic impact ''of the [critical habitat] designation upon proposed or ongoing activities'' (50 CFR 424.19). NMFS must consider the incremental costs resulting specifically from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 or 4(d) of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

On July 1, 1994, NMFS, jointly with the U.S. Fish and Wildlife Service, published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. NMFS now solicits the names of recognized experts in the field that could take part in the peer review process for this status review. Independent peer reviewers will be selected from the academic and scientific community, tribal and other Native American groups, Federal and state agencies, the private sector, and public interest groups.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 15, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

[FR Doc. 99–15721 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223 and 224

[Docket No. 990614160–9160–01; I.D. 061199C]

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List Barndoor Skate (''Raja laevis'') as Threatened or Endangered

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

ACTION: Notice of petition finding; request for information and comments.

SUMMARY: NMFS announces a 90-day finding for a petition to add barndoor skate (*Raja laevis*) to the list of threatened and endangered wildlife and to designate critical habitat. NMFS finds that the petition and the information available in NMFS records indicate that the requested action may be warranted. NMFS will conduct a stock assessment to determine if the petitioned action is warranted. To assure that the review is comprehensive, NMFS is soliciting information and data on this species from any interested party.

DATES: Information and comments on the action must be received by August 20, 1999.

ADDRESSES: Information, comments, or questions on the barndoor skate petition should be submitted to Mary Colligan, NMFS, Protected Species Division, One Blackburn Drive, Gloucester, MA, 01930. The petition and supporting data are available for public inspection, by appointment, Monday through Friday at the address above.

FOR FURTHER INFORMATION CONTACT: Mary Colligan, NMFS Northeast Region, 978/281–9116, or Marta Nammack, NMFS Office of Protected Resources, 301/713–1401.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (16 U.S.C. 1531–1544) requires that the National Marine Fisheries Service (NMFS) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. In determining whether substantial information exists for a petition to list a species, NMFS will take into account information submitted with and referenced in the petition and all other information readily available in NMFS files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. If NMFS finds that a petition presents substantial information indicating that the requested action may be warranted, section 4(b)(3)(B) of the ESA requires NMFS to make a finding as to whether or not the petitioned action is warranted within one year of the receipt of the petition.

On March 4, 1999, NMFS received a petition from GreenWorld to list barndoor skate as endangered or threatened and to designate Georges Bank and other appropriate areas as critical habitat. The petitioners also requested that barndoor skate be listed immediately, as an emergency matter. Finally, the petitioner requested that other similarly appearing species of skate also be designated as threatened or endangered so as to insure the protection of the barndoor skate. On April 2, 1999, the NMFS received a second petition from Center for Marine

Conservation (CMC) to list barndoor skate as an endangered species. This second petition is considered by NMFS as a comment on the first petition submitted by GreenWorld.

The petition and comment on the petition referenced a recent paper in the journal Science, which presents data on the decline of barndoor skates (Casey and Myers 1998). The petitioner cites bycatch in commercial fishing gear as the major threat to the species' continued existence and also expresses concern over inbreeding depression due to small population size. The petitioner also cites the inadequacy of existing regulatory mechanisms as a threat to the species. The comments submitted by CMC claim that barndoor skate are endangered due to overutilization for commercial purposes and the inadequacy of existing regulatory mechanisms.

On January 15, 1999, NMFS requested information from the public on barndoor skate for possible inclusion on the list of candidate species. Such designation highlights species for which NMFS is concerned may warrant listing under the ESA, but it does not afford those species any regulatory protection.

The barndoor skate is 1 of 7 species of skates that occur off the northeastern coast of the United States. Barndoor skates can reach sizes in excess of 1 meter in length and may not reach maturity until age 10 or older. The historic range of the barndoor skate ranged from Cape Hatteras to the Grand Banks off Newfoundland. Skates are found from near the tide line to depths exceeding 700 m. Members of this family lay eggs that are encased in hard, leathery cases commonly called a mermaid's purse. Incubation time is from 6 to 12 months and the young have the appearance of an adult upon hatching. Skates are not known to undertake large-scale migrations, but they do move seasonally in response to changes in water temperature, generally offshore in summer and early autumn and inshore in the winter and spring. Slow growth and late age at maturity may make skates more susceptible to the effects of fishing. Skates are frequently taken as bycatch during ground fishing operations and discarded. There are currently no regulations governing the harvesting of skates in U.S. waters.

CMC has also requested that the Secretary of Commerce categorize barndoor skate as ''overfished'' under the Magnuson Stevens Act. In order to fully examine the species' status so that a determination can be made under the ESA and under the Magnuson Stevens Act, NMFS intends to present an assessment of barndoor skate at the 30th Northeast Regional Stock Assessment Workshop to be held in November 1999. Staff are currently in the process of compiling and analyzing data on barndoor skate in preparation of the assessment materials to be vetted at the Stock Assessment Workshop. U.S. scientists are coordinating these efforts with their Canadian colleagues to ensure that a comprehensive assessment is conducted.

If it is determined that listing the species is warranted, then NMFS will examine the need to designate critical habitat for barndoor skate. At that time, NMFS would consider those physical and biological features that are essential to the conservation of the species and that may require special management or protection. The evaluation conducted by NMFS to determine if barndoor skate warrant listing under the ESA will also consider whether listing on an emergency basis is warranted.

NMFS finds that the petitioner and the comments on the petition have presented substantial information indicating that the requested action may be warranted. This finding is based on the scientific and commercial information contained and referenced in the petition and petition comments, as well as information available to NMFS at this time.

Listing Factors and Basis for Determination

Under Section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are based on the best scientific and commercial data available after taking into account any efforts being made by any state or foreign nation to protect the species.

Information Solicited

To ensure that the review conducted at the Stock Assessment Workshop is complete and based on the best available scientific and commercial data, NMFS is soliciting information on the species' current and historic distribution and abundance and any information related to the 5 listing factors identified above. NMFS requests that data, information and comments submitted be accompanied by (1) supporting documentation such as maps, bibliographic reference, or reprints of pertinent publications; and (2) the person's name, address, and any association, institution or business that the person represents. Such information may be submitted to the previously mentioned address.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 15, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

References Cited:

Casey, Jill M. and Ransom A. Myers. 1998. Near Extinction of a Large, Widely Distributed Fish. Science. 281: 690–692.

[FR Doc. 99–15724 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 060899D]

RIN 0648–AG88

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Amendment 1

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

ACTION: Notice of availability of Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands; request for comments.

SUMMARY: NMFS announces that the Caribbean Fishery Management Council (Council) has submitted Amendment 1 to the Fishery Management Plan (FMP) for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands for review, approval, and implementation by NMFS. This amendment would establish a marine conservation district (MCD) of approximately 16 square nautical miles (mi^2)(41–km^2) in the Exclusive Economic Zone (EEZ) southwest of St. Thomas, U.S. Virgin Islands (USVI), in an area known as ''Hind Bank.'' Fishing and anchoring of fishing vessels would be prohibited within the MCD. The purpose of the MCD is to protect coral reef resources, reef fish stocks, and their habitats.

DATES: Written comments must be received on or before August 20, 1999.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 1, which includes a Final Supplemental Environmental Impact Statement, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis, should be sent to the Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; phone: 787–766–5926; fax: 787–766–6239.

FOR FURTHER INFORMATION CONTACT: Michael C. Barnette, NMFS, 727-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires Regional Fishery Management Councils to submit proposed fishery management plans (plans) or amendments to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment from a Council, immediately publish a document in the **Federal Register** stating that the plan or amendment is available for public review and comment.

Caribbean coral reefs are under considerable stress as a result of coastal development and deforestation (sedimentation, pollution, dredging) and fishing (gear impacts and overfishing effects). The FMP currently prohibits the taking of corals and live rock, and limits gear used to collect live reef invertebrates and algae for aquariums. The FMP was recently amended by a generic amendment to address essential fish habitat (EFH) requirements to designate coral and coral reef areas as EFH in the U.S. Caribbean. Amendment 1 would specifically address fishing effects on reefs by establishing a ''no take'' MCD in a coral reef area known as Hind Bank southwest of St. Thomas, USVI. The dominant coral on Hind Bank is the boulder star coral, *Montastrea annularis*. Observed colonies are roughly 1 m in diameter. Based on recorded growth rates of approximately 0.4–1.2 cm/year, these colonies are at least 100 years old. At about 20 fathoms (36 m), the bottom topography of Hind Bank consists of a series of coral ridges (each approximately 100 m wide) interspersed with sandy depressions.

Fisheries in the U.S. Caribbean are multi-species, multi-gear, and primarily artisanal. Studies show declines in catch rates and relative abundance of groupers, snappers, triggerfish, angelfish, parrotfish, and grunts in USVI trap fisheries. Jewfish, *Epinephelus itajara*, Nassau grouper, *E. striatus*, and queen conch, *Strombus gigas*, have been designated by NMFS as overfished under the provisions of the Magnuson-Stevens Act. Red hind, *Epinephelus guttatus*, the dominant commercial reef fish species in the U.S. Caribbean, is showing signs of declines in catch-per-unit-effort, average size, and a significantly skewed sex ratio.

In addition to red hind, other species thought to aggregate on Hind Bank for spawning include yellowfin grouper, *Mycteroperca venenosa*; yellowtail snapper, *Ocyurus chrysurus*; stoplight parrotfish, *Sparisoma viride*; creole wrasse, *Clepticus parrae*; and the creole-fish, *Paranthias furcifer*. Hind Bank was once a spawning site for Nassau grouper, but few individuals have been seen in the area in recent years.

Since 1991, Hind Bank has been closed under the FMP to fishing from January through March to protect red hind spawning aggregations. A 1997 scientific research report to the Council indicated that this closure was having a positive effect in terms of increased abundance and size of red hind.

The seasonal closure affects all fisheries, including those for highly migratory species (HMS), such as tuna, billfish, and sharks. Amendment 1 would extend the seasonal closure year-round. The Council considered the possibility of allowing some fishing within MCDs to accommodate handline fishermen taking snappers, pelagics, and HMS. However, the Council determined that any fishing activities in the MCD could adversely affect spawning aggregations, degrade the reef ecosystem, and complicate enforcement.

The Council specifically intends that the MCD fishing restrictions apply to all fisheries, including the HMS fisheries. During the public comment periods, the NMFS HMS Fax Network will be used to ensure that all affected HMS fishermen are informed of the MCD proposal.

During 1995–96, 25 commercial fishermen reported landings from the general area southwest of St. Thomas (EEZ waters only); this area accounted for 14 percent of the trips and 31 percent of the total commercial catch (about 390,000 lb (176,901 kg)) in the USVI, primarily from trap fishing for finfish and spiny lobsters. HMS and other handline fishermen in this area accounted for only 4 percent of the trips and 8 percent of the total catch. There are no comparable data for the recreational sector. There are approximately 10 charter fishing operations in the St. Thomas-St. John area; however, these boats reportedly fish the ''dropoff'' south of St. John, rather than off St. Thomas.

The establishment of the MCD would displace commercial fishermen from preferred fishing grounds. However, the displacement cost to the industry is expected to be small because the majority of vessels fishing in the preferred grounds also make multiple trips to areas outside the proposed MCD, suggesting that movement in fishing effort from one area to another is relatively adjustable. The MCD is likely to result in a short-term reduction in the amount of fish available for harvest and, ultimately, a reduction in harvest. However, the MCD is also expected to result in export of adults and larvae into areas outside the MCD that will, in the long-term, increase the populations available for harvest. As the populations outside the MCD expand, harvests by existing fishermen will expand commensurately, resulting in increased profits. Theoretically, however, increased profits will attract additional entrants into the fisheries and increase effort. Despite increasing effort, establishment of the MCD is expected to result in future increases in total catch.

Comments received by August 20, 1999, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: June 16, 1999.

George H. Darcy,

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

[FR Doc. 99–15722 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 64, No. 118
Monday, June 21, 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.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 11, 1999.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Plan for Estimating Daily Livestock Slaughter Under Federal Inspection.

OMB Control Number: 0581–0050.

Summary of Collection: The Agricultural Marketing Act of 1046 (7 U.S.C. 1621) Section 203(g), directs and authorizes the collection and dissemination of marketing information including adequate outlook information, on a market area basis, for the purpose of anticipating and meeting consumer requirements, aiding in the maintenance of farm income, and to bring about a balance between production and utilization. Livestock and Grain News provides a timely exchange of accurate and unbiased information on current marketing conditions (supply, demand, prices, trends, movement, and other information) affecting trade in livestock, meats, grain, and wool. Administered by the U.S. Department of Agriculture's Agricultural Marketing Service (AMS), this nationwide market news program is conducted in cooperation with approximately 30 state departments of agriculture. The up-to-the-minute reports collected and disseminated by professional market reporters are intended to provide both buyers and sellers with the information necessary for making intelligent, informed marketing decisions, thus putting everyone in the marketing system in an equal bargaining position. AMS will collect information using market new reports.

Need and Use of the Information: AMS will collect information from processing plants on the estimated of the current day's slaughter and the actual slaughter of the previous day. The report is used to make market outlook projections and maintain statistical data. The information must be collected and disseminated by an impartial third party. Since the Government is a large purchaser of meat, a system to monitor the collection and reporting of data is needed.

Description of Respondents: Business or other for-profit; individuals or households; farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 82.

Frequency of Responses: Reporting: Weekly; other: daily.

Total Burden Hours: 740.

Farm Service Agency

Title: Standard Rules Tender Governing Motor Carrier Transportation.

OMB Control Number: 0560–NEW.

Summary of Collection: USDA provides a variety of commodities for domestic food distribution programs. The types of commodities available to transport for Kansas City Commodity Office (KCCO) include: dairy products (milk, butter, and cheese), fruit and vegetables (canned and frozen), and mixed loads of dry freight. The purpose of this information collection is to establish the motor carrier transportation service needs of USDA, Farm Service Agency (FSA), and KCCO for the movement of its freight traffic; and to ensure that motor freight carriers providing transportation services have both the willingness and the capability to meet these needs. The Standard Rules Tender Governing Motor Carrier Transportation necessitates the collect information to determine motor carrier compliance with the requirements and to determine eligibility of motor carriers to haul agricultural products for FSA. FSA will collect information by mail from motor carriers.

Need and Use of the Information: FSA will collect information to establish the motor carrier's qualifications, insurance coverage, and carriage rates and conditions. Without this information FSA and KCCO could not obtain transportation services to meet program requirements.

Description of Respondents: Business or other for-profit; Federal; not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 141.

Frequency of Responses: Reporting: Once.

Total Burden Hours: 141.

Farm Service Agency

Title: Standard Operating Agreement Governing Intermodal Transportation.

OMB Control Number: 0560–NEW.

Summary of Collection: The Farm Service Agency (FSA), in conjunction with the Kansas City Commodity Office (KCCO), delivers commodities worldwide. FSA ships commodities via motor carrier, intermodal marketing company, railroad, or ocean carrier. Intermodal Marketing Companies (IMC) are required to provide information relative to Trailer on Flatcar/Container or on Flatcar (TOFC/COFC) rates and

agreements. The use of the Standard Operating Agreement Governing Intermodal Transportation is necessary to collect information to determine IMC compliance with KCCO eligibility requirements. FSA will collect information by mail from IMCs.

Need and Use of the Information: FSA will collect information to establish the Intermodal Marketing Companies qualifications, insurance coverage, and carriage rates and conditions. Without this information FSA and KCCO could not meet program requirements.

Description of Respondents: Business or other for-profits; Federal; Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 23.

Frequency of Responses: Reporting: Once.

Total Burden Hours: 23.

Forest Service

Title: Interpretive Association Annual Report.

OMB Control Number: 0596–0097.

Summary of Collection: The Organic Administration Act of 1897 (30 Stat. 11;16 U.S.C. 55) and the Multiple-Use Sustained-Yield Act of 1960 (Pub. L. 86–517 Stat. 215;16 U.S.C. 528–531) gives Forest Service (FS) general authorities to provide public education and information about the preservation and conservation of the natural resources; and to promote the agency mission to achieve quality land management to meet the diverse needs of people through education about the variety of outdoor recreation uses of the natural resources. The Cooperative Funds and Deposits Act of December 12, 1975 (Pub. L. 94–148, 89 Stat. 804; 16 U.S.C. 565a–1 thru 565a–3) authorizes FS to enter into cooperative agreements with public and private agencies, organizations, institutions, or persons. Non-profit Interpretive Associations affiliated with the Forest Service provide important supplementary services to National Forest visitors. The agreements between FS and the Interpretive Associations state that Interpretive Associations need to submit annual reports and financial statements to the FS. FS will collect information using Form FS–2300–5. Annual Report Interpretive Associations.

Needs and Use of the Information: FS will collect information pertaining to income, expenditures, and annual accomplishments of each interpretive association to the regional forester. Without the collection of information, effective management of interpretive association programs including the monitoring of income allocation for special projects, would not be possible.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 52.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 52.

Agricultural Research Service

Title: USDA Biological Shipment Record—Beneficial Organisms.

OMB Control Number: 0518–0013.

Summary of Collection: Collection of information related to the introduction and release of non-indigenous biological control organisms contributes to the biological control and taxonomic research programs of USDA's Agricultural Research Service (ARS) Provision of the data is entirely voluntary and is used to populate the USDA Release of Beneficial Organisms in the United States and Territories (ROBO) database. ARS will collect information using forms AD–941, AD–942 and AD–943.

Need and Use of the Information: ARS will collect information on the biological/control and taxonomic research program in USDA by recording the introduction and release of non-indigenous biological control organisms and pollinators in the United States.

Description of Respondents: Federal; non-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 100.

Frequency of Responses: Reporting: On occasion, annually.

Total Burden Hours: 25.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 99–15702 Filed 6–18–99; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Meeting of Advisory Committee on Emerging Markets

AGENCY: Foreign Agricultural Service, USDA

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the second meeting of the Advisory Committee on Emerging Markets will be held June 22, 1999. The role of the committee is to provide information and advice, based upon knowledge and expertise of the members, useful to the U.S. Department of Agriculture (USDA) in implementing the Emerging Markets Program. The committee will also advise USDA on ways to increase the involvement of the U.S. private sector in cooperative work with emerging markets in food and rural business systems and review proposals submitted to the Program.

DATES: The meeting will be held Tuesday, June 22, 1999, from 9:30 a.m. to 4 p.m. in room 5066 South Agriculture Building.

ADDRESSES: The meeting will be held at the U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review and discuss those proposals the Emerging Markets Office has received which may qualify for Emerging Markets Program funding. The minutes of the meeting announced in this Notice shall be available for review. The meeting is open to the public and members of the public may provide comments in writing to Douglas Freeman, Foreign Agricultural Service, room 6506 South Building, U.S. Department of Agriculture, 14th and Independence Ave. SW., Washington, D.C. 20250, but should not make any oral comments at the meeting unless invited to do so by the Co-chairpersons.

Signed at Washington, DC, June 1, 1999.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 99–15701 Filed 6–18–99; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request a Revision of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), this notice announces the National Agricultural Statistics Service's (NASS) intention to request a revision to a currently approved information collection, the Agricultural Resources Management Study and Chemical Use Survey.

DATES: Comments on this notice must be received by August 25, 1999, to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rich Allen, Associate

Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4117 South Building, Washington, D.C. 20250–2000, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Agricultural Resources Management Study and Chemical Use Survey.

OMB Number: 0535–0218.

Expiration Date of Approval: October 31, 2000.

Type of Request: To revise a currently approved information collection.

Abstract: One of the primary objectives of the National Agricultural Statistics Service is to provide high quality and timely estimates about the nation's food supply and environment. Data will be collected regarding chemical uses on field crop, fruit, nut, and vegetable crops; the types and amounts of pesticides used on selected commodities after harvest and before being shipped to the consumer; and production expenses and income sources for farm operations. Information from these data collection efforts is used by government agencies in planning, farm policy analysis, scientific research, and program administration. During calendar year 2000, a one-time collection of information on the land ownership of farm operations and farm households will be included in this information collection. Selected economic and land ownership information gathered will be combined with data collected on the Agricultural Economics Land Ownership Survey (AELOS). The last AELOS covered the 1988 calendar year. Annual costs of production data for specific commodities normally collected in this information collection will not be collected in calendar year 2000 to reduce response burden on farm and ranch operators and owners and to avoid duplication. NASS plans to ask for a 3-year approval. These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 26 minutes per response.

Respondents: Farms, Packers/Shippers, Warehouses.

Estimated Number of Respondents: 85,000.

Estimated Total Annual Burden on Respondents: 37,400 hours.

Copies of this information collection and related instructions can be obtained without charge from Larry Gambrell, the Agency OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) 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; (b) 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; (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 those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques. Comments may be sent to: Larry Gambrell, Agency OMB Clearance Officer, U.S. Department of Agriculture, 1400 Independence Avenue SW, Room 4162 South Building, Washington, D.C. 20250–2000. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, June 14, 1999.

Rich Allen,

Associate Administrator, National Agricultural Statistics Service.

[FR Doc. 99–15705 Filed 6–18–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Indiana

AGENCY: Natural Resources Conservation Service (NRCS).

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Indiana for review and comment.

SUMMARY: It is the intention of NRCS in Indiana to issue new and revised conservation practice standards Section IC of the FOTG. The revised standards are Dry Hydrants (Code 432) and Residue Management, Mulch Till (Code 329B). These practices may be used in conservation systems that treat highly erodible land.

DATES: Comments will be received on or before July 21, 1999.

ADDRESSES: Address all requests and comments to Robert L. Eddleman, State Conservationist, Natural Resources Conservation Service (NRCS), 6013 Lakeside Blvd., Indianapolis, Indiana 46278. Copies of these standards will be made available upon written request. You may submit electronic requests and comments to joe.gasperi@in.usda.gov

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, 317–290–3200.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law, to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in Indiana will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Indiana regarding disposition of those comments and a final determination of changes will be made.

Dated: June 7, 1999.

Robert L. Eddleman,

State Conservationist, Indianapolis, Indiana.

[FR Doc. 99–15626 Filed 6–18–99; 8:45 am]

BILLING CODE 3410–16–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Passenger Vessel Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established an advisory committee to assist it in developing a proposed rule on accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. This document gives notice of the dates, times, and location of the next meeting of the Passenger Vessel Access Advisory Committee (committee).

DATES: The next meeting of the committee is scheduled for July 21 through 23, 1999, beginning at 8:30 a.m. and ending at 6:30 p.m. each day, except the 21st when the meeting will end at 5:30 p.m. Optional vessel tours are scheduled for July 20 and 24th.

ADDRESSES: The meeting will be held in the South Auditorium (4th level, 2nd Avenue Entrance) of the Henry Jackson Federal Building, 2nd Avenue and Madison Street, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Paul Beatty, 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 19 (Voice); (202) 272–5449 (TTY). E-mail address: pvaac@access-board.gov. This document is available in alternate formats (cassette tape, Braille, large print, or computer disk) upon request. This document is also available on the Board's Internet Site at http://www.access-board.gov/notices/pvaacmtg.htm.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board (Access Board) established a Passenger Vessel Access Advisory Committee (committee) to assist the Board in developing proposed accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. 63 FR 43136 (August 12, 1998). The committee is composed of owners and operators of various passenger vessels; persons who design passenger vessels; organizations representing individuals with disabilities; and other individuals affected by the Board's guidelines.

The committee will meet on the dates and at the location announced in this notice. The meeting is open to the public. The facility is accessible to individuals with disabilities. Individuals who require sign language interpreters or real-time captioning systems should contact Paul Beatty by July 9, 1999.

Optional Vessel Tours

In addition to the meeting, optional vessel tours are planned for the committee on July 20 in Seattle and July 24 in Vancouver, British Columbia, Canada. The tours are open to the public on a first-come-first-served basis. In some cases, a fare is charged to ride the vessel. The degree of access varies between vessels. Individuals desiring to participate in the July 24th tour must contact Paul Beatty by July 7, 1999, to be listed on the security access list. For further information on these tours, please contact Paul Beatty.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 99–15602 Filed 6–18–99; 8:45 am]

BILLING CODE 8150–01–P

ARCTIC RESEARCH COMMISSION

Notice of Meeting

June 9, 1999.

Notice is hereby given that the U.S. Arctic Research Commission will hold its 54th Meeting in Boulder, CO on July 7 and 8, 1999.

The Meeting will be held at the Institute for Arctic and Alpine Research at the University of Colorado and will convene at 9:00 AM on Wednesday the 7th and 9:00 AM on Thursday the 8th.

Topics for the meeting include Federal and State Agency reports, Congressional liaison reports and a series of briefings on the NOAA Data Centers, the National Ice Core Repository and the National Center for Atmospheric Research.

Any person planning to attend the meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters must inform the Commission in advance of those needs.

Contact Persons for More Information: Dr. Garrett W. Brass, Executive Director, Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Garrett W. Brass,

Executive Director.

[FR Doc. 99–15606 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Housing Vacancy Survey.

Form Number(s): None (computerized survey instrument).

Agency Approval Number: 0607–0179.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 2,880 hours.

Number of Respondents: 4,800.

Avg. Hours Per Response: 3 minutes.

Needs and Uses: The Housing Vacancy Survey (HVS) provides quarterly and annual statistics on rental vacancy rates and homeownership rates for the United States, the 4 census regions, inside vs. outside Metropolitan Areas (MAs), the 50 states, the District of Columbia, and the 75 largest MAs. HVS data are collected for a sample of vacant housing units identified in the Current Population Survey. Information is collected from homeowners, realtors, landlords, rental agents, neighbors or other knowledgeable persons.

Private and public sector organizations use these rates extensively to gauge and analyze the housing market with regard to supply, cost, and affordability at various points in time. In addition, the rental vacancy rate is a component of the leading economic indicators, published by the Department of Commerce.

Affected Public: Individuals or households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 USC, Section 182.

OMB Desk Officer: Linda Hutton, (202) 395–7858.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Linda Hutton, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 16, 1999.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 99–15684 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Current Retail Sales and Inventory Survey.

Form Number(s): B–101(97)S, B–101(97)B, B–111(97)S, B–111(97)B, B–111(97)L, B–113(97)I, B–113(97)L, B–114(97).

Agency Approval Number: 0607–0717.

Type of Request: Revision of a currently approved collection.

Burden: 13,875 hours.

Number of Respondents: 8,807.

Avg. Hours Per Response: 7.9 minutes.

Needs and Uses: The Current Retail Sales and Inventory Survey provides estimates of monthly sales and end-of-month merchandise inventories for retail stores in the United States by selected kinds of business. Sales and inventory data provide a current statistical picture of the retail portion of consumer activity. Monthly estimates of changes in sales and the value and levels of inventory are used by government and non-government analysts in gauging economic trends and formulating economic policy. The Bureau of Economic Analysis (BEA) uses this information to prepare the National Income and Products Accounts and to benchmark the annual input-output tables. Statistics provided from the Current Retail Sales and Inventory Survey are used to calculate the gross domestic product (GDP).

We currently publish retail sales and inventory estimates on the Standard Industrial Classification (SIC) basis. Starting in the spring of 2001, we will publish on the North American Industry Classification System (NAICS). Additionally, we are planning to add two new questions concerning Internet sales starting in FY 2000. We are also converting our monthly pin fed report forms to a print-on demand system referred to as DocuPrint.

Affected Public: Businesses or other for-profit organizations.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 USC, Section 182.

OMB Desk Officer: Linda Hutton, (202) 395–7858.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Linda Hutton, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: June 16, 1999.

Madeleine Clayton,

Office of the Chief Information Officer.

[FR Doc. 99–15685 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees on the African American Population, the American Indian and Alaska Native Populations, the Asian and Pacific Islander Populations, and the Hispanic Population

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a joint meeting followed by separate and concurrently held meetings of the Census Advisory Committees (CACs) on the African American Population, the American Indian and Alaska Native Populations, the Asian and Pacific Islander Populations, and the Hispanic Population. The Supplementary Information section for this notice provides information about the agenda for this meeting.

DATES: July 15–16, 1999. The July 15 meeting will begin at 9:00 a.m. and end at 5:15 p.m. The July 16 meeting will begin at 8:45 a.m. and end at 5:00 p.m. Last minute changes to the schedule are possible, and they could prevent us from providing advance notice.

ADDRESSES: The meeting will take place at the Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA 20191.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233, telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The agenda for the July 15 and 16 combined meetings will include discussions on (1) Introductory remarks and update; (2) Editing and Tabulation of Census 2000 Data on Race and Hispanic Origin; (3) Update on Census 2000 Operational Plan; (4) Update on Census 2000 Field Operations; (5) Update on Accuracy, Coverage, and Evaluation Survey; and (6) Dress Rehearsal Evaluations.

The four committees will meet separately and concurrently for sessions on both July 15 and 16. The Joint Committee meeting will break for the concurrent meetings.

The agenda for the CAC on the African American Population will include: (1) The review of Committee recommendations and responses; (2) update on Census Information Centers; (3) update on posters; and (4) a review of topics for the next day discussions.

The agenda for the CAC on the American Indian and Alaska Native Populations will include: (1) The review of Committee recommendations and responses; (2) update on Census Information Centers: (3) update on advertising campaign; (4) update on sampling and estimation procedures; and (5) a review of topics for the next day discussions.

The agenda for the CAC on the Asian and Pacific Islander Populations will include: (1) The review of Committee recommendations and responses; (2) an update on Hawaiian Homelands; (3) update on Census Information Centers; (4) update on recruitment and hiring; (5) update on the language program; and (6) a review of topics for the next day discussions.

The agenda for the CAC on the Hispanic Population will include: (1) the review of Committee recommendations and responses; (2) update on Census Information Centers; (3) update on recruitment and hiring; (4) update on the language program; and (5) a review of topics for the next day discussions.

On July 16, each of the four Committees will also address draft recommendations.

The CACs on the African American, American Indian and Alaska Native, and Hispanic Populations are comprised of 9 members each, and the Asian and Pacific Islander Committee is comprised of 13 members distributed between two subcommittees—The Asian Subcommittee consisting of 8 members and the Native Hawaiian and Other Pacific Islander Subcommittee consisting of 5 members. The Secretary of Commerce appoints the members. The Committees provide a channel of communication between the representative communities and the Bureau of the Census. They assist the Bureau in its efforts to reduce the count differential for Census 2000 and advise on ways that census data can best be disseminated to communities and other users.

The Committees will provide advice and recommendations for the implementation and evaluation phases of Census 2000. To do so, they will draw on several items including past experience with the 1990 census process and procedures, the results of evaluations and research studies, and the expertise and insight of their members.

All meetings are open to the public, and a brief period will be set aside on July 16 for public comment and questions. Individuals with extensive

questions or statements must submit them in writing to the Committee Liaison Officer, named above, at least three days before the meeting.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer.

Dated: June 14, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–15669 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on the American Indian and Alaska Native Populations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a meeting of the Census Advisory Committee on the American Indian and Alaska Native Populations. The meeting will focus on updates and plans related to the enumeration of the American Indian and Alaska Native Populations, particularly in American Indian and Alaska Native areas. The meeting also will include a status report on the ongoing American Indian and Alaska Native Regional Meeting for Census 2000.

DATES: July 14, 1999. The meeting will begin at 12 noon and end at 5:10 p.m. Last minute changes to the schedule are possible, and they could prevent us from providing advance notice.

ADDRESSES: The meeting will take place at the Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA 20191.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233, telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Committee is composed of nine members appointed by the Secretary of Commerce. The Committee provides a channel of communication between the representative communities and the Bureau of the Census. The Committee assists the Bureau in its efforts to reduce the count differential for Census 2000 and advises on ways that decennial census data can best be disseminated to communities and other users.

The committee will provide advice and recommendations for the implementation and evaluation phases of Census 2000. To do so, they will draw on several items including past experience with the 1990 census process and procedures, the results of evaluations and research studies, and the expertise and insight of their members.

The meeting is open to the public, and a brief period is set aside during the closing session for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer, named above, at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer.

Dated: June 14, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–15667 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on the Hispanic Population

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a meeting of the Census Advisory Committee on the Hispanic Population. The meeting will focus on the operational plans for conducting Census 2000 in Puerto Rico.

DATES: July 14, 1999. The meeting will begin at 8:00 a.m. and end at 1:15 p.m. Last minute changes to the schedule are possible, and they could prevent us from providing advance notice.

ADDRESSES: The meeting will take place at the Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA 20191.

FOR FURTHER INFORMATION CONTACT: Maxine Anderson-Brown, Committee Liaison Officer, Department of Commerce, Bureau of the Census, Room 1647, Federal Building 3, Washington, DC 20233, telephone 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The Committee is composed of nine members appointed by the Secretary of Commerce. The Committee provides a channel of communication between the representative communities and the Bureau of the Census. The Committee assists the Bureau in its efforts to reduce the count differential for Census 2000 and advises on ways that decennial census data can best be disseminated to communities and other users.

The committee will provide advice and recommendations for the implementation and evaluation phases of Census 2000. To do so, they will draw on several items including past experience with the 1990 census process and procedures, the results of evaluations and research studies, and the expertise and insight of their members.

The meeting is open to the public, and a brief period is set aside during the closing session for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer, named above, at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Census Bureau Committee Liaison Officer.

Dated: June 14, 1999.

Kenneth Prewitt,

Director, Bureau of the Census.

[FR Doc. 99–15668 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, (EDA).

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 5/18/99–6/15/99

Chicago Dial Indicator Company	1327 Redeker Road, Des Plaines, IL 60016.	05/26/99	Electronic digital and analog measuring instruments.
Polycast Incorporated	9898 SW Tigard Street, Tigard, OR 97223.	05/27/99	Ink jet printer parts.
Sales & Marketing Assistance Corporation.	921 Gaither Road, Gaithersburg, MD 20877.	05/27/99	Personal computers.
Houston Wire Works, Inc	527 Michigan, Houston, TX 77578	05/27/99	Metal racks and display cabinets.
Pacifica Marine, Inc	4735 E. Marginal Way, Seattle, WA 98134.	05/27/99	Passenger railcar interiors.
Sebro Packaging Corp	270 Packaging Corp., S. Hackensack, NJ 07606.	05/27/99	Folding paperboard boxes.
Lenco Industries, Inc	P. O. Box 668, Pittsfield, MA 01201	06/01/99	Non-military armored security vans.
Award Design Medals, Inc	P. O. Box 1170, Noble, OK 73068	06/01/99	Belt buckles.
Fuller Box Company, Inc	150 Chestnut Street, North Attleboro, MA 02761.	06/09/99	Metal hinged and set-up paperboard boxes for the jewelry, giftware and collectible industries.
Crown Yarn Dye Company, Inc	P. O. Box 3328, South Attleboro, MA 02703.	06/09/99	Dyed yarn of cotton, wool, rayon, nylon, polyester, acetate, acrylic and those blends.
Artistic Lamp Company	3 Spencer Highway, S. Houston, TX 77587.	06/08/99	Electrical lamps and lighting fittings of brass.
Geist Manufacturing, Inc	1821 Yolanda Avenue, Lincoln, NE 68521.	06/08/99	Cord covers or duct, extruded plastic stripes that cover electrical cards to prevent people from tripping.
Academy Die Casting and Plating Co., Inc.	47 Langstaff Avenue, Edison, NJ 08817	06/10/99	Zinc die casting of automotive accessories, architectural hardware, hand and lawn garden tools.
Lenco, Inc	10240 Deerpark Rd., Waverly, NE 68462	06/10/99	Audio cassette housings, and other articles of plastic such as flea and tick repellent applicators and nail polish caps.
Cross Creek Apparel, Inc	P.O. Drawer 1107, Mt. Airy, NC 27030	06/10/99	Men's, women's and boy's knit shirts of cotton.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: June 15, 1999.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 99–15629 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

National Institute of Standard and Technology

Notice of Intent To Establish the Federal Advisory Committee for the Advanced Technology Program; Request for Nominations of Members Willing To Serve on the Committee

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of intent to establish the Federal Advisory Committee for the Advanced Technology Program and request for nominations of members willing to serve on the committee.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act and the General Services Administration (GSA) rule on Federal Advisory Committee Management, the Secretary of Commerce has determined that the establishment of the Advanced Technology Program (ATP) Advisory Committee (the ''Committee'') is in the public interest in connection with the performance of duties imposed on the Department by law. The Committee will advise the Director of the National Institute of Standards and Technology (NIST) on ATP programs.

NIST invites and requests nominations of individuals for appointment to the Committee NIST will consider nominations received in response to this notice for appointment to the Committee.

DATES: The charter will be filed under the Act on July 6, 1999. Nominations for members to serve on the committee must be submitted to the address below on or before this date.

ADDRESSES: Advanced Technology Program, National Institute of Standard and Technology, Gaitherburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Brian Belanger, Office of the Director, National Institute of Standards and Technology, Mail Stop 1004, Gaitherburg, MD 20899–1004, telephone: 301–975–4720, fax: 301–948–1224.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Federal Advisory Committee Act, Title

5 United States Code Appendix Section 2 et seq., and the General Services Administration (GSA) rule on Federal Advisory Committee Management, Title 41 Code of Federal Regulations subpart 101–6.10, the Secretary of Commerce has determined that the establishment of the Advanced Technology Program (ATP) Advisory Committee (the ''Committee'') is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will advise the Director of the National Institute of Standards and Technology (NIST) on ATP programs, plans, and policies.

The Committee will consist of not fewer than six nor more than twelve members appointed by the Director of NIST and its membership will be balanced to reflect the wide diversity of technical disciplines and industrial sectors represented in ATP projects NIST invites and requests nominations of individuals for appointment to the Committee.

The Committee will function solely as an advisory body, in compliance with the provision of the Federal Advisory Committee Act.

Authority: Federal Advisory Committee Act: 5 U.S.C. App. 2 and General Services Administration Rule: 41 CFR subpart 101–6.10.

Dated: June 14, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–15584 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 960223046–9151–04; I.D. 050799B]

RIN 0648–ZA09

Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry

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

ACTION: Notice of solicitation for applications.

SUMMARY: NMFS (hereinafter referred to as ''we'' or ''us'') issues this document to describe how you, the applicant, can apply for funding under the Saltonstall-Kennedy (S-K) Grant Program and how we will determine whether to fund your proposal.

Under the S-K Program, we provide financial assistance for research and development projects that address various aspects of U.S. fisheries (commercial or recreational), including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

DATES: We must receive your application by close of business August 20, 1999, in one of the offices listed in section I.E. Applications Addresses of this document**.** You must submit one signed original and nine signed copies of the completed application (including supporting information). We will not accept facsimile applications.

ADDRESSES: You can obtain an application package from, and send your completed application(s) to, the NMFS Regional Administrator located at any of the offices listed in section I.E. Applications Addresses of this document.

FOR FURTHER INFORMATION CONTACT: Alicia L. Jarboe, S-K Program Manager, (301) 713-2358.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Saltonstall-Kennedy Act (S-K Act), as amended (15 U.S.C. 713c-3), established a fund (known as the S-K fund) that the Secretary of Commerce uses to provide grants or cooperative agreements for fisheries research and development projects addressed to any aspect of U.S. fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures. U.S. fisheries[1] include any fishery,

commercial or recreational, that is or may be engaged in by citizens or nationals of the United States, or citizens of the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia.

The objectives of the S-K Grant Program, and therefore the funding priorities, have changed over the years since the program began in 1980. The original focus of the program was to develop underutilized fisheries within the U.S. Exclusive Economic Zone (EEZ).

The Magnuson-Stevens Fishery Conservation and Management

Act (Magnuson-Stevens Act), originally passed in 1976, directed us to give the domestic fishing industry priority access to the fishery resources in the EEZ.

To accelerate development of domestic fisheries, the American Fisheries Promotion Act of 1980 amended the S-K Act to

stimulate commercial and recreational fishing efforts in underutilized fisheries.

In the following years, the efforts to Americanize the fisheries were successful to the point that most nontraditional species were fully developed and some traditional fisheries became overfished. Therefore, we changed the emphasis of the S-K Program to resource conservation and management. Funding priorities included a range of conservation and management issues and aquaculture.

In 1996, the Sustainable Fisheries Act (SFA) (Pub. L. 104–297), was enacted. The SFA amended the Magnuson-Stevens Act and supported further adjustment to the S-K Program to address the current condition of fisheries.

The Magnuson-Stevens Act, as amended by the SFA, requires us to undertake efforts to prevent overfishing, rebuild overfished fisheries, insure conservation, protect essential fish habitats, and realize the full potential of U.S. fishery resources. It further requires that we take into account the importance of fishery resources to fishing communities; provide for the sustained participation of such communities; and, to the extent possible, minimize the adverse economic impacts of conservation and management measures on such communities. The Magnuson-Stevens Act defines a ''fishing community'' as ''a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.'' (16 U.S.C. 1802 (16)).

The NOAA Strategic Plan, updated in 1998, has three goals under its Environmental Stewardship Mission: Build Sustainable Fisheries (BSF), Recover Protected Species, and Sustain Healthy Coasts. The S-K Program supports fisheries research and development activities that directly relate to the BSF goal.

The revised objectives for BSF, consistent with the Magnuson-Stevens Act, are:

1. Eliminate and prevent overfishing and overcapitalization.

2. Attain economic sustainability in fishing communities.

---

[1]For purposes of this document, a fishery is defined as one or more stocks of fish, including tuna, and shellfish that are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, and eastern oysters.

3. Develop environmentally and economically sound marine aquaculture.

Our goal for the FY 2000 S-K Grant Program announced in this document is to address the needs of fishing communities in terms of the preceding BSF objectives. This goal is reflected in the funding priorities listed in section II of this document. Successful applications will be those aimed at helping fishing communities to resolve issues that affect their ability to fish; make full use of those species that are currently under Federal or state fishery management plans (FMPs) and cultured species; and address the socioeconomic impacts of overfishing and overcapitalization.

The S-K Program is open to applicants from a variety of sectors, including industry, academia, and state and local governments. However, the scope of this program is limited to marine species and Great Lakes species.

B. Changes from the Last Solicitation Notice

We have changed some of the conditions and procedures in this document from the last S-K Grant Program solicitation notice published on March 2, 1998 (63 FR 10191). Therefore, we encourage you to read the entire document before preparing your application.

C. Funding

We are soliciting applications for Federal assistance, pursuant to 15 U.S.C. 713c–3(c). This document describes how you can apply for funding under the S-K Grant Program, and how we will determine which applications we will fund.

Funding for projects depends on an allocation of funds by Congress for the S-K Grant Program in Fiscal Year (FY) 2000, which begins on October 1, 1999. We expect about $1.5 million to be available for FY 2000. We cannot guarantee that sufficient funds will be available to make awards for all approved applications submitted under this program.

In order to be funded under the S-K Grant Program, applications must propose activities that: address the funding priorities listed in section II of this document; are expected to produce a direct benefit (e.g., tool, information, service, or technology) to the fishing community (as defined in section I.A. of this document); and can be accomplished within 18 months. Acceptable research and development activities include applied research, demonstration projects, pilot or field testing, or business plan development. However, we will not fund projects that primarily involve infrastructure construction, port and harbor development, or start-up or operational costs for private business ventures. Furthermore, if your proposed project primarily involves data collection, it must be directed to a specific problem or need and be of a fixed duration, not of a continuing nature, in order to be considered.

D. Catalog of Federal Domestic Assistance

The S-K Grant Program is listed in the ''Catalogue of Federal Domestic Assistance'' under number 11.427, Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.

E. Applications Addresses

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930; (978) 281-9267.

Southeast Region, NMFS, 9721 Executive Center Drive, North,

St. Petersburg, FL 33702–2432, (727) 570-5324.

Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, (562) 980–4033.

Northwest Region, NMFS, 7600 Sand Point Way, NE., BIN C15700, Building 1, Seattle, WA 98115, (206) 526-6115.

Alaska Region, NMFS, P.0. Box 21668, Juneau, AK 99802 or

Federal Building, 709 West 9th Street, 4th Floor, Juneau, AK 99801–1668, (907) 586-7224.

F. Electronic Access Addresses

This solicitation and the application package are available on the NMFS S-K Home Page at: *www.nmfs.gov/sfweb/skhome.html.*

The 1998 updated Executive Summary of the NOAA Strategic Plan is available at: *www.strategic.noaa.gov/* and the Magnuson-Stevens Act is available at: *www.nmfs.gov/sfa/magact/*.

The list of species that are currently under Federal FMPs

is in the publication, *Status of Fisheries of the United States*, available at: *www.nmfs.gov/sfa/reports.html.*

II. Funding Priorities

Your proposal must address one of the priorities listed below as they pertain to marine or Great Lakes species. If you select more than one priority, you should list first on your application the priority that most closely reflects the objectives of your proposal.

If we do not receive proposals that adequately respond to the priorities listed, we may use S-K funds to carry out a national program of research and development addressed to aspects of U.S. fisheries pursuant to section 713c–3(d) of the

S-K Act, as amended.

The priorities are not listed in any particular order and each is of equal importance.

A. Conservation Engineering

Reduce or eliminate adverse interactions (that affect fishing activity) between fishing operations and nontargeted, protected, or prohibited species (e.g., juvenile or sublegal-sized fish and shellfish, females of certain crabs, Endangered Species Act (ESA)–listed fish, marine turtles, seabirds, or marine mammals), including the inadvertent take, capture, or destruction of such species.

Improve the survivability of fish discarded or intentionally released and of protected species released in fishing operations.

Reduce or eliminate impacts of fishing activity on essential fish habitat that adversely affect the sustainability of the fishery.

B. Optimum Utilization of Fishery Resources Currently under Federal or State Management, and Cultured Species

Reduce or eliminate technical barriers to trade.

Minimize harvest losses.

Develop usable products from economic discards (whole fish discarded because they are an undesirable species, size, or sex, or parts of fish discarded as not commercially useful) and byproducts of processing.

C. Fishing Community Transition

Help fishing communities to address the socioeconomic effects of overfishing and overcapitalized fisheries through such activities as planning and demonstration projects. Specific areas for these activities could include retraining of fishermen for alternative employment, alternative uses for existing fishing industry infrastructure, and planning for fishing capacity reduction. Activities may complement, but should not duplicate, programs available from other Federal, state, or local agencies.

D. Marine Aquaculture in the Off-Shore Environment

Advance the implementation of marine aquaculture in the off-shore environment (i.e., the EEZ) by addressing technical aspects such as systems engineering, environmental compatibility, and culture technology. Applications should demonstrate that

the goal is to support off-shore industry development.

Reduce or eliminate legal and social barriers to off-shore aquaculture development, e.g., legal constraints, use conflicts, exclusionary mapping, appropriate institutional roles.

III. How to Apply

A. Eligibility

To apply for grants or cooperative agreements, you must follow the instructions in this document. You are eligible to apply if:

1. You are a citizen or national of the United States;
2. You are a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the constitution of the NMI;
3. You are a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia; or
4. You represent an entity that is a corporation, partnership, association, or other non-Federal entity, non-profit or otherwise (including Indian tribes), if such entity is a citizen of the United States or NMI, within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. app. 802).

We support cultural and gender diversity in our programs and encourage women and minority individuals and groups to submit applications. Furthermore, we recognize the interest of the Secretaries of Commerce and Interior in defining appropriate fisheries policies and programs that meet the needs of the U.S. insular areas, so we also encourage applications from individuals, government entities, and businesses in U.S. insular areas.

We encourage applications from members of the fishing community, and applications that involve fishing community cooperation and participation. We will consider the extent of fishing community involvement when evaluating the potential benefit of funding a proposal.

You are not eligible to submit an application under this program if you are an employee of any Federal agency; a Regional Fishery Management Council (Council); or an employee of a Council. However, Council members who are not Federal employees can submit an application to the S-K Program.

Our employees, including full-time, part-time, and intermittent personnel, are not allowed to help you prepare your application, except to provide you with information on program goals, funding priorities, application procedures, and completion of application forms. Since this is a competitive program, we will not provide assistance in conceptualizing, developing, or structuring proposals, or write letters of support for a proposal.

B. Duration and Terms of Funding

We will award grants or cooperative agreements for a maximum period of 18 months.

We do not fund multi-year projects under the S-K Program. If we select your application for funding and you wish to continue work on the project beyond the funding period, you must submit another proposal to the competitive process for consideration, and you will not receive preferential treatment.

If we select your application for funding, we have no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is totally at our discretion.

Even though we are publishing this announcement we are not required to award any specific grant or cooperative agreement, nor are we required to obligate any part or the entire amount of funds available.

C. Cost Sharing

We are requiring cost sharing in order to leverage the limited funds available for this program and to encourage partnerships among government, industry, and academia to address the needs of fishing communities. You must provide a minimum cost share of 10 percent of total project costs, but your cost share must not exceed 50 percent of total costs. (For example, if the proposed total budget for your project is $100,000, you must contribute at least $10,000, but no more than $50,000, toward the total costs. Accordingly, the Federal share you apply for would range from $50,000 to $90,000.) If your application does not comply with these cost share requirements, we will return it to you and will not consider it for funding. The funds you provide as cost sharing may include funds from private sources or from state or local governments, or the value of in-kind contributions. You may not use Federal funds to meet the cost sharing requirement except as provided by Federal statute. In-kind contributions are non-cash contributions provided by you as the applicant or by non-Federal third parties. In-kind contributions may include but are not limited to, personal services volunteered to perform tasks in the project, and permission to use, at no cost, real or personal property owned by others.

We will determine the appropriateness of all cost sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in 15 CFR parts 14 and 24. In general, the value of in-kind services or property you use to fulfill your cost share will be the fair market value of the services or property. Thus, the value is equivalent to the cost for you to obtain such services or property if they had not been donated. You must document the in-kind services or property you will use to fulfill your cost share.

If we decide to fund your application, we will require you to account for the total amount of cost share included in the award document.

D. Format

Your application must be complete and must follow the format described here. Your application should not be bound in any manner and must be printed on one side only. You must submit one signed original and nine signed copies of your application.

1. Cover Sheet

You must use Office of Management and Budget (OMB) Standard Form 424 and 424B (4–92) as the cover sheet for each project. (In order to complete item 16 of Standard Form 424, see section V.A.5. of this document.)

2. Project Summary

You must complete NOAA Form 88–204 (10–98), Project Summary, for each project. You must list on the Project Summary the specific priority to which the application responds (see section II. of this document).

3. Project Budget

You must submit a budget for each project, using NOAA Form 88–205 (10–98), Project Budget and associated instructions. You must provide detailed cost estimates showing total project costs. Indicate the breakdown of costs between Federal and non-Federal shares, divided into cash and in-kind contributions. To support the budget, describe briefly the basis for estimating the value of the cost sharing derived from in-kind contributions. Specify estimates of the direct costs in the categories listed on the Project Budget form.

You may also include in the budget an amount for indirect costs if you have an established indirect cost rate with the Federal government. For this solicitation, the total dollar amount of the indirect costs you propose in your application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award, or 100 percent of the total proposed direct

costs dollar amount in the application, whichever is less. The Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. If you have an approved indirect cost rate above 25 percent of the total proposed direct cost, you may use the amount above the 25–percent level up to the 100–percent level as part of the non-Federal share. You must include a copy of the current, approved, negotiated indirect cost agreement with the Federal government with your application.

We will not consider fees or profits as allowable costs in your application.

The total costs of a project consist of all allowable costs you incur, including the value of in-kind contributions, in accomplishing project objectives during the life of the project. A project begins on the effective date of an award agreement between you and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, we cannot reimburse you for time that you expend or costs that you incur in developing a project or preparing the application, or in any discussions or negotiations you may have with us prior to the award. We will not accept such expenditures as part of your cost share.

4. Narrative Project Description

You must provide a narrative description of your project that may be up to 15 pages long. The narrative should demonstrate your knowledge of the need for the project, and show how your proposal builds upon any past and current work in the subject area, as well as relevant work in related fields. You should not assume that we already know the relative merits of the project you describe. You must describe your project as follows:

a. Project goals and objectives. Identify the specific priority listed earlier in the solicitation to which the proposed project responds. Identify the problem/opportunity you intend to address and describe its significance to the fishing community. State what you expect the project to accomplish.

If you are applying to continue a project we previously funded under the S-K Program, describe in detail your progress to date and explain why you need additional funding. We will consider this information in evaluating your current application.

b. Project impacts. Describe the anticipated impacts of the project on the fishing community in terms of reduced bycatch, increased product yield, or other measurable benefits. Describe how you will make the results of the project available to the public.

c. Evaluation of project. Specify the criteria and procedures that you will use to evaluate the relative success or failure of a project in achieving its objectives.

d. Need for government financial assistance. Explain why you need government financial assistance for the proposed work. List all other sources of funding you have or are seeking for the project.

e. Federal, state, and local government activities and permits. List any existing Federal, state, or local government programs or activities that this project would affect, including activities requiring: certification under state Coastal Zone Management Plans; section 404 or section 10 permits issued by the Corps of Engineers; experimental fishing or other permits under FMPs; environmental impact statements to meet the requirements of the National Environmental Policy Act; or scientific permits under ESA and/or the Marine Mammal Protection Act. Describe the relationship between the project and these FMPs or activities, and list names and addresses of persons providing this information. If we select your project for funding, you are responsible for complying with all applicable requirements.

f. Project statement of work. The statement of work is an action plan of activities you will conduct during the period of the project. You must prepare a detailed narrative, fully describing the work you will perform to achieve the project goals and objectives. The narrative should respond to the following questions:

(1) What is the project design? What specific work, activities, procedures, statistical design, or analytical methods will you undertake?

(2) Who will be responsible for carrying out the various activities? (Highlight work that will be subcontracted and provisions for competitive subcontracting.)

(3) What are the major products?

You must include milestones, describing the specific activities and associated time lines to conduct the scope of work. Describe the time lines in increments (e.g., month 1, month 2), rather than by specific dates. You must identify the individual(s) responsible for the various specific activities.

This information is critical for us to conduct a thorough review of your application, so we encourage you to provide sufficient detail.

g. Participation by persons or groups other than the applicant. Describe how government and non-government entities, particularly members of fishing communities, will participate in the project, and the nature of their participation. We will consider the degree of participation by members of the fishing community in determining which applications to fund.

h. Project management. Describe how the project will be organized and managed. Identify the principal participants in the project. If you do not identify the principal investigator, we will return your application without further consideration. Include copies of any agreements between you and the participants describing the specific tasks to be performed. Provide a statement of the qualifications and experience (e.g., resume or curriculum vitae) of the principal investigator(s) and any consultants and/or subcontractors, and indicate their level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, you must follow procurement guidance in 15 CFR part 24, ''Grants and Cooperative Agreements to State and Local Governments,'' and 15 CFR part 14, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations.'' If you select a consultant and/or a subcontractor prior to submitting an application, indicate the process that you used for selection.

5. Supporting Documentation

You should include any relevant documents and additional information (i.e. maps, background documents) that will help us to understand the project and the problem/opportunity you seek to address.

IV. Screening, Evaluation, and Selection Procedures

A. Initial Screening of Applications

When we receive applications at any of the NMFS Regional Offices, we will first screen them to ensure that they were received by the deadline date (see DATES); include OMB form 424 signed and dated by an authorized representative (see section III.D. of this document); were submitted by an eligible applicant (see section III.A. of this document); provide for at least a 10–percent cost share but not more than 50 percent (see section III.C. of this document); involve an eligible activity (see section I.C. of this document); address one of the funding priorities in this document for marine and Great Lakes species (see section II.A.-D. of this document); and include a budget, statement of work, and milestones, and identify the principal investigator (see sections III.D.3. and III.D.4. of this document). If your application does not

conform to these requirements and the deadline for submission has passed, we will return it to you without further consideration.

We do not have to screen applications before the submission deadline, nor do we have to give you an opportunity to correct any deficiencies that cause your application to be rejected.

B. Evaluation of Proposed Projects

1. Technical Evaluation

After the initial screening, we will solicit individual evaluations of each project application from three or more appropriate private and public sector experts to determine the technical merit. These reviewers will be required to certify that they do not have a conflict of interest concerning the application(s) they are reviewing. They will assign scores ranging from a minimum of 60 (poor) to a maximum of 100 (excellent) to applications based on the following criteria, with weights shown in parentheses:

a. Soundness of project design/ conceptual approach. Applications will be evaluated on the conceptual approach; the likelihood of project results in the time frame specified in the application; whether there is sufficient information to evaluate the project technically; and, if so, the strengths and/or weaknesses of the technical design relative to securing productive results. (50 percent) *b. Project management and experience and qualifications of personnel.* The organization and management of the project will be evaluated. The project's principal investigator and other personnel, including consultants and contractors participating in the project, will be evaluated in terms of related experience and qualifications. Applications that include consultants and contractors will be reviewed to determine if your involvement, as the primary applicant, is necessary to the conduct of the project and the accomplishment of its objectives. (25 percent)

c. Project evaluation. The effectiveness of your proposed methods to monitor and evaluate the success or failure of the project in terms of meeting its original objectives will be examined. (10 percent)

d. Project costs. The justification and allocation of the budget in terms of the work to be performed will be evaluated. Unreasonably high or low project costs will be taken into account. (15 percent)

Following the technical review, we will determine the weighted score for each individual review and average the individual technical review scores to determine the final technical score for each application. Then, we will rank applications in descending order by their final technical scores and determine a ''cutoff'' score that is based on the amount of funds available for grants. We will eliminate from further consideration those applications that scored below the cutoff.

2. Constituent Panel(s)

For those applications at or above the cutoff technical evaluation score, we will solicit individual comments and evaluations from a panel or panels of three or more representatives selected by the Assistant Administrator for Fisheries (AA). Panel members will be chosen from the fishing industry, state government, non-government organizations, and others, as appropriate. We will provide panelists with a summary of the technical evaluations, and, for applications to continue a previously funded project, information on progress on the funded work to date.

Each panelist will evaluate the applications in terms of the significance of the problem or opportunity being addressed, the degree of fishing community involvement in conducting the project, and the merits of funding each project. Each panelist will provide a rating from 0–4 (poor to excellent) for each project, and provide comments if they wish. Panel members will be required to certify that they do not have a conflict of interest and that they will maintain confidentiality of the panel deliberations.

Following the Constituent Panel meeting, we will average the individual ratings for each project. We will then develop a ranking of projects based on the individual ranks within each of the priority areas.

C. Selection Procedures and Project Funding

After projects have been evaluated and ranked, we will use this information, along with input from the NMFS Regional Administrators (RAs) and Office Directors (ODs), to develop recommendations for project funding. RAs/ODs will prepare a written justification for any recommendations for funding that fall outside the ranking order, or for any cost adjustments.

The AA will review the funding recommendations and comments of the RAs/ODs and determine the projects to be funded. In making the final selections, the AA may consider costs, geographical distribution, and duplication with other federally funded projects. Awards are not necessarily made to the highest ranked applications.

We will notify you in writing whether your application is selected or not. If your application is unsuccessful, we will return it to you. Successful applications will be incorporated into the award document.

The exact amount of funds, the scope of work, and terms and conditions of a successful award will be determined in preaward negotiations between you and NOAA/NMFS representatives. The funding instrument (grant or cooperative agreement) will be determined by NOAA Grants. You should not initiate your project in expectation of Federal funding until you receive a grant award document signed by an authorized NOAA official.

V. Administrative Requirements

A. Your Obligations as an Applicant

You must:

1. Meet all application requirements and provide all information necessary for the evaluation of the proposal, including one signed original and nine signed copies of the application.

2. Be available to respond to questions during the review and evaluation of the proposal(s).

3. Submit a completed Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' The following explanations are provided:

a. Nonprocurement debarment and suspension. Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

b. Drug-free workplace. Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form prescribed above applies;

c. Anti-lobbying. Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions,'' and the lobbying section of the certification form applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000; and

d. Anti-lobbying disclosures. Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

4. If applicable, require applicants/ bidders for subgrants, contracts,

subcontracts, or other lower tier covered transactions at any tier under the award to submit a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF-LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for your use and should not be sent to the Department of Commerce (Commerce). You should send an SF-LLL submitted by any tier recipient or subrecipient to Commerce only if your application is recommended for funding. Instructions will be contained in the award document. We will provide you with all required forms.

5. Complete Item 16 on Standard Form 424 (4–92) regarding clearance by the State Point Of Contact (SPOC) established as a result of E.O. 12372. You can get the list of SPOCs from any of the NMFS offices listed in this document or from the S-K Home Page (see section I.F. Electronic Access Addresses of this document). It is also included in the ''Catalog of Federal Domestic Assistance.'' You must contact the SPOC, if your state has one, to see if applications to the S-K Program are subject to review. If SPOC clearance is required, you are responsible for getting that clearance in time to submit your application to the S-K Program by the deadline.

6. Complete Standard Form 424B (4–92), ''Assurances—Non-construction Programs.''

B. Your Obligations as a Successful Applicant (Recipient)

If you are selected to receive a grant award for a project, you must:

1. Manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

2. Keep records sufficient to document any costs incurred under the award, and allow access to these records for audit and examination by the Secretary of Commerce, the Comptroller General of the United States, or their authorized representatives; and, submit financial status reports (SF 269) to GMD in accordance with the award conditions.

3. Submit semiannual project status reports on the use of funds and progress of the project to us within 30 days after the end of each 6-month period. You will submit these reports to the individual identified as the NMFS Program Officer in the funding agreement.

4. Submit a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work you performed and the results and benefits in sufficient detail to enable us to assess the success of the completed project.

We are committed to using available technology to achieve the timely and wide distribution of final reports to those who would benefit from this information. Therefore, you are required to submit final reports in electronic format, in accordance with the award terms and conditions, for publication on the NMFS S-K Home Page. You may charge the costs associated with preparing and transmitting your final reports in electronic format to the grant award. We will consider requests for exemption from the electronic submission requirement on a case-by-case basis.

We will provide you with OMB-approved formats for the semiannual and final reports.

5. In addition to the final report in section V.B.4. of this document, we request that you submit any publications printed with grant funds (such as manuals, surveys, etc.) to the NMFS Program Officer for dissemination to the public. Submit either three hard copies or an electronic version of any such publications.

C. Other Requirements of Recipients

1. Federal Policies and Procedures

If you receive Federal funding, you are subject to all Federal laws and Federal and Commerce policies, regulations, and procedures applicable to financial assistance awards. You must comply with general provisions that apply to all recipients under Commerce grant and cooperative agreement programs.

2. Name Check Review

You may be subject to a name check review process. We use name checks to determine if you or any key individuals named in your application have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on your management, honesty, or financial integrity.

3. Financial Management Certification/Preaward Accounting Survey

You may, at the discretion of the NOAA Grants Officer, be required to have your financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. If you are a first-time applicant for Federal grant funds, you may be subject to a preaward accounting survey by Commerce prior to execution of the award.

4. Past Performance

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

5. Delinquent Federal Debts

We will not award any Federal funds to you or any subrecipients who have an outstanding delinquent Federal debt or fine until either:

a. The delinquent account is paid in full,

b. A negotiated repayment schedule is established and at least one payment is received, or

c. Other arrangements satisfactory to Commerce are made.

6. Buy American

You are encouraged to the extent feasible to purchase American-made equipment and products with the funding provided under this program.

7. Preaward activities

If you incur any costs prior to receiving an award agreement signed by an authorized NOAA official, you do so solely at your own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that you may have received, there is no obligation on the part of Commerce to cover preaward costs.

8. False statements

A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts.

Furthermore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by OMB under control numbers 0348–0040, 0348–0043, 0348–0046, and 0648–0135. Notwithstanding any other provision of law, no person is

required to respond to, nor shall any person be subject to a penalty for

failure to comply with, a collection of information subject to

the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

A solicitation for applications will also appear in the ''Commerce Business Daily.''

Dated: June 15, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–15723 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060899A]

Marine Mammals; File No. P466B

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Scott D. Kraus, Ph.D., Edgerton Research Laboratory, New England Aquarium, Central Wharf, Boston, MA 02110–3309, has requested an amendment to scientific research Permit No. 1014.

DATES: Written or telefaxed comments must be received on or before July 21, 1999.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281–9250); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5312).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 1014, issued on August 29, 1996 (61 FR 51688) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 222–226).

Permit No. 1014 authorizes the permit holder to: take up to 350 northern right whales (*Eubaleana glacialis*) by harassment during approach closer than 100 feet by vessel or less than 1000 ft. by aircraft. Of these 80 may be biopsy darted; 10 radio tagged, 15 satellite tagged, and 50 ultrasonically measured; collect tissue samples dead stranded animals and exported to Canada, South Africa, New Zealand, Australia and England; and export 100 samples taken legally in other countries.

The permit holder requests an amendment to: play sounds back to up to 100 right whales annually. Sounds projected will not exceed the sound pressure levels found in the normal oceanic environment. Additionally, up to 50 whales will be tagged with suction-cup acoustic recording tags to determine received sound levels from both playback experiments and controlled vessel approaches.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 10, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–15720 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 980326078–9120–02]

Internet Usage Policy

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The Patent and Trademark Office (PTO) is publishing the final Internet usage policy to provide guidance to PTO employees regarding the use of the Internet for official PTO business. The policy covers communications with applicants via Internet electronic mail (e-mail), and using the Internet to search for information concerning patent applications and elements appearing in trademark applications. Guidelines for citing electronic information are provided in the attachment.

DATES: The Internet usage policy is effective June 21, 1999.

FOR FURTHER INFORMATION CONTACT: Magdalen Greenlief, by mail to her attention addressed to Box Comments—Patents, Assistant Commissioner for Patents, Washington, D.C. 20231; by telephone at (703) 305–8813; by facsimile transmission to (703) 305–8825; or by electronic mail through the Internet to ''magdalen.greenlief@uspto.gov''.

SUPPLEMENTARY INFORMATION: The PTO published a ''Request for Comments on Proposed Internet Usage Policy'' in the **Federal Register** on October 26, 1998 (63 FR 57101) and in the Official Gazette of the Patent and Trademark Office on November 17, 1998 (1216 OG 74). The proposed policy is being adopted without change. The attached guidelines for citing electronic information have been revised.

Discussion of Public Comments

Sixteen comments were received by the PTO in response to the request for comments. All comments have been fully considered. The comments generally support (1) the use of Internet e-mail for communications between applicant and the PTO, and (2) the use of the Internet to perform searches provided the confidentiality of pending patent applications is not compromised.

Comments concerning the patent provisions are addressed separately from the comments concerning the trademark provisions.

(A) Comments Concerning the Patent Provisions

Comment 1: One comment stated that Internet e-mail will have a very limited use in view of the fact that proposed Patent Article 5 limits the use of the Internet e-mail for communications that do not require a signature. It was suggested that the PTO establish an Extranet at its earliest convenience to which signed documents can be sent.

Response: The PTO will take the suggestion of establishing an ''Extranet'' under advisement. The PTO is actively planning other options such as digital signatures, digital certificates, encryption and public key/private key encryption.

Comment 2: One comment suggested that there should be no limitations as to the types of correspondence that may be communicated via Internet e-mail and that e-mail with message encryption with verifiable digital signatures should have the same weight as communications in paper or facsimile.

Response: The PTO is limiting the use of Internet e-mail to communications other than those under 35 U.S.C. 132 (responses to a notice of rejection) or which otherwise require a signature. The PTO is considering how to best handle electronic signatures and how to internally process e-mailed responses to a notice of rejection. Based on the experience gathered with the limited use of e-mail, and after further study and development, the PTO hopes in the future to accept the electronic filing of communications under 35 U.S.C. 132 and communications which otherwise require a signature.

Comment 3: One comment suggested that the use of e-mail should be expanded and urged the PTO to ensure that e-mail sent to it can be securely transmitted and reliably stored. An example of such expanded use would be the sending of draft claims to a patent examiner prior to a telephonic/personal interview.

Response: Communications via Internet e-mail are at the discretion of the applicant. If applicant wishes to communicate with the PTO on an unsecure medium, applicant is doing so at his/her own risk. Article 5 of the Patent Internet Usage Policy does not prohibit applicant from using the Internet e-mail to transmit draft claims to a patent examiner prior to a telephonic/personal interview. If applicant chooses to transmit a copy of the draft claims via Internet e-mail to the patent examiner prior to a telephonic/personal interview, applicant may do so. However, since the correspondence would contain information subject to the confidentiality requirement as set forth in 35 U.S.C. 122, the patent examiner will not respond to applicant's communication via Internet e-mail unless there is a written authorization by applicant in the application file record. The patent examiner may respond by telephone, or other appropriate means. A printed copy of the Internet e-mail communication will be made of record in the application file.

Comment 4: One comment suggested that some simple or routine correspondence of a non-confidential nature (e.g., interview scheduling requests, inquiries as to whether a document has been received by the examiner, inquiries as to an examiner's fax number, etc.) should be permitted without requiring an advance authorization form even though a serial number of a patent application may be included in the e-mail communications.

Response: A written authorization from applicant is required only where applicant's Internet e-mail correspondence to the PTO contains information subject to the confidentiality requirement of 35 U.S.C. 122 *and* applicant wishes the PTO to respond via Internet e-mail to applicant's correspondence. If applicant's e-mail correspondence to the patent examiner contains information subject to the confidentiality requirement of 35 U.S.C. 122 and there is no written authorization by applicant in the application file, the patent examiner may respond to applicant's e-mail correspondence by telephone, or other appropriate means (see Patent Internet Usage Policy Article 7).

Comment 5: One comment indicated that it would not be necessary for the PTO to confirm receipt of an e-mail communication from a sender since the sender can require a receipt from his/her e-mail system for any message sent. Several comments indicated that it would be desirable to receive an acknowledgment from the PTO of receipt of e-mail communications with attachments from applicant. One comment suggested a bounce-back acknowledgment with an attachment such that the sender can verify that the confirmation matches the transmission. Another comment suggested an automatic confirmation that a message was received by the PTO with a later confirmation that the file attachments are received and readable.

Response: The PTO will adopt work steps, develop in-house guidelines, and work with the Office of the Chief Information Officer in an effort to ensure that the acknowledgment of an e-mail communication together with a copy of an attachment containing the original transmission is sent back to the applicant upon receipt in the Office.

Comment 6: Several comments indicated that they do not foresee any problem with the deletion of the requirement for an express waiver of 35 U.S.C. 122 by the applicant before Internet e-mail may be used by PTO employees to reply to the applicant's e-mail correspondence where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified. The comments indicated that the requirement for a written authorization is preferable. One comment suggested that the authorization form should not include a statement that Internet communications are not secure.

Response: The authorization form set forth in Article 5 of the Patent Internet Usage Policy is a sample form suggested by the PTO that applicants may use to give the PTO written authorization to communicate with applicants via Internet e-mail. The PTO recommends that applicants use the suggested language. However, if applicants prefer to use their own authorization form, applicants may do so provided it is clear that applicants are giving the PTO written authorization to use Internet e-mail to respond to applicants' e-mail correspondence.

Comment 7: Several comments indicated that other appropriate means such as fax or telephone would be acceptable to respond to applicant's e-mail correspondence. One comment stated that the use of other means would not be acceptable where applicant requests the PTO to respond via e-mail.

Response: Article 7 of the Patent Internet Usage Policy requires all e-mail correspondence from applicant to be responded to by PTO personnel. Furthermore, Article 7 permits PTO personnel to respond to applicant's Internet e-mail correspondence by other appropriate means such as telephone, or by facsimile transmission. The use of the telephone or facsimile transmission to respond to applicant's e-mail correspondence appears to be just as effective as the use of Internet e-mail. The suggestion to require the PTO to use only Internet e-mail to respond to applicant's e-mail correspondence upon applicant's request has not been adopted since such a requirement would be unreasonable. PTO personnel should have the discretion to decide

what appropriate means he/she should use to respond to applicant's e-mail correspondence.

Comment 8: Several comments indicated that interviews are more effective when conducted in person or by telephone rather than by e-mail. The comments suggested that e-mail would be very useful to transmit proposed claims, or amendments to the patent examiner prior to an interview.

Response: Communications via Internet e-mail are at the discretion of applicants. Applicants may use Internet e-mail to transmit proposed claims, and/or proposed amendments to the patent examiner prior to an interview. Since applicants' e-mail correspondence would contain information subject to the confidentiality requirement of 35 U.S.C. 122, the patent examiner will not be able to respond to applicants' e-mail correspondence via Internet e-mail unless a written authorization from applicant is in the application file record.

Comment 9: One comment indicated that despite the lack of encryption, he would use e-mail almost exclusively if it were authorized since most matters are not of such confidential nature that security is an issue. Another comment indicated that without encryption and digital signature, use of Internet e-mail would be limited to non-substantive issues and non-confidential subject matter. Another comment indicated that Internet e-mail would be a convenient way to request, set up and confirm regular telephone interviews.

Response: The PTO is considering options such as encryption and digital signature to improve security of e-mail.

Comment 10: Several comments favor the use of digital signatures, digital certificates and encryption to improve security of e-mail. The different kinds of software recommended are public/private key encryption program PGP(®), Verisign ™, and S/MIME with digital certification. One comment suggested that the users be given an opportunity to comment on the alternatives considered by the PTO.

Response: The PTO is planning to use PKI technology to provide digital certificates and directory services to support both internal and external e-mail users.

Comment 11: Several comments favor the use of the Internet for searching and retrieving scientific and technical information in patent applications provided that the PTO ensures that the searches are conducted in a manner that does not compromise the confidentiality of patent applications.

Response: Because security issues concerning transmission and capture of search requests by unauthorized individuals have not yet been resolved, patent examiners are instructed to exercise good judgment and restrict their searches to non-specific patent application uses so as to ensure that the confidentiality of patent applications is not compromised. Patent Internet Usage Policy, Article 9, states that Internet search activities that could disclose proprietary information directed to a specific application, other than a reissue application or reexamination proceeding, are not permitted.

(B) Comments Concerning the Trademark Provisions

Comment 1: One comment indicated that a reply to an e-mail communication from the PTO which contained the original transmission would be desirable in order that the sender could verify that the content of the transmission received by the PTO matches the original transmission.

Response: The PTO will adopt work steps, develop in-house guidelines, and work with the Office of the Chief Information Officer in an effort to ensure that the acknowledgment of an e-mail response together with a copy of an attachment containing the original transmission is sent back to the applicant or applicant's attorney upon receipt in the PTO.

Comment 2: A concern was raised regarding the accuracy of the record with regard to the telephonic correspondence between the examining attorney and the applicant. It was suggested that the PTO employ a form of audio capture in order to store telephone conversations and that these electronic files could be made a part of the record.

Response: The intent of Article 10 was to allow the attorney in the PTO to respond to the communication in the most efficient and appropriate method depending upon the circumstances of the particular situation. Accuracy of the notes to the file regarding telephone conversations have not posed a problem in the past and the PTO is not planning to implement audio capture techniques in order to make recordings of telephone conversations a part of the official record.

Comment 3: One comment maintained that examiner's amendment that is issued electronically should only be done so after agreement on the issues have been reached between the examiner and the applicant or his/her attorney. Further, a hard copy of the amendment should be placed in the file.

Response: This is the current policy in the PTO. Examiner's amendments are only issued after agreement has been reached between the examining attorney and the applicant or his/her attorney. This policy will not change. As indicated in the policy statement, all Internet e-mail communications between the examining attorney and the applicant or his/her representative are to be printed as hard copy and inserted into the paper file. An examiner's amendment would be no exception to this policy. (See Trademark Internet Usage Policy, Article 8.)

Comment 4: One comment suggested that all actions issued by the PTO requiring a timely response by the applicant should always be mailed through the U.S. mail system, including those that were communicated to the applicant by e-mail.

Response: Sending an Office action by regular mail as well as by e-mail defeats a significant purpose that would be achieved by the use of e-mail. The use of e-mail to communicate with applicants is fast and eliminates the physical transfer of unnecessary paper. As many applicants and applicants' representatives do today with regular mail, procedures to record receipt of e-mail should be put in place. In this way, an applicant or his/her representative may use these established procedures to establish non-receipt of an e-mail Office action if the application is later abandoned for failure to respond to the Office action. Justification for revival of an application based on documentation of non-receipt of an Office action would be the same for e-mailed Office actions as it is today for Office actions mailed in regular mail. Therefore, it is unnecessary to send a hard copy of the e-mailed Office action through the regular mail. (See also TMEP Section 702.04(e)—Procedure for Filing by Fax)

Comment 5: One Comment suggested that e-mail responses from applicants that require verification through declaration or affidavit be required to provide an electronically reproduced signature or, if such signature cannot adequately be sent via the Internet, that such documents be sent by fax, regular mail or private package delivery.

Response: It would be quite acceptable for a signed declaration or affidavit to be received by e-mail in the PTO by means of a software package that allowed for viewing of the actual signed document. The PTO currently accepts original applications through its Trademark Electronic Application System (TEAS) with an electronic signature, i.e., any combination of alpha/numeric characters that has been specifically adopted to serve the function of the signature, preceded and followed by the forward slash (/). Similarly, an electronic signature

selected by the applicant would validate an affidavit or declaration submitted by e-mail in the course of examination of the application. Such an affidavit or declaration would be submitted as the body of or word processing attachment to the applicant's e-mail response.

Comment 6: One comment suggested advising applicants not to send confirming or follow-up hard paper copies of responses which are sent by e-mail. It was observed that such additional submissions could adversely delay prosecuting the trademark application.

Response: The PTO agrees with this suggestion and advises applicants to refrain from sending such ''confirmation'' copies of e-mail correspondence. This recommendation has also been announced concerning submissions by facsimile in which confirmation copies of faxed correspondence are discouraged. (See TMEP Section 702.04(e)—Procedure for Filing by Fax)

Comment 7: One comment questioned whether an additional form of communication with the PTO would result in increased administrative costs for the PTO and for customers of the PTO.

Response: The PTO would incur no additional costs in the administration of Internet communications. The PTO would utilize the systems and personnel already in place to process these communications. With regard to costs for customers of the PTO, non-participating customers would incur no indirect costs because the PTO has no need to raise fees to administer this system. Participating customers may or may not incur additional costs depending on their circumstances, but since this form of communication is purely at the option of the customer, the customer alone will decide whether the benefits of Internet communications justify any additional expense. Use of Internet e-mail is purely at the option of the applicant.

Comment 8: One comment indicated that foreseeable problems exist in that e-mail communications are more likely to contain errors than other submissions to the PTO, and that the users of this form of communication should bear a higher burden of proof and additional fees for correcting errors in e-mail communications.

Response: There is no basis for the PTO to presume that e-mail submissions are more likely to contain errors than other forms of communications. The PTO expects that applicants and their representatives would exhibit the same attention to the accuracy of their e-mail submissions as they would to submissions made using any other means. Furthermore, the PTO will not penalize customers who wish to use e-mail. Utilization of Internet communications will help the PTO become more technologically advanced and efficient. Additional burdens and fees for those cooperating with these efforts would be counterproductive; therefore, this suggestion will not be adopted.

Comment 9: One comment suggested that the PTO study, publish and request Comments on the e-TEAS electronic application system for the filing of trademark and service mark applications over the Internet.

Response: On November 1, 1997, the PTO began a pilot program accepting trademark and service mark applications over the Internet. Due to the success of the pilot, on October 1, 1998, the PTO opened this system, now known as e-TEAS, to the public. This system does not utilize e-mail communications, but instead requires that a particular form be completed on-line and submitted directly to a dedicated server. While the e-mail communications contemplated by the present policy are related to e-TEAS in that both involve communications over the Internet, the form and substance of these communications are quite different and often not comparable. On May 11, 1999, the PTO published a notice of proposed rulemaking and notice of hearing regarding the Trademark Law Treaty Implementation Act Changes. 64 Fed. Reg. 25223. In this notice, the PTO proposed formal rules to govern the electronic filing of trademark and service mark applications. The notice invites Comments from the public.

Comment 10: One comment indicated that confusion would occur concerning whether e-mail communications are informal communications or formal actions by the PTO or responses to actions, and that Trademark Articles 4 and 11 should better articulate how they should be differentiated. The comment suggested that formal e-mail communications be made of record in the application file and maintained in an electronic log. The Comment also questioned the PTO's procedures for maintaining paper and electronic copies of Internet e-mail correspondence and suggested greater specificity in creating procedures for this purpose.

Response: Trademark Articles 4 and 11 indicate that Internet e-mail may be used for formal communications, such as Office actions or responses to Office actions, or informal communications, such as communications similar to telephone or personal interviews. Trademark Articles 4, 8 and 11 indicate that all such communications, whether formal or informal, must be printed and placed in the application file and become a part of the formal record. All electronic communications received by the PTO will, at a minimum, be maintained on a schedule that is consistent with the PTO's current archival policies for paper records. Furthermore, while no schedule currently exists for the maintenance of e-mail correspondence, retention schedules are currently being developed for electronic records and will be in place in the near future. The PTO will develop guidelines for its employees to ensure that communications emanating from the PTO are clear as to whether a response is required as is done in all written communications. Similarly, the PTO will develop guidelines for determining whether a communication received from an applicant should be interpreted as responsive to an Office communication. Furthermore, while it will be incumbent upon the recipient to initially determine whether a communication is informal or not, the PTO's records will be complete and misunderstandings can be rectified in accordance with the remedies outlined in Trademark Article 9 regarding petitions to the Commissioner. If the applicant does not wish for informal communications to be placed in the application file, the option of telephone or personal interviews are still available. The PTO will not require an applicant to use Internet e-mail for any communications under any circumstances.

Comment 11: One comment indicated that the Internet should not be considered by the PTO as a proper source for information leading to refusals of trademark and service mark applications unless the examining attorney can show that the reference is publicly available in stable form from the date of its first publication.

Response: The Internet contains a great wealth of information of varying reliability and transience. Nevertheless, this information does exist and may be valuable in determining the registrability of a mark. The Trademark Trial and Appeal Board has considered the admissibility of Internet evidence in the context of an *inter partes* proceeding, and held that it is admissible and that the reliability of the information would be directed to the weight or probative value to be given to the evidence. *Raccioppi* v. *Apogee Inc.*, 47 USPQ 1368 (TTAB 1998). The PTO would be remiss in not utilizing this accepted, economical and efficient resource to gather some of the

information required to make proper judgments concerning the registrability of marks. In fact, a separate comment commended the PTO for utilizing the Internet as a research tool because of the potential cost savings of using this free and readily available source of information. The PTO will develop additional guidelines to ensure that examining attorneys provide applicants with adequate information to locate the document retrieved, in accordance with Trademark Article 12.

I. Patent Internet Usage Policy

Introduction

The Internet and its offspring, the World Wide Web (WWW), offer the PTO opportunities to (1) enhance operations by enabling Patent Examiners to locate and retrieve new sources of scientific and technical information, (2) communicate more effectively with our customers via advanced electronic mail (e-mail) and file transfer functions, and (3) more easily publish information of interest to the intellectual property community and the general public. This new technology offers low-cost, high speed, and direct communications capabilities upon which the PTO wishes to capitalize.

The organizations reporting to the Assistant Commissioner for Patents have special legal requirements that must be satisfied as part of the PTO's goal to make effective use of the Internet. Because security issues concerning transmission and capture of search requests by unauthorized individuals have not yet been resolved, Patent Examiners are to exercise good judgment and restrict their searches to nonspecific patent application uses.

Purpose

To establish a policy for use of the Internet by the Patent Examining Corps and other organizations within the PTO;

To address use of the Internet to conduct interview-like communications and other forms of formal and informal communications;

To publish guidelines for locating, retrieving, citing, and properly documenting scientific and technical information sources on the Internet;

To inform the public how the PTO intends to use the Internet; and

To establish a flexible Internet policy framework which can be modified, enhanced, and corrected as the PTO, the public, and customers learn to use, and subsequently integrate, new and emerging Internet technology into existing business infrastructures and everyday activities to improve the patent application, the examining, and granting functions.

Article 1. Applicability

This policy applies to members of the Patent Organization within the PTO, including contractors and consultants working with, or conducting activities in support of, the Patent Organization.

Article 2. Scope

This policy applies to activities associated with, or directly related to, use of the Internet via PTO-provided network connections, facilities, and services. This includes, but is not limited to, PTONet connections, Office of Chief Information Officer (OCIO)-provided PCs and workstations, and Internet provider services. This policy also applies to use of other non-PTO Internet access facilities and equipment that are used to conduct non-patent application specific work.

Article 3. Conformance With Existing, PTO-Wide, Internet Use Policy

This Internet Usage Policy supersedes the Interim Internet Usage Policy published in the Official Gazette on February 1997. The policy outlined in this document augments the existing PTO Internet Acceptable Use Policy as set forth in the Office Automation Services Guide. As such, this policy is an extension of current PTO office-wide Internet policy.

Article 4. Confidentiality of Proprietary Information

If security and confidentiality cannot be attained for a specific use, transaction, or activity, then that specific use, transaction, or activity shall **NOT** be undertaken/conducted.

All use of the Internet by Patent Organization employees, contractors, and consultants shall be conducted in a manner that ensures compliance with confidentiality requirements in statutes, including 35 U.S.C. 122, and regulations. Where a written authorization is given by the applicant for the PTO to communicate with the applicant via Internet e-mail, communications via Internet e-mail may be used.

Backup, archiving, and recovery of information sent or received via the Internet is the responsibility of individual users. The OCIO does not, and will not, as a normal practice, provide backup and recovery services for information produced, retrieved, stored, or transmitted to/from the Internet.

Article 5. Communications via the Internet and Authorization

Communications via Internet e-mail are at the discretion of the applicant.

Without a written authorization by applicant in place, the PTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application.

The following is a sample authorization form which may be used by applicant:

''Recognizing that Internet communications are not secure, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.''

A written authorization may be withdrawn by filing a signed paper clearly identifying the original authorization. The following is a sample form which may be used by applicant to withdraw the authorization:

''The authorization given on_____, to the PTO to communicate with me via the Internet is hereby withdrawn. I understand that the withdrawal is effective when approved rather than when received.''

Where a written authorization is given by the applicant, communications via Internet e-mail, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used. In such case, a printed copy of the Internet e-mail communications **MUST** be given a paper number, entered into the Patent Application Location and Monitoring System (PALM) and entered in the patent application file. A reply to an Office action may **NOT** be communicated by applicant to the PTO via Internet e-mail. If such a reply is submitted by applicant via Internet e-mail, a paper copy will be placed in the appropriate patent application file with an indication that the reply is **NOT ENTERED**.

PTO employees are **NOT** permitted to initiate communications with applicant via Internet e-mail unless there is a written authorization of record in the patent application by the applicant.

All reissue applications are open to public inspection under 37 CFR 1.11(a) and all papers relating to a reexamination proceeding which have been entered of record in the patent or reexamination file are open to public inspection under 37 CFR 1.11(d). PTO employees are **NOT** permitted to initiate communications with applicant in a reissue application or a patentee of a reexamination proceeding via Internet e-mail unless written authorization is given by the applicant or patentee.

Article 6. Authentication of Sender by a Patent Organization Recipient

The misrepresentation of a sender's identity (i.e., spoofing) is a known risk when using electronic communications. Therefore, Patent Organization users have an obligation to be aware of this risk and conduct their Internet activities in compliance with established procedures.

Internet e-mail must be initiated by a registered practitioner, or an applicant in a *pro se* application, and sufficient information must be provided to show representative capacity in compliance with 37 CFR 1.34. Examples of such information include the attorney registration number, attorney docket number, and patent application number.

Article 7. Use of Electronic Mail Services

Once e-mail correspondence has been received from the applicant, as set forth in Patent Article 4, such correspondence must be responded to appropriately. The Patent Examiner may respond to an applicant's e-mail correspondence by telephone, fax, or other appropriate means.

Article 8. Interviews

Internet e-mail shall **NOT** be used to conduct an exchange or communications similar to those exchanged during telephone or personal interviews unless a written authorization has been given under Patent Article 5 to use Internet e-mail. In such cases, a paper copy of the Internet e-mail contents **MUST** be made and placed in the patent application file as required by the Federal Records Act in the same manner as an Examiner Interview Summary Form is entered.

Article 9. Internet Searching

The ultimate responsibility for formulating individual search strategies lies with individual Patent Examiners, Scientific and Technical Information Center (STIC) staff, and anyone charged with protecting proprietary application data. When the Internet is used to search, browse, or retrieve information relating to a patent application, other than a reissue application or reexamination proceeding, Patent Organization users **MUST** restrict search queries to the general state of the art. Internet search, browse, or retrieval activities that could disclose proprietary information directed to a specific application, other than a reissue application or reexamination proceeding, are **NOT** permitted.

This policy also applies to use of the Internet as a communications medium for connecting to commercial database providers.

Article 10. Documenting Search Strategies

All Patent Organization users of the Internet for patent application searches shall document their search strategies in accordance with established practices and procedures as set forth in MPEP 719.05 subsection I.(F).

Article 11. Citations

All Patent Organization users of the Internet for patent application searches shall record their fields of search and search results in accordance with established practices and procedures as set forth in MPEP 719.05 subsection I.(F).

Subparagraph A

Internet document citations should include information which is normally included for reference documents (i.e., Form PTO–892). In addition, any information which would aid a future searcher in locating the document should be included in the citation. Guidelines for citing electronic information can be found as an attachment to this policy.

Subparagraph B

When a document found on the Internet is not the original publication, then the Patent Examiner or STIC staff shall pursue the acquisition of a copy of the originally published document or an original of the document or Web object in question for all references cited. Note: scanned images are considered to be a copy of the original publication. Electronic-only documents are original publications.

Article 12. Professional Development

The Internet is recognized as a tool for professional development. It may be useful for keeping informed of technological and legal developments in all art areas. For example, use of the Internet for keeping abreast of conferences, seminars, and for receiving mail from appropriate list servers is acceptable. This is consistent with the Department of Commerce's Internet Usage Policy.

Article 13. Policy Guidance and Clarifications

Within the Patent Organization, any questions regarding Internet usage policy should be directed to the user's immediate supervisor. Non-PTO personnel should direct their questions to the Office of the Deputy Assistant Commissioner for Patent Policy and Projects.

II. Trademark Internet Usage Policy

Introduction

The Internet and its offspring, the World Wide Web (WWW), offer the PTO opportunities to (1) enhance customer services by enabling attorney advisors (Trademarks) and other Trademark employees to locate and retrieve new sources of legal, scientific, commercial and technical information, (2) communicate more effectively with customers via electronic mail (e-mail) and file transfer functions, and (3) more easily publish information of interest to the intellectual property community and the general public.

This new technology offers low-cost, high speed, direct communication capabilities that the PTO wishes to leverage to the advantage of its customers.

The organizations reporting to the Assistant Commissioner for Trademarks have special legal requirements that must be satisfied as part of the PTO's goal to make effective use of the Internet and electronic commerce.

Purpose

To establish a policy for use of the Internet by organizations reporting to the Assistant Commissioner for Trademarks, including: the Office of the Assistant Commissioner for Trademarks, the Trademark Examining Operation, Trademark Services, Trademark Program Control and the Trademark Assistance Center;

To address use of the Internet to conduct interview-like communications, and other forms of formal and informal communications;

To publish guidelines for locating, retrieving, citing, and properly documenting scientific, commercial and technical information sources on the Internet;

To inform the public how the PTO intends to use the Internet; and

To establish a flexible Internet policy framework which can be modified, enhanced, and corrected as the PTO, the public, and customers learn to use, and subsequently integrate, new and emerging Internet technology into existing business infrastructures and everyday activities to improve the trademark application, examination, and registration business processes.

Article 1. Applicability

This policy applies to members of Trademark Organization reporting to the Assistant Commissioner for Trademarks within the PTO, including contractors and consultants working with, or conducting activities in support of, the Trademark Organization. It does not

apply to members of the Trademark Trial and Appeal Board or contractors and consultants working with, or conducting activities in support of, the Trademark Trial and Appeal Board.

Article 2. Scope

This policy applies to activities associated with, or directly related to, use of the Internet via PTO-provided network connections, facilities, and services. This includes, but is not limited to, PTONet connections, Office of Chief Information Officer (OCIO)-provided PCs and workstations, and Internet provider services. This policy also applies to use of other non-PTO Internet access facilities and equipment that are used to conduct non-trademark application specific work.

Article 3. Conformance With Existing, PTO-Wide, Internet Use Policy

This Internet Usage Policy supersedes the Interim Internet Usage Policy published in the Official Gazette in February 1997. The policy outlined in this document augments the existing PTO Internet Acceptable Use Policy as set forth in the Office Automation Services Guide. As such, this policy is an extension of current PTO office-wide Internet policy.

Article 4. Correspondence Acceptable via the Internet

Internet e-mail may be used to reply or respond to an examining attorney's Office Action, to reply or respond to a petitions attorney's 30-day letter, to reply or respond to a Post Registration Office Action, as well as to conduct informal communications regarding a particular application or registration with the appropriate Trademark Organization employee. If e-mail communication is initiated by the applicant or applicant's attorney, Office Actions, Priority Actions, Examiner's Amendments, petitions attorney's 30-day letters, and Post Registration Office Actions may be sent to the applicant via Internet e-mail or by telephone, fax, or other appropriate means. Readable attachments to Internet e-mail for such purposes as the submission of evidence, specimens, affidavits and declarations will be accepted.

Article 5. Communications Not Acceptable via the Internet

Internet e-mail or other Internet communications may **NOT** be used to file Trademark Applications, Amendments to Allege Use, Statements of Use, Requests for Extension of Time to File a Statement of Use, Section 8 affidavits, Section 9 affidavits, or Section 15 affidavits until such time as the PTO publishes electronic forms for these filings and they are made available on the Internet by the PTO. Internet e-mail may be used to submit specimens of use, but the Office will determine acceptability of the specimen(s) and if the specimens are found not to meet the standards for specimens of use, additional specimens will be required. Certified copies of foreign certificates will **NOT** be accepted via Internet e-mail. Internet e-mail may **NOT** be used for any correspondence with the Trademark Trial and Appeal Board.

Article 6. Initiating Internet Communications

Internet communications will **NOT** be initiated by the Trademark Organization unless it is authorized to do so by the applicant or by the applicant's attorney. Authorization for members of the Trademark Organization to communicate with applicant or applicant's attorney via Internet e-mail may be given by so indicating in the application submitted to the PTO or in any official written communication with the Trademark Organization. The authorization must include the Internet e-mail address to which all Internet e-mail is to be sent. Internet communications may also be initiated and authorized by applicant or applicant's attorney by telephone or by responding to an Office Action or other official communication via an Internet e-mail address indicated on the official correspondence.

Article 7. Waivers and Authentication

Applicants and their attorneys understand that the misrepresentation of a sender's identity is a known risk when using electronic communications. Therefore, Trademark Organization users have an obligation to be aware of this risk and conduct their Internet activities in compliance with established procedures.

Internet e-mail must be initiated and authorized by a practitioner, or the applicant in a pro se application. Sufficient information must be provided to show representative capacity in compliance with 37 CFR 2.17 and 10.14. In trademark cases, examples of such information would include signing a paper in practice before the PTO in a trademark case, attorney docket number, and trademark application serial number or registration number.

The Assistant Commissioner for Trademarks will waive 37 CFR 10.18 to the extent that it requires an original signature personally signed by a trademark practitioner in permanent ink on any correspondence filed with the PTO. Receipt of an Internet e-mail communication by the Trademark Organization from the address of applicant or applicant's attorney containing the /s/ notation in lieu of signature and which references a Trademark application serial number will be understood to constitute a certificate that:

1. The correspondence has been read by the applicant or practitioner;
2. The filing of the correspondence is authorized;
3. To the best of the applicant's or practitioner's knowledge, information, and belief, there is good ground to support the correspondence, including any allegations of improper conduct contained or alleged therein; and
4. The correspondence is not interposed for delay.

Applicants requesting to correspond with the Trademark Organization via the Internet should recognize that Internet communications might not be secure, and should understand that a copy of any and all communications received via the Internet will be placed in the file wrapper and become a permanent part of the record.

Article 8. Office Procedures

When authorized to do so, the Trademark Organization will send Office Actions and other official correspondence to the Internet e-mail address indicated by the applicant or applicant's attorney. A signed, paper copy of the outgoing correspondence will be associated with the trademark application file wrapper.

When communications are received by an examining attorney, or other appropriate Trademark Organization employee, the attorney or employee will immediately reply to the communication acknowledging receipt of the communication. The date the communication was received by the Trademark Organization that appears in the heading of the communication will constitute the receipt date within the PTO for purposes of time-sensitive communications unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case the receipt date will be the next succeeding day which is not a Saturday, Sunday, or Federal holiday within the District of Columbia. A paper copy of all Internet e-mail communications, including a copy of any and all attachments, will be associated with the trademark application file wrapper. A paper copy of any informal communications regarding a particular trademark application or registration will be associated with the file wrapper and become a part of the record.

Article 9. Remedies

When an application is held abandoned because a timely Internet e-mail communication was sent to and received by the Trademark Organization but was not timely associated with the application file wrapper, the abandoned application may be reinstated by the Trademark Organization. There is no fee for a request to reinstate such an application.

When an application is held abandoned because a timely Internet e-mail communication was sent to, but apparently not received by the Trademark Organization, applicant or applicant's attorney may petition the Commissioner to revive the abandoned application pursuant to 37 CFR 2.66 and TMEP §§ 1112.05(a), (b). In determining whether or not an Internet response was timely filed, the Commissioner may accept a copy of a signed certificate of transmission meeting the requirements of 37 CFR 1.8, a copy of the previously transmitted correspondence, and a statement attesting to the personal knowledge of timely transmission of the response. 37 CFR 1.8(b)(1), (2), and (3).

In all situations, the applicant or the applicant's attorney should promptly notify the Office after becoming aware that the application was abandoned because a communication was not timely associated with the file wrapper or was not received by the Office.

Article 10. Use of Electronic Mail Services

Once e-mail correspondence has been received from an applicant, as set forth in Trademark Article 6, such correspondence must be responded to appropriately. The Trademark Organization employee may respond to an applicant's Internet e-mail correspondence by telephone, fax, or other appropriate means.

Article 11. Interviews

Internet e-mail may be used to conduct an exchange of communications similar to those exchanged during telephone or personal interviews. In such cases, a paper copy of the Internet e-mail contents **MUST** be made and placed in the trademark application file wrapper.

Article 12. Documenting Search Strategies

All Trademark Organization users of the Internet for trademark application research shall document their search strategies in accordance with established practices and procedures as set forth in TMEP § 1106.07(a).

Subparagraph A

Any information, which would aid a future searcher in locating the document retrieved through Internet research, should be included in the citation. Guidelines for citing electronic information can be found as an attachment to this policy.

Subparagraph B

When a document found on the Internet is not the original publication, then the Trademark Examining Attorney or Trademark Library staff shall pursue the acquisition of a copy of the originally published document or an original of the document or Web object in question for all references cited. Note: scanned images are considered to be a copy of the original publication. Electronic-only documents are original publications.

Article 13. Professional Development

The Internet is recognized as a tool for professional development. It may be useful for keeping informed of technological and legal developments. For example, use of the Internet for keeping abreast of conferences, seminars, and for receiving mail from appropriate list servers is acceptable. This is consistent with the Department of Commerce's Internet Usage Policy.

Article 14. Policy Guidance and Clarifications

Within the Trademark Organization, any questions regarding the Internet usage policy should be directed to the user's immediate supervisor. Non-PTO personnel should direct their questions to the Office of the Assistant Commissioner for Trademarks.

Attachment

Guidelines for Citing Electronic Resources

The Standing Committee on Information Technologies (SCIT) of the World Intellectual Property Organization (WIPO) has revised WIPO Standard ST.14 ''Recommendation for the Inclusion of References Cited in Patent Documents'' to provide a standardized method for listing references cited in patent documents. Standard ST.14 is reproduced in its entirety below. Standard ST.14 became effective April 1, 1999, and will be included in future updates of the WIPO Handbook on Industrial Property Information and Documentation. Paragraph 13 of Standard ST.14 sets forth the method for citing electronic resources. The standard set forth in paragraph 13 of ST.14 was modeled after the guidelines provided by the International Organization for Standardization's established Standard ISO 690–2 ''Information and documentation—Bibliographic references—Part 2: Electronic documents or parts thereof.''

Standard St.14—Recommendation for the Inclusion of References Cited in Patent Documents

Editorial Note Prepared by the International Bureau

Articles published in scientific and technical journals often contain a certain number of references to earlier publications. Patent applications also very often contain (e.g., in the descriptions of the inventions) references to earlier patents or patent applications. In the course of the procedure for obtaining a patent, patent examiners cite one or several patent documents or other documents which describe similar or closely related technical solutions to the one described in a patent application being examined, in order to illustrate the prior art.

Some industrial property offices, but not all of them, bring these cited references to the attention of the general public, by including them in a published patent document. The present Recommendation is intended to generalize the use of printing on the patent document the ''reference cited'' during the patent examination procedure, to standardize the way in which the said references should be presented in the patent document and to recommend a preferred place, where the ''references cited'' should appear in a patent document.

Revision Adopted by the SCIT Plenary at its Second Session on February 12, 1999

Definitions

1. For the purposes of this Recommendation, the term ''patents'' includes such industrial property rights as patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition, and utility certificates of addition.

2. For the purposes of this Recommendation, the expressions ''patent applications'' or ''applications for patents'' include applications for patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition, and utility certificates of addition.

3. For the purposes of this Recommendation, the expression

''patent documents'' includes patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition, utility certificates of addition, and published applications therefor.

Background

4. Applications for patents are examined by a governmental authority or intergovernmental authority which, as a rule, is an industrial property office. A patent for invention is granted if the application complies with the formal requirements and, depending on whether and to what extent an ''examination as to substance'' is carried out, if the invention fulfills the substantive requirements of the respective patent law.

5. When patent applications are examined or search reports are established therefor, a certain number of patent documents and other documents might be cited as references to illustrate the prior art by the industrial property office (including a regional Office, and an International Searching Authority under the PCT).

References

6. References to the following Standards are of relevance to this Recommendation:

WIPO Standard ST.2 Standard Manner for Designating Calendar Dates by Using the Gregorian Calendar;

WIPO Standard ST.3 Recommended Standard on Two-Letter Codes for the Representation of States, Other Entities and Intergovernmental Organizations;

WIPO Standard ST.9 Recommendation Concerning Bibliographic Data on and Relating to Patents and SPCs;

WIPO Standard ST.16 Recommended Standard Code for the Identification of Different Kinds of Patent Documents;

International Standard ISO 4:1997 ''Information and Documentation—Rules for the abbreviation of title words and titles of publications'';

International Standard ISO 690:1987 ''Documentation—Bibliographic references—Content, form and structure'';

International Standard ISO 690–2:1997 ''Information and documentation—Bibliographic references—Part 2: Electronic documents or parts thereof.''

Recommendation

7. It is recommended that industrial property offices should include in their granted patents and in their published patent applications all relevant references cited in the course of a search or examination procedure.

8. It is recommended that the ''List of references cited'' be identified by INID code (56).

9. It is recommended that the ''List of references cited'' appear either

(a) On the first page of the patent document or

(b) In a search report attached to the patent document.

10. It is recommended that if the ''List of references cited'' appears in a search report attached to the patent document, (e.g., under the PCT procedure) this should be indicated on the first page of the patent document.

11. It is recommended that the documents in the ''List of references cited'' be organized in a sequence suitable to the users'' needs, this sequence being clearly illustrated in the presentation of the said list. The following is an example of a sequence of documents cited:

(a) Domestic patent documents;

(b) Foreign patent documents;

(c) Non-patent literature.

In search reports, however, the documents may be cited in the order of their pertinence.

12. Identification of any document cited, and available in paper form or in a page-oriented presentation mode (e.g., facsimile, microform, etc.) shall be made by indicating the following elements in the order in which they are listed:

(a) *In the case of a patent document:*

(i) The industrial property office that issued the document, by the two-letter code (WIPO Standard ST.3);

(ii) The number of the document as given to it by the industrial property office that issued it (for Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document);

(iii) The kind of document, by the appropriate symbols as indicated on the document under WIPO Standard ST.16 or, if not indicated on that document, as provided in that Standard, if possible;

(iv) The name of the patentee or applicant (in capital letters and, where appropriate, abbreviated); [1 3]

(v) The date of publication of the cited patent document (using four digits for a year designation according to the Gregorian Calendar) or, in case of a corrected patent document, the date of issuance of the corrected patent document as referred to under INID code (48) of WIPO Standard ST.9 and, if provided on the document, the supplementary correction code as referred to under INID code (15); [2]

(vi) Where applicable, the pages, columns, lines or paragraph numbers where the relevant passages appear, or the relevant figures of the drawings.[1]

The following examples illustrate the citation of a patent document according to paragraph (a), above:

Example 1: JP 10–105775 A (NCR INTERNATIONAL INC.) 24 April 1998, paragraphs [0026] to [0030].

Example 2: DE 3744403 A1 (JOSEK, A.) 1991.08.29, page 1, abstract.

Example 3: SE 504901 C2 (SWEP INTERNATIONAL AB) 1997–05–26, claim 1.

Example 4: US 5635683 A (MCDERMOTT, R. M. et al.) June 3, 1997, column 7, lines 21 to 40.

(b) In the case of a monograph or parts thereof, e.g., contributions to conference proceedings, etc.:

(i) The name of the author (in capital letters);[3] in the case of a contribution, the name of the author of the contribution;

(ii) In the case of a contribution, the title of the contribution followed by ''In:'';

(iii) The title of the monograph; in the case of a contribution, the designation of the editorship;

(iv) The number of the edition;

(v) The place of publication and the name of the publisher (where only the location of the publisher appears on the monograph, then that location shall be indicated as the place of publication; in the case of company publications, the name and postal address of the company);[1]

(vi) The year of publication, by four digits; [4]

(vii) Where applicable, the standard identifier and number assigned to the item, e.g., ISBN 2–7654–0537–9, ISSN 1045–1064. It should be noted that these numbers may differ for the same title in the print and electronic versions;

(viii) The location within the monograph by indicating the pages, columns, lines or paragraph numbers where the relevant passages appear, or the relevant figures of the drawings (where applicable).[1]

The following examples illustrate the citation of a monograph (Example 1), as well as of published conference proceedings (Example 2), according to paragraph (b), above:

Example 1: WALTON, Herrmann. Microwave Quantum Theory. London: Sweet and Maxwell, 1973, Vol.2, ISBN 5–1234–5678–9, pages 138 to 192, especially pages 146 to 148.

Example 2: SMITH et al. 'Digital demodulator for electrical impedance imaging.' In: IEEE Engineering in Medicine & Biology Society, 11th Annual Conference. Edited by Y. Kim et al. New York: IEEE, 1989, Vol.6, p. 1744–5.

(c) *In the case of an article published in a periodical or other serial publication:*

(i) The name of the author (in capital letters); [3]

(ii) The title of the article (where appropriate, abbreviated or truncated) in the periodical or other serial publication;

(iii) The title of the periodical or other serial publication (abbreviations conforming to generally recognized international practice may be used, see Appendix 1 to this Standard);

(iv) The location within the periodical or other serial publication by indicating date of issue by four digits for the year designation, issue designation, pagination of the article (where year, month and day are available, the provisions of WIPO Standard ST.2 should be applied);

(v) Where applicable, the standard identifier and number assigned to the item, e.g., ISBN 2–7654–0537–9, ISSN 1045–1064. It should be noted that these numbers may differ for the same title in the print and electronic versions;

(vi) Where applicable, the relevant passages of the article and/or the relevant figures of the drawings.[1]

The following example illustrates the citation of an article published in a periodical or other serial publication according to paragraph (c), above:

Example: DROP, J.G. Integrated Circuit Personalization at the Module Level. IBM tech. dis. bull. October 1974, Vol.17, No.5, pages 1344 and 1345, ISSN 2345–6789.

(d) In the case of an abstract not published together with the full text document which serves as its basis:

The identification of the document containing the abstract, the abstract and the full text document shall be made on the basis of the bibliographic data available in respect thereof.

The following examples illustrate the citation of an abstract according to paragraph (d), above:

Example 1: Shetulov, D.I. Surface Effects During Metal Fatigue. Fiz.-Him. Meh. Mater. 1971, 7(29), 7–11 (Russ.). Columbus, OH, USA: Chemical abstracts, Vol. 75, No. 20, 15 November 1971, page 163, column 1, the abstract No. 120718k.

Example 2: JP 3–002404 A (FUDO). Patent abstracts of Japan, Vol. 15, No. 105 (M–1092), 1991.03.13 (abstract).

Example 3: SU 1374109 A (KARELIN, V. I.) 1988.02.15. (abstract), Soviet Patent Abstracts, Section E1, Week 8836, London: Derwent Publications Ltd., Class S, AN 88–255351.

13. Identification of an electronic document, e. g., retrieved from a CD–ROM, the Internet or from an online database accessible outside the Internet, shall be made in the manner indicated in subparagraphs 12(a), (b), (c), and (d), above, as far as possible and completed, as suggested in the items below.

Attention is drawn to the following items which are modeled after guidelines provided by the International Organization for Standardization's established Standard ISO 690–2 ''Information and documentation—Bibliographic references—Part 2: Electronic documents or parts thereof.'' These items should be provided in the locations indicated:

(i) Type of medium in square brackets [ ] after the title of the publication or the designation of the host document, e.g., [online] [CD–ROM] [disk]. If desired, the type of publication (e.g. monograph, serial, database, electronic mail) may also be specified in the type of medium designator;

(ii) Date when the document was retrieved from the electronic media in square brackets, following the date of publication [retrieved on 1998–03–04];

(iii) Identification of the source of the document using the words ''Retrieved from'' and its address where applicable; this item will precede the citation of the relevant passages;

(iv) Specific passages of the text could be indicated if the format of the document includes pagination or an equivalent internal referencing system, or by their first and last words.

Office copies of an electronic document should be retained if the same document may not be available for retrieval in the future. This is especially important for sources such as the Internet and online databases.

If an electronic document is also available in paper form or in a page-oriented presentation mode (see paragraph 12, above) it does not need to be identified as an electronic document, unless it is considered desirable or useful to do so.

The following examples illustrate citations of electronic documents:

Examples 1–4: Documents retrieved from online databases outside the Internet

Example 1: SU 1511467 A (BRYAN MECH) 1989–09–30 (abstract) World Patents Index [online]. London, U.K.: Derwent Publications, Ltd. [retrieved on 1998–02–24]. Retrieved from: Questel/Orbit, Paris, France. DW9016, Accession No. 90–121923.

Example 2: Dong, X. R. 'Analysis of patients of multiple injuries with AIS–ISS and its clinical significance in the evaluation of the emergency managements', Chung Hua Wai Ko Tsa Chih, May 1993, Vol. 31, No. 5, pages 301–302. (abstract) Medline [online]. Bethesda, MD, USA: United States National Library of Medicine [retrieved on 24 February 1998]. Retrieved from: Dialog Information Services, Palo Alto, CA, USA. Medline Accession no. 94155687, Dialog Accession No. 07736604.

Example 3: Jensen, B. P. 'Multilayer printed circuits: production and application II'. Electronik, June–July 1976, No. 6–7, pages 8, 10, 12, 14, 16. (abstract) INSPEC [online]. London, U.K.: Institute of Electrical Engineers [retrieved on 1998–02–24]. Retrieved from: STN International, Columbus, Ohio, USA. Accession No. 76:956632.

Example 4: JP 3002404 (TAMURA TORU) 1991–03–13 (abstract). [online] [retrieved on 1998–09–02]. Retrieved from: EPO PAJ Database.

Examples 5–11: Documents retrieved from the Internet

Example 5: (Entire Work—Book or Report) Wallace, S., and Bagherzadeh, N. Multiple Branch and Block Prediction. Third International Symposium on High-Performance Computer Architecture [online], February 1997 [retrieved on 1998–05–20]. Retrieved from the Internet:<URL: http://www.eng.uci.edu/comp.arch/papers-wallace/hpca3-block.ps>.

Example 6: (Part of Work—chapter or equivalent designation) National Research Council, Board on Agriculture, Committee on Animal Nutrition, Subcommittee on Beef Cattle Nutrition. Nutrient Requirements of Beef Cattle [online]. 7th revised edition. Washington, DC: National Academy Press, 1996 [retrieved on 1998–06–10]. Retrieved from the Internet: <URL: http://www2.nap.edu/htbin/docpage/title=Nutrient+Requirements+of+Beef+Cattle%3A+Seventh+Revised+Edition%2C+1996&dload=0&path= /ext5/extra&name=054265%2 Erdo&docid=00805F50FEb%3A840052612&colid=4%7C6%7C41&start=38> Chapter 3, page 24, table 3–1.

Example 7: (Electronic Serial—articles or other contributions) Ajtai. Generating Hard Instances of Lattice Problems. Electronic Colloquium on Computational Complexity, Report TR96–007 [online], [retrieved on 1996–01–30]. Retrieved from the Internet <URL: ftp://ftp.eccc.uni-trier.de/pub/eccc/reports/1996/TR96–007/index.html>.

Example 8: (Electronic bulletin boards, message systems, and discussion lists—Entire System) BIOMET–L (A forum for the Bureau of Biometrics of New York) [online]. Albany (NY): Bureau of Biometrics, New York State Health Department, July, 1990 [retrieved 1998–02–24]. Retrieved from the Internet: <listserv@health.state.ny.us>, message: subscribe BIOMET–L your real name.

Example 9: (Electronic bulletin boards, message systems, and discussion lists—Contributions) PARKER, Elliott. 'Re: citing electronic journals'. In PACS–L (Public Access Computer Systems Forum) [online]. Houston (TX): University of Houston Libraries, November 24, 1989; 13:29:35 CST [retrieved on 1998–02–24]-Retrieved from the Internet: <URL:telnet://bruser@a.cni.org>.

Example 10: (Electronic mail) 'Plumb design of a visual thesaurus'. The Scout Report [online]. 1998, vol. 5 no. 3 [retrieved on 1998 05 18]. Retrieved from Internet electronic mail: <listserv@cs.wisc.edu>, subscribe message: info scout-report. ISSN: 1092–3861.

Example 11: (Product Manual/Catalogue or other information obtained from a Web-site) Corebuilder 3500 Layer 3 High-function Switch. Datasheet [online]. 3Com Corporation, 1997 [retrieved on 1998–02–24].

Retrieved from the Internet: <URL: www.3com.com/products/dsheets/400347.html>.

Examples 12 and 13: Documents retrieved from CD-ROM products

Example 12: JP 0800085 A (TORAY IND INC), (abstract), 1996–05–31. In: Patent Abstracts of Japan [CD–ROM].

Example 13: Hayashida, O. et al.: Specific molecular recognition by chiral cage-type cyclophanes having leucine, valine, and alanine residues. In: Tetrahedron 1955, Vol. 51 (31), p. 8423–36. In: CA on CD [CD–ROM]. Columbus, OH: CAS. Abstract 124:9350.

14. It is recommended that any document (reference) referred to in paragraph 7 above, and cited in the search report should be indicated by the following letters or a sign to be placed next to the citation of the said document (reference):

(a) *Categories indicating cited documents (references) of particular relevance:*

Category ''X'': The claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone;

Category ''Y'': The claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

(b) *Categories indicating cited documents (references) of other relevant prior art:*

Category ''A'': Document defining the general state of the art which is not considered to be of particular relevance;

Category ''D'': Document cited by the applicant in the application and which document (reference) was referred to in the course of the search procedure. Code ''D'' should always be accompanied by one of the categories indicating the relevance of the cited document;

Category ''E'': Earlier patent document as defined in Rule 33.1(c) of the Regulations under the PCT, but published on or after the international filing date;

Category ''L'': Document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (the reason for citing the document shall be given);

Category ''O'': Document referring to an oral disclosure, use, exhibition or other means;

Category ''P'': Document published prior to the filing date (in the case of the PCT, the international filing date) but later than the priority date claimed in the application. Code ''P'' should always be accompanied by one of the categories ''X,'' ''Y'' or ''A;''

Category ''T'': Later document published after the filing date (in the case of the PCT, the international filing date) or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention;

Category ''&'': Document being a member of the same patent family or document whose contents have not been verified by the search examiner but are believed to be substantially identical to those of another document which the search examiner has inspected.

15. The list of cited documents (references) given in the search report should indicate, conforming to the generally recognized practice of the International Searching Authorities under the Patent Cooperation Treaty, the respective claim(s) of the patent application to which the citation is considered to be relevant.

16. The category codes referred to in paragraph 14, above, are intended primarily for use in the context of search reports accompanying published patent applications. However, if industrial property offices wish to indicate the relevance of cited documents (references) listed on the first page of a published patent application, they should print the category codes in parentheses, immediately after each citation.

Note: Further detailed information on definitions of terms used in this Standard or on the inclusion of references cited can be found in International Standard ISO 690:1987, ''Documentation—Bibliographic References—Content, Form and Structure.'' Guidance for the abbreviation of titles of articles can be obtained through International Standard ISO 4:1997, ''Information and Documentation—Rules for the Abbreviation of Title Words and Titles of Publications.''

Examiners are encouraged to speak to a PTO librarian or technical information specialist when they find that crucial elements to the citation are lacking in their records.

The information specialist will work with the examiner to verify dates, authors, and other elements as needed.

Notes:

1. These elements are to be indicated only in a search report.
2. The elements of item (v), having relevance to a corrected patent document, should be indicated together with the other data referred to under subparagraph 12(a)(i) to (iii).
3. Where a surname can be identified, forenames or initials should follow the surname. Such surnames and initials should be given in capital letters.
4. When the year of publication coincides with the year of the application or of the priority claim, the month and, if necessary, the day of publication of a monograph or parts thereof should be indicated in accordance with the provisions set out in WIPO Standard ST.2.

Dated: June 14, 1999.

Q. Todd Dickinson,

Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks.

[FR Doc. 99–15696 Filed 6–18–99; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the President's Security Policy Advisory Board Action Notice

SUMMARY: The President's Security Policy Advisory Board has been established pursuant to Presidential Decision Directive/NSC–29, which was signed by President on September 16, 1994.

The Board will advise the President on proposed legislative initiatives and executive orders pertaining to U.S. security policy, procedures and practices as developed by the U.S. Security Policy Board, and will function as a federal advisory committee in accordance with the provisions of Pub. L. 92–463, the ''Federal Advisory Committee Act.''

The President has appointed from the private sector, three of five Board members each with a prominent background and expertise related to security policy matters. General Larry Welch, USAF (Ret.) will chair the Board. Other members include: Rear Admiral Thomas Brooks, USN (Ret.) and Ms. Nina Stewart.

The next meeting of the Advisory Board will be held on June 28, 1999 at 1400 hrs at the Hyatt Regency on the Mall, 1300 Nicollet Mall—Rm Nicollet A, Minneapolis, MN. The meeting will be open to the public.

This notice is submitted late because of Agenda changes and unexpected leave taken by the staff support specialist.

For further information please contact Mr. Bill Isaacs, telephone: 703–602–0815.

Dated: June 15, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–15594 Filed 6–18–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Program for Qualifying Department of Defense (DOD) Brokers

AGENCY: Military Traffic Management Command, DOD.

ACTION: Final notice.

SUMMARY: In previous **Federal Register** notice (Vol. 62, No. 27, pages 5962–5963) Monday, February 10, 1997, the Headquarters, Military Traffic Management Command (HQMTMC) announced a request for comments on the Program for Qualifying Department of Defense (DOD) Brokers. Comments received were about equally divided in favor and in opposition to the proposal. By notice published in the **Federal Register** (Vol. 63, No. 57, page 14431) Wednesday, March 25, 1998, HQMTMC announced its decision to test the broker program for a period of one year, beginning June 1, 1998. The test has been successfully completed. The Carrier Qualification Program is being amended to add qualification standards for brokers and to expand the Basic Agreement to include brokers. The effect is that brokers will be eligible to quality to compete in DOD transportation procurements on the same or similar terms as other carriers, except shipments requiring Transportation Protective Service (TPS). Under MTMC's new policy, brokers interested in competing for DOD traffic (except TPS shipments) can apply for qualification by executing the Basic Agreement, and by complying with the requirements for submission of evidence of insurance (cargo and public liability), a list of underlying carriers which the broker intends to use in the movement of DOD shipments, a performance bond, and other standard requirements. A copy of the Agreement between MTMC and brokers is available upon request.

FOR FURTHER INFORMATION CONTACT: Rick Wirtz, MTOP–QQ, Telephone 703–681–6393; Headquarters, Military Traffic Management Command, ATTN: MTOP–JF, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

SUPPLEMENTARY INFORMATION: MTMC has completed the one-year test program to evaluate the performance, and ability of brokers to participate in the movement of DoD freight. Brokers transported over 16 million pounds of freight during the test. Shipment on time delivery rate was 100% against a test standard of 95%. MTMC received no Transportation Discrepancy Reports regarding broker shipments during the period June 15, 1998 through June 1, 1999. Based on the performance displayed by the brokers, Commander, MTMC, has decided to add the Broker Program as part of its traffic management services to DTS customers. MTMC is changing its policy, in order to offer brokers the opportunity to qualify for participation in DoD transportation procurements, except shipments requiring a Transportation Protective Services (TPS). Under MTMCs new policy, brokers interested in competing for DoD traffic, except TPS shipments, could apply for qualification by executing the basic Agreement, and by complying with requirements for submission of evidence of insurance (public liability and cargo), a list of underlying carriers which the broker intends to use in the movement of DoD shipments, a performance bond, and other standard requirements.

Rick Wirtz,

Traffic Management Specialist, JTMO.

[FR Doc. 99–15699 Filed 6–18–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Military/Industry Personal Property Tender of Service (TOS)

AGENCY: Military Traffic Management Command, DoD.

ACTION: Notice (Request public comments on new military/industry contractual agreement).

SUMMARY: The U.S. Transportation Command proposes to issue a new personal property Tender of Service to be signed by the Military Traffic Management Command (MTMC) on behalf of the U.S. Department of Defense (DOD) and personal property carriers wishing to do business in the DOD Personal Property Shipment and Storage Program.

DATES: U.S. Transportation Command will receive comments not later than August 20, 1999. The new TOS will be effective when signed by MTMC and the carrier.

FOR FURTHER INFORMATION CONTACT: Larry Campbell, U.S. Transportation Command, TCJ4–LTP, (618) 256–1985. The public may obtain copies of the proposed Tender of Service for a fee from the U.S. Department of Commerce, National Technical Information Services, 5285 Port Royal, Springfield, Virginia 22161.

SUPPLEMENTARY INFORMATION:

Background

The new TOS is issued under the authority of Deputy Under Secretary of Defense (Logistics) Memorandum ''Defense Transportation Regulation (DTR), Part I–IV,'' August 5, 1995. It implements DOD policies governing the use of DOD-owned and controlled aircraft, sealife/airlift, and establishes criteria for passenger, personal property, cargo, and mobility movement.

Significant changes from the previous TOS include (1) moving quality assurance requirements from the TOS to the Domestic and International Rate Solicitations issued semi-annually by MTMC; and (2) establishment of a mandatory requirement for personal property carriers to pay inconvenience claims. The former requirements became effective in 1997. The latter requirement is found in paragraph 15.b. of the new TOS:

15. *Loss or Damage/Inconvenience Claims.*

b. *Inconvenience Claims.*

(1) I hereby reaffirm that it is my responsibility to pickup and deliver personal property shipments on the agreed date. My failure to do so can cause serious inconvenience to the Department of Defense (DOD) civilian employees and military members and the member's family, and can result in the expenditures of funds by the member of lodging, food rental/purchase of household necessities, and directly related miscellaneous expenses.

(2) I agree to acknowledge receipt of an inconvenience claim filed by a member or an installation TO within 15 calendar days from the date of receipt. I further agree to reimburse the civilian employee and military member for out-of-pocket expenses which result from my failure to offer the shipment for delivery on or before the required delivery date as stated on the Government Bill of Lading (GBL) or correction notice thereof, except for delays caused by acts of God, acts of the public enemy, acts of the Government, acts of the public authority, violent strikes, or mob interference. The member shall document the claim fully with an itemized list of charges and accompanying receipts for charges incurred. Charges shall be computed from the day after the delivery date specified on the PPGBL as the RDD or GBL correction notice thereof or the date following the day the member obtains quarters, whichever date is the latest, and will be payable through the day of actual delivery of the shipment.

(3) Expenses: Out-of-pocket expenses are all expenses incurred by a military member or DOD civilian and their

family members because they are not able to use the items in the shipment or to establish his or her household. Expenses include but are not limited to, lodging, meals, laundry service, furniture and/or appliance rental, to include rental of a television or similar expenses such as towels (2 per person) pots, pans, paper plates, plastic knives, plastic spoons, plastic forks, paper and/or plastic cups, and napkins. A request for reimbursement of alcoholic beverages in any quantity is prohibited.

(a) I agree to pay the member within 30 calendar days of the submission date and will report to the destination TO, with a copy to HQ MTMC, ATTN: MTTP, of the final action taken, to include the date and total amount of settlement. In the event of a disputed claim, I may, within the 45-day period for receipt of the claim, appeal the case to the destination TO. Every effort will be made to resolve the dispute. However, should I disagree with the decision of the TO, I may appeal the case to HQ MTMC. I understand the decision of HQ MTMC is final and the claim must be settled within a total of 75 days of the submission date. Failure to acknowledge and/or settle a valid inconvenience claim may be cause for my company to be disqualified from participation with the DOD. Additionally, I understand that should I fail to settle a valid inconvenience claim set-off action will be taken against my company, by the appropriate claims office/finance office. I am not responsible for payment of an inconvenience claim when a shipment is ordered in storage-in-transit (SIT) at destination, regardless of the required delivery date (RDD), unless the need for SIT is a direct result of my failure to effect delivery of the shipment by the required delivery date and the member was officially ordered away from the area at the time delivery was available. I agree to reimburse the member through the day prior to the member's departure from the area.

William G. Balkus,

COL, GS, DCS Passenger and Personal Property.

[FR Doc. 99–15698 Filed 6–18–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare Supplemental Environmental Impact Statement, Dworshak Dam and Reservoir, Idaho

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers, Walla Walla District, intends to prepare a supplement to the Dworshak Dam and Reservoir, Final Environmental Impact Statement (FEIS), September 1975. The Dworshak Dam and Reservoir Master Plan (MP), 1975, will be updated concurrently with preparation of the Supplemental Environmental Impact Statement (SEIS). The SEIS will evaluate environmental effects of multiple land-use management strategies that have developed since completion of the FEIS and are reflected in the updated MP. The SEIS evaluations will cover a range of activities and management practices proposed in the updated MP including reservoir operation, wildlife, fisheries, recreation, and forestry management.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Smith, NEPA Coordinator, Walla Walla District Corps of Engineers, CENWW–PM–PD–E, 201 North Third Avenue, Walla Walla, WA 99362, phone (509) 527–7244.

SUPPLEMENTARY INFORMATION: The Dworshak Dam and Reservoir MP and FEIS were finalized in 1975 prior to completion of construction and establishment of current land-use strategies. The MP will be updated to reflect current environmental resource inventories, existing and planned recreational development, current regional strategies for wildlife and fishery management, and other reservoir and land-use strategies. The SEIS will evaluate the no action alternative and alternatives derived from the public scoping process.

Public Meeting: The Corps plans to conduct public scoping meetings to identify issues relevant to the MP update and SEIS in mid- to late-1999. Dates, times, and locations will be publicized.

Availability: The draft SEIS should be available for public review in late-2000.

William E. Bulen, Jr.,

LTC, EN, Commanding.

[FR Doc. 99–15697 Filed 6–18–99; 8:45 am]

BILLING CODE 3710–6C–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC99–510–001, FERC–510]

Information Collection Submitted for Review and Request for Comments

June 15, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of February 24, 1999 (64 FR 9135) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before July 21, 1999.

ADDRESSES: Address comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, attention: Federal Energy Regulatory Commission, Desk Office, 725 17th Street, NW, Washington, DC 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Office of the Chief Information Officer, CI–1, Attention: Michael Miller, 888 First Street NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at mike.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. Collection of Information: FERC–510 ''Application for the Surrender of a Hydropower License''.

2. Sponsor: Federal Energy Regulatory Commission.

3. Control No. OMB No. 1902–0068.

The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. There are no increases to the reporting burden. This is a mandatory information collection requirements and the Commission does not consider the information to be confidential.

4. Necessity of Collection of Information: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of Part 1, Section 4(e), 6 and 13 of the Federal Power Act, 16 U.S.C. 797(e), 799 and 806. Section 4(e) gives the Commission the authority to issue licenses for the proposed of constructing, operating and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines or other project works necessary or convenient for developing and improving navigation, transmission and utilization of power over which Congress has jurisdiction. Section 6 gives the Commission the authority to prescribe the conditions of the licenses including the revocation and/or surrender of the license. Section 13 defines that Commission's authority to delegate time periods for when a license must be terminated if project construction has not begun. Surrender of a license may be desired by a licensee when a licensed project is retired or not constructed. The information is collected by FERC in the form of a written application for surrender of a hydropower license, which is then used by Commission staff to determine the broad impact of such a surrender. FERC carefully reviews the prepared application, solicits public and agency comments through the insurance of a public notice, and prepares the Surrender of License Order. The order is the result of the an analysis of the information produced, i.e., economic, environmental, etc. which is examine to determine if the application is warranted. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Section 6.1 through 6.4.

5. Respondent Description: The respondent universe currently comprises on average 10 companies subject to the Commission's jurisdiction.

6. Estimated Burden: 100 total burden hours, 10 respondents, 1 response annually, 10 hours per response (average).

7. Estimated Cost Burden to Respondents: 100 hours÷2080 hours per year × $109,889 per year = $5,283.

Statutory Authority: Sections 4(e), 6 and 13 of the Federal Power Act (FPA), 16 U.S.C. 797(e), 799 and 806.

David P. Boergers,

Secretary.

[FR Doc. 99–15683 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–300–002]

Colorado Interstate Gas Company; Notice of Tariff Filing

June 15, 1999.

Take notice that on June 10, 1999, Colorado Interstate Gas Company (CIG), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the Tariff sheets listed in the attached Appendix A, to the filing, to be effective June 1, 1999.

CIG states the tariff sheets are filed in compliance with Order issued May 28, 1999 in Docket Nos. RP99–300–000 and 001. This Order approved CIG's tariff filing subject to conditions. CIG has also requested a waiver of section 154.203(b) of the Commission's Regulations to allow it to correct certain spelling errors and remove duplicative language.

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. 99–15681 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–34–000]

Distrigas of Massachusetts Corporation; Notice of Refund

June 15, 1999.

Take notice that on June 7, 1999, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing a Refund Report.

DOMAC states that it received a wire transfer of $14,639 from GRI on May 28, 1999 in accordance with the Federal Energy Regulatory Commission Opinion No. 407 issued September 27, 1996 (76 FERC 61,337).

DOMAC further states that it will not be crediting this refund to its customers on a pro rata basis because it has no customers who are eligible for such credits.

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 22, 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. 99–15672 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–550–000]

National Fuel Gas Distribution Corporation; Notice of Application

June 15, 1999.

Take notice that on June 10, 1999, National Fuel Gas Distribution Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP99–550–000 an application pursuant to Section 7(f) of the Natural Gas Act (NGA), as amended, for a service area determination, a finding that with respect to the

applicable service area, Applicant is a local distribution company for purposes of Section 311 of the Natural Gas Policy Act (NGPA), and for a waiver of the Commission's regulatory requirements, including reporting and accounting requirements applicable to natural gas companies under the NGA and NGPA, all as more fully set forth in the 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.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Applicant specifically proposes to expand its system in this service area and to connect its distribution system in Ripley, N.Y. with Applicant's Northeast, Pa. distribution system. Applicant asserts that this interconnection will assist Applicant in serving its customer demand in the area and will assist Applicant with maintaining its system pressure in the area during the winter season. Applicant further asserts that each of its respective state commissions, the New York Public Service Commission and the Pennsylvania Public Utility Commission will have jurisdiction under Section 7(f) to review such further facility expansion and enlargement located in the respective states consistent with the public interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 proceeding.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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 petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–15670 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–333–000]

Questar Pipeline Company; Notice of Tariff Filing

June 15, 1999.

Take notice that on June 9, 1999, Questar Pipeline Company (Questar) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective July 9, 1999.

Questar's Electronic Bulletin Board (EBB) has been phased out to be replaced by a web site containing the informational postings and interactive systems for contracting/capacity release and nominations/confirmations, collectively referred to as Questline. This filing proposes to revise Questar's tariff sheets to reflect the replacement of EBB language with Questline-related language.

Also included in this filing are miscellaneous minor clean-up revisions correcting typographical errors as well as inadvertent omissions and incorrect references to corresponding sections.

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with 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. Any person wishing to become a party must file a motion to intervene. 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. 99–15682 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. GT99–26–001 and RP96–312–015]

Tennessee Gas Pipeline Company; Notice of Compliance Filing

June 15, 1999.

Take notice that on June 10, 1999, Tennessee Gas Pipeline Company (Tennessee), submitted for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the revised tariff sheet identified below, with an effective date of July 10, 1999:

Third Revised Sheet No. 159A

Tennessee states that this filing is being made in compliance with the Commission's ''Order Accepting Filing Subject to Condition'' issued on May 26, 1999 in the above-referenced docket. Tennessee Gas Pipeline Company, 87 FERC ¶ 61,206 (1999). Tennessee further states that it is requesting an effective date of July 10, 1999 for this tariff sheet. Tennessee requests all waivers of the Commission's Regulations that may be necessary to allow this filing to become effective as of July 10, 1999.

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. 99–15671 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

June 15, 1999.

Take notice that the following hydroelectric application has been filed with the commission and is available for public inspection:

a. *Type of Application:* Sale of Project Land.

b. *Project No.:* 459–101.

c. *Date Filed:* March 22, 1999 and supplemented on May 10, 1999.

d. *Applicant:* AmerenUE.

e. *Name of Project:* Osage Project.

f. *Location:* City of Osage Beach, Lake of The Ozarks in Miller and Camden Counties, Missouri.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Mr. Jeff Douglas, Real Estate Department, AmerenUE, P.O. Box 66149, St. Louis, MO 63166–6149, (314) 554–2951.

i. *FERC contact:* Any questions on this notice should be addressed to Jack Hannula, E-Mail address John.Hannula@FERC.Fed.US, or telephone (202) 219–0116.

j. *Deadline for filing motions, protests, comments, recommendations:* 20 days from the issuance date of this notice. Please include the project number (459–101) on any filing.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. Description of the application: AmerenUE, licensee, proposes to sell 91.42 acres of project land to the City of Osage Beach for use as a public park. The property is located just outside the northeastern city limits of Osage Beach, on Lake of the Ozarks. The property was formerly used as a fish hatchery; this property is no longer needed for that purpose. The land would remain within the project boundary.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 99–15673 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File an Application for a New License

June 15, 1999.

a. *Type of Filing:* Notice of Intent to File An Application for a New License.

b. *Project No.:* 487.

c. *Date Filed:* May 4, 1999.

d. *Submitted By:* PP&L, Inc.—current licensee.

e. *Name of Project:* Wallenpaupack Project.

f. *Location:* On the Wallenpaupack Creek and Lackawaxen River, near the Borough of Hawley and the City of Scranton, in Wayne and Pike Counties, Pennsylvania.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act.

h. *Licensee Contact:* Gary Petrewski, PP&L, Inc., Two North Ninth Street (GENN5), Allentown, PA 18101 (610) 774–5996.

i. *FERC Contact:* Tom Dean, thomas.dean@ferc.fed.us, (202) 219–2778, or Patrick Murphy, patrick.murphy@ferc.fed.us, (202) 219–2659 regarding the alternative licensing procedures.

j. *Effective date of current license:* June 1, 1980.

k. *Expiration date of current license:* September 30, 2004.

l. *The project consists of the following existing facilities:* (1) A 870-foot-long, 67-foot-high concrete dam with a center spillway equipped with two 67.5-foot-long by 14-foot-high steel rollers; (2) a 405-foot-long, 40-foot-high earthen embankment; (3) a 1,400-foot-long, 40-foot-high earthen dike; (4) a 13-mile-long, 5,700-acre reservoir at a full pool elevation of 1,190 feet msl; (5) an 18,000-foot-long, 14-foot-diameter pipeline; (6) a surge tank; (7) two 350-foot-long, 8.75-foot-diameter penstocks; (8) a powerhouse containing two

generating units with a total installed capacity of 40,000 kW, (9) a 0.18–mile–long, 230 kV transmission line; and (10) other appurtenances.

m. Each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by September 30, 2002.

David P. Boergers,

Secretary.

[FR Doc. 99–15674 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

June 15, 1999.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2232–391.

c. *Date Filed:* May 12, 1999.

d. *Applicant:* Duke Energy Corporation.

e. *Name of Project:* Catawba-Wateree Hydroelectric Project.

f. *Location:* On Lake Norman in the Mountain Creek Township, in Catawba County, North Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006, (704) 382–5778.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.fed.us.

j. *Deadline for filing comments and or motions:* July 8, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Please include the project number (2232–391) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to LakePointe North Homeowners Association (LakePointe North) 1.81 acres of project land for the construction of 50 boat slips and six piers accessing the slips. The boat slips would provide access to the reservoir for residents of the LakePointe North Subdivision. No dredging is proposed.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–15675 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 15, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11732–000.

c. *Date filed:* April 26, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* DeQueen Lake Dam Hydro Project.

f. *Location:* At the existing U.S. Army Corps of Engineers' DeQueen Lock and Dam on the Rolling Fork River, near the Town of DeQueen, Sevier County, Arkansas.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2809 or E-mail address at Ed.Lee@FERC.fed.us.

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. *Description of Project:* The proposed project would utilize the existing U.S.

Army Corps of Engineers' DeQueen Lock and Dam, and would consist of the following facilities: (1) A new steel penstock about 50-foot-long and 6-foot-in-diameter; (2) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 1,800 kilowatts; (3) a new 300-foot-long, 14.7-kilovolt transmission line; and (4) appurtenant facilities. The proposed average annual generation is estimated to be 11 gigawatthours. The cost of the studies under the permit will not exceed $750,000.

m. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE, Room 2–A, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger, 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at http://www.ferc.fed.us/online/rims.htm or call (202) 208–2222 for assistance.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–15676 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11734–000.

c. *Date filed:* April 26, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Millwood Dam Hydro Project.

f. *Location:* At the existing U.S. Army Corps of Engineers' Millwood Dam and Reservoir on the Little River, near the Town of Saratoga, Hempstead and Little River Counties, Arkansas.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2809 or E-mail address at Ed.Lee@FERC.fed.us.

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments

or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environment analysis at this time.

l. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers' Millwood Dam and Reservoir, and would consist of the following facilities: (1) Seven new steel penstocks, each about 180-foot-long and 8-foot-in-diameter; (2) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 13,500 kilowatts; (3) a new 200-foot-long, 14.7-kilovolt transmission line; and (4) appurtenant facilities. The proposed average annual generation is estimated to be 83 gigawatthours. The cost of the studies under the permit will not exceed $2,000,000.

m. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE, Room 2–A, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger, 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at http://www.ferc.fed.us/online/rims.htm or call (202) 208–2222 for assistance.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing developing application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular applicaiton. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by he Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–15677 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 15, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11743–000.

c. *Date Filed:* May 14, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Rend Lake Dam.

f. *Location:* On the Big Muddy River, near the village of Ziegler, Franklin County, Illinois, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

i. *FERC Contact:* Charles T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The proposed project would utilize the existing U.S. Army Corps of Engineers' Rend Lake Dam and would consist of: (1) A new 100-foot-long, 78-inch-diameter steel penstock; (2) a new 30-foot-long, 30-foot-wide, 30-foot-high powerhouse containing one 800–Kw generating unit; (3) a new exhaust apron; (4) a new 3000-foot-long, 14.7–kV transmission line; and (5) appurtenant facilities.

Applicant estimates that the average annual generation would be 5 GWh and that the cost of the studies to be performed under the terms of the permit would be $500,000. Project energy would be sold to utility companies, corporations, municipalities, aggregators, or similar entities.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–15678 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 15, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11744–000.

c. *Date Filed:* May 24, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Emmet Sanders L&D #4.

f. *Location:* On the Arkansas River, near the town of Gillett, Jefferson County, Arkansas, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

i. *FERC Contact:* Charles T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The proposed project would utilize the existing U.S. Army Corps of Engineers' Emmett Sanders L&D #4 and would consist of: (1) 14 new 40-foot-long, 114-inch-diameter steel penstocks; (2) a new 1,000-foot-long, 30-foot-wide, 30-foot-high powerhouse containing 14 generating units having a total installed capacity of 27,000-kW; (3) a new exhaust apron; (4) a new 1000-foot-long, 14.7-kV transmission line; and (5) appurtenant facilities.

Applicant estimates that the average annual generation would be 166 GWh and that the cost of the studies to be performed under the terms of the permit would be $3,000,000. Project energy would be sold to utility companies, corporations, municipalities, aggregators, or similar entities.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment data for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be file, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–15679 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 15, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11747–000.

c. *Date Filed:* May 24, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Arkansas L&D #5.

f. *Location:* On the Arkansas River, near the town of Pine Bluff, Jefferson County, Arkansas, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

i. *FERC Contact:* Charles T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The proposed project would utilize the existing U.S. Army Corps of Engineers' Arkansas L&D #5 and would consist of: (1) 16 new 40-foot-long, 114-inch-diameter steel penstocks; (2) a new 480-foot-long, 30-foot-wide, 30-foot-high powerhouse containing 16 generating units having a total installed capacity of 30,600-kW; (3) a new exhaust apron; (4) a new 600-foot-long, 14.7-kV transmission line; and (5) appurtenant facilities.

Applicant estimates that the average annual generation would be 187 GWh and that the cost of the studies to be performed under the terms of the permit would $3,500,000. Project energy would be sold to utility companies, corporations, municipalities, aggregators, or similar entities.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statment of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Agency Comments—Federal , State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicants representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–15680 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL98–1–001]

Public Access to Information and Electronic Filing; Notice of Agenda for Technical Conference on Electronic Filing; June 24, 1999

June 15, 1999.

9:30 am Introductions & Opening Remarks

9:40 am Major Issues (Staff will briefly introduce each issue, then open topic for discussion. Refer to issue papers for staff analysis).

- Filing Format
- Citation
- Record Retention
- Official Filing Date
- Electronic Filing Authentication and Verification (Signatures)
- Document Content Standards (for Electronic Submissions)
- Electronic Filing Phase 1 Profile

11:00 am Prototype Interventions, Comments, and Protests

- Description of Proposed Process
- Screen Prototypes
- Testing Process

12:00–1:00 Lunch

1:00 pm Phases for Electronic Filing Implementation

1:30 pm Other Issues

- Digital Signatures
- Security
- Y2K Docket Number Format

2:30 pm Adjourn

David P. Boergers,

Secretary.

[FR Doc. 99–15621 Filed 6–18–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6363–9]

Agency Information Collection Activities, OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.). 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 Ch. 15.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at (202) 260–2740, or E-mail at ''farmer.sandy@epa.gov'', and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

ERA ICR No. 1608.02; State Program Adequacy Determination: Non-Municipal, Non-Hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generators (CESQG) Hazardous Waste and Municipal Solid Waste Landfills (MSWLF's); in 40 CFR part 258, 40 CFR part 257, and 40 CFR part 239; was approved April 30, 1999; OMB No. 2050–0152; expires April 30, 2002.

EPA ICR No. 0160.06; Pesticide Registration Application, Notification and Request for Pesticide-Producing Establishments; in 40 CFR part 167; was approved May 19, 1999; OMB No. 2070–0078; expires May 31, 2002.

EPA ICR No. 1154.05; NESHAP Benzene Emissions from Bulk Transfer Operations; in 40 CFR part 61, subpart BB; was approved May 19, 1999; OMB No. 2060–0182; expires May 31, 2002.

EPA ICR No. 1688.03; RCRA Expanded Public Participation; in 40 CFR 124.31–124.33, 270.62 and 270.66; was approved May 19, 1999; OMB No. 2050–0149; expires May 31, 2002.

EPA ICR No. 0012.11; Motor Vehicle Exclusion Determination; in 40 CFR 85.1703; was approved May 24, 1999; OMB No. 2060–0124; expires May 31, 2002.

EPA ICR No. 0969.05; Final Authorization for Hazardous Waste Management; in 40 CFR part 271, subpart A; was approved May 24, 1999; OMB No. 2050–0041; expires May 31, 2002.

EPA ICR No. 0167.06; Verification of Test Parameters and Parts Lists for Light-Duty Vehicles and Light-Duty Trucks; was approved May 24, 1999; OMB No. 2060–0094; expires May 31, 2002.

EPA ICR No. 1292.05; Enforcement Policy Regarding the Sale and Use of Aftermarket Catalytic Converters; was approved May 24, 1999; OMB No. 2060–0135; expires May 31, 2002.

EPA ICR No. 0976.09; The 1999 Hazardous Waste Report (Biennial Report); in 40 CFR 262.40, 262.41, 264.75 and 265.75; was approved May 24, 1999; OMB No. 2050–0024; expires November 30, 2000.

EPA ICR No. 1617.03; Stratospheric Ozone Protection, Servicing of Motor Vehicle Air Conditioners; in 40 CFR 82, subpart B; was approved May 24, 1999; OMB No. 2060–0247; expires May 31, 2002.

EPA ICR No. 1852.01; Exclusion Determinations for New Non-Road Spark-Ignited Engines at or Below 19 Kilowatts; in 40 CFR part 90, subpart J; New Compression-Ignited Engines at or Above 37 Kilowatts; in 40 CFR part 89, subpart A; New Marine Engines; in 40 CFR part 91, subpart K and New On-Road Heavy Duty Engines; in 40 CFR 85.1703; was approved May 24, 1999; OMB No. 2060–0395; expires May 31, 2002.

EPA ICR No. 1775.02; Hazardous Remediation Waste Management Requirements (HWIR–Media); in 40 CFR 260.10, 261.4, 264.101, 264.554, 270.68, 270, subpart H, 271.1, and 272.21; was approved June 2, 1999; OMB No. 2050–0161; expires June 30, 2002.

EPA ICR No. 1100.09; NESHAP for Radionuclies; in 40 CFR part 61, subparts B, K, R, and W; was approved June 2, 1999; OMB No. 2060–0191; expires June 30, 2002.

OMB's Comments Filed

EPA ICR No. 1894.01; NESHAP for the Secondary Aluminum Production; proposed at 40 CFR part 63, subpart RRR; OMB filed comments May 19, 1999.

EPA ICR No. 1891.01; NESHAP for Source Category: Public Owned Treatment Works; proposed at 40 CFR part 63, subpart VVV; OMB filed comments May 19, 1999.

Extensions of Expiration Dates

EPA ICR No. 0160.05; Application for Registration of Pesticide-Producing Establishments; Notification of Registration of Pesticide-Producing Establishments; Pesticide Report for Pesticide-Producing Establishments; OMB No. 2070–0078; in 40 CFR part 167; on March 9, 1999 OMB extended the expiration date through May 31, 1999.

EPA ICR No. 0275.06; Preaward Compliance Review Report; in 40 CFR part 7; OMB No. 2090–0014; on April 30, 1999 OMB extended the expiration date through October 31, 1999.

EPA ICR No. 1837.02; Four Private Party Surveys Regarding Prospective Purchaser Agreements and Comfort/Status Letter; OMB No. 2020–0013; OMB extended the expiration date through June 30, 1999.

EPA ICR No. 0795.09; Notification of Chemical Exports—TSCA Section 12(b); in 40 CFR part 707; OMB No. 2070–0030; OMB extended the expiration date through September 30, 1999.

EPA ICR No. 1712.02; National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair Facilities (Surface Coating); in 40 CFR part 63, subpart II; OMB No. 2060–0330; OMB extended the expiration date through November 30, 1999.

EPA ICR No. 0222.04; Investigations into Possible Noncompliance of Motor Vehicles with Federal Emission Standards; OMB No. 2060–0086; OMB extended the expiration date through October 31, 1999.

Dated: June 15, 1999.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 99–15714 Filed 6–18–99; 8:45 am]

BILLING CODE 6360–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00605; FRL–6086–2]

Pesticide Program Dialogue Committee (PPDC); Formation of Subcommittee on Inert Disclosure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Office of Pesticide Programs (OPP) is inviting nominations of qualified candidates to consider for appointment on a new workgroup, the Inert Disclosure Stakeholder

Workgroup, of the Pesticide Program Dialogue Committee (PPDC).

DATES: Nominations will be accepted until 5 p.m. on July 21, 1999.

ADDRESSES: Submit nominations in writing to Margie Fehrenbach, Designated Federal Officer for PPDC, 7501C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Margie Fehrenbach, Designated Federal Officer for PPDC, 7501C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone (703) 305–7090, or

Cameo Smoot, 7506C, Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: (703) 305–5454. Office locations: 11th floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; e-mail: fehrenbach.margie@epa.gov or smoot.cameo@epa.gov.

SUPPLEMENTARY INFORMATION: The Office of Pesticide Programs (OPP) is currently working to establish a workgroup to advise the PPDC on ways of making information on inert ingredients more available to the public while working within the mandates of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and related Confidential Business Information (CBI) concerns. The work group will review the current OPP policy and process for disseminating inert ingredient or ''other ingredient'' information to the public and examine the process that OPP uses to protect CBI. The workgroup will also provide a forum for open discussions on the principles of disclosure (e.g., right-to-know) and the principles of CBI protection (e.g., substantial harm to a business' competitive position in the market place). Finally, the workgroup will examine options for alternative ways of disseminating inert ingredient information to the public and present its findings to the PPDC.

The workgroup will be formed as a workgroup of the PPDC. The PPDC provides advice and guidance to OPP regarding pesticide regulatory, policy and implementation issues. The PPDC is a balanced group of participants from the following sectors: Federal agencies and State, local, and Tribal governments; consumer and environmental/public interest groups, including representatives from the general public; medical community; the public health community; industry and trade associations; and academia; and user groups. The PPDC may form workgroups for any purpose consistent with its charter. Copies of the PPDC charter are filed with the appropriate committees of Congress and the Library of Congress and are available via the Internet at http://www.epa.gov/oppfead1/cb/ppdc/charter.htm or hard copies are available by request.

An important consideration in EPA's selection of workgroup members will be to maintain balance and diversity of experience and expertise. EPA intends to appoint work group members who represent a broad geographic representation from the following sectors: Environmental/public interest and consumer groups; industry and pesticide users; Federal, State and local governments; the general public; academia and public health organizations.

Potential candidates should submit the following information: Name, occupation, organization, position, address, telephone number and a brief resume containing their background, experience, qualifications and other relevant information as part of the consideration process. Any interested person and/or organization may submit the names of qualified persons.

List of Subjects

Environmental protection, Pesticides.

Dated: June 9, 1999.

Joseph Merenda, Jr.

Acting Director, Office of Pesticide Programs.

[FR Doc. 99–15716 Filed 6–18–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL LABOR RELATIONS AUTHORITY

[FLRA Docket No. WA–CA–30451]

Opportunity To Submit Amicus Curiae Briefs in an Unfair Labor Practice Proceeding Pending Before the Federal Labor Relations Authority

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of the opportunity to file briefs as amici curiae in a proceeding before the Federal Labor Relations Authority in which the Authority is determining, in the context of resolving the case before it, whether and under what circumstances agencies are obligated to engage in union-initiated midterm bargaining.

SUMMARY: The Federal Labor Relations Authority provides the opportunity for interested parties to file briefs as amici curiae on a significant issue arising in a case pending before the Authority. The Authority is considering the case pursuant to its responsibilities under the Federal Service Labor-Management Relations Statute. The issue concerns whether and under what circumstances an agency is required, during the term of a collective bargaining agreement, to engage in union-initiated midterm bargaining.

DATES: Briefs submitted in response to this notice will be considered if received by mail or personal delivery in the Authority's Case Control Office by 5 p.m. on July 19, 1999. Placing submissions in the mail by this date will not be sufficient. Extensions of time to submit briefs will not be granted.

FORMAT: All briefs shall be captioned *''Department of the Interior, Washington, D.C. and U.S. Geological Survey, Reston, VA and National Federation of Federal Employees, Local 1309,* WA–CA–30451.'' Briefs shall not exceed fifteen double-spaced pages and must contain separate, numbered topic-headings. Parties must submit an original and four copies of each amicus brief, on 8½ by 11 inch paper. Briefs must include a signed and dated statement of service that complies with the Authority's regulations showing service of one copy of the brief on all counsel of record or other designated representatives. 5 CFR 2429.27(a) and (c). The designated representatives are: Leslie Deak, Union Representative, National Federation of Federal Employees, 1016 16th Street, NW, Washington, D.C. 20036; Beatrice G. Chester, Agency Representative, Office of the Solicitor, U.S. Department of the Interior, 1849 C Street, NW., Washington, D.C. 20240; and Michael W. Doheny, Regional Director, Federal Labor Relations Authority, 800 K Street, NW., Suite 910, Washington, D.C. 20001.

ADDRESSES: Mail or deliver briefs to Peter Constantine, Director, Case Control Office, Federal Labor Relations Authority, 607 14th Street, NW, Room 415, Washington, DC 20424–0001.

FOR FURTHER INFORMATION CONTACT: Peter Constantine, Director, Case Control Office, Federal Labor Relations Authority, (202) 482–6540.

SUPPLEMENTARY INFORMATION: The case presenting the issues on which amicus briefs are being solicited is before the Authority on remand from the United States Supreme Court (*NFFE and FLRA* v. *Department of the Interior,* 119 S. Ct. 1003 (1999) (*NFFE and FLRA* v. *Interior*)) and in turn from the United States Court of Appeals for the Fourth Circuit (*U.S. Department of the Interior* v. *FLRA and NFFE,* Nos. 96–2855 and 97–1135 (4th Cir. April 23, 1999) (*Interior* v. *FLRA and NFFE*)). To assist

interested persons in responding, the Authority offers the following litigation background, limitation on briefs, and question on which amicus views are being sought.

A. Litigation Background

In 1987, the United States Court of Appeals for the District of Columbia Circuit set aside the Authority's decision in *Internal Revenue Service,* 17 FLRA 731 (1985) (IRS I) that an agency had no obligation to bargain over union-initiated proposals offered during the term of a collective bargaining agreement. *National Treasury Employees Union* v. *FLRA,* 810 F.2d 295 (D.C. Cir. 1987) (*NTEU* v. *FLRA*). Relying on private sector precedent and congressional intent to encourage and promote collective bargaining in the federal sector, the court held that the obligation to bargain under the Federal Service Labor-Management Relations Statute, 5 U.S.C. 7101–7135 (1994 & Supp. III 1997) (Statute), extended to union-initiated midterm proposals. Id. at 301. On remand, the Authority adopted the reasoning of the D.C. Circuit and held that an agency is obligated to bargain during the term of a collective bargaining agreement on negotiable union proposals concerning matters not contained in or covered by the term agreement unless the union has waived its right to bargain about the subject matter involved. *Internal Revenue Service,* 29 FLRA 162, 166 (1987) (*IRS II*).

In 1992, the United States Court of Appeals for the Fourth Circuit expressly disagreed with the reasoning of the Authority and the D.C. Circuit, concluding that ''union-initiated midterm bargaining is not required by the [S]tatute and would undermine the congressional policies underlying the [S]tatute.'' *Social Security Admin.* v. *FLRA,* 956 F.2d 1280, 1281 (4th Cir. 1992) (*SSA* v. *FLRA*). The court, on examining the text of the Statute and its legislative history, concluded that the mutual obligation to bargain in good faith ''arises as to only one, basic agreement[.]'' *Id.* at 1284–85.

Subsequently, the Authority and, in turn, the Fourth Circuit were presented with the issue of midterm bargaining in a different context. In both *U.S. Department of Energy, Washington, D.C.,* 51 FLRA 124 (1995) (*Department of Energy*), and in the case now before the Authority on remand, *U.S. Department of the Interior, Washington, D.C.* and *U.S. Geological Survey,* 52 FLRA 475 (1996) (*Department of Interior*), the Authority analyzed an agency's obligation to bargain over a contract term requiring union-initiated midterm bargaining. In *Department of Energy,* the Authority concluded that the agency had violated the Statute by disapproving a provision obligating an agency to bargain over union-initiated proposals not contained in or covered by the agreement. 51 FLRA at 125. Similarly, in *Department of Interior,* the Authority found a violation where the agency refused to bargain over a proposal substantially identical to that at issue in *Department of Energy;* specifically, the proposal provided, in pertinent part, that ''[t]he Union may request and the Employer will be obligated to negotiate on any negotiable matter not covered by the provisions of this agreement.'' 52 FLRA at 476.

The Fourth Circuit reviewed and reversed both decisions. In *Department of Energy* v. *FLRA,* 106 F.3d 1158 (4th Cir. 1997) (*Energy* v. *FLRA*), the court found the midterm bargaining provision inconsistent with the Statute because it is ''at odds with the policies underlying [the Statute] and is wholly contrary to congressional intent.'' *Id.* at 1164. The court further held that finding the provision at issue negotiable ''would effectively vitiate [*SSA* v. *FLRA*].'' *Id.* at 1163. In *Interior* v. *FLRA,* 132 F.3d 157 (4th Cir. 1997), on finding the case controlled by *SSA* v. *FLRA* and *Energy* v. *FLRA,* the court granted the agency's petition for review.

The Authority petitioned the Supreme Court for review of the Fourth Circuit's decision in *Interior* v. *FLRA*. Acknowledging the split in the United States Courts of Appeals on this issue, the Supreme Court granted *certiorari* and focused on the issue of whether the Statute ''impose[s] a duty to bargain during the term of an existing labor contract[.]'' *NFFE* and *FLRA* v. *Interior,* 119 S. Ct. at 1007. Rejecting the view of the court below, the Court found ''the Statute's language sufficiently ambiguous or open on the point as to require judicial deference to reasonable interpretation or elaboration by the'' Authority. *Id.*

In reaching this determination, the Court, after pointing out that the Statute did not expressly address union-initiated midterm bargaining, rejected the agency's arguments that the Statute prohibited midterm bargaining. Specifically, the Court disagreed with assertions that midterm bargaining was inconsistent with the language, policies, prior practice, legislative history, or management rights provision (section 7106(a)) of the Statute. *Id.* at 1008–10. The Court concluded that ''[t]he Authority would seem better suited than a court to make the workplace-related empirical judgments' that will balance ''the policy-related considerations'' concerning the merits and drawbacks of union-initiated midterm bargaining. *Id.* at 1009. The Court went on to find the ''absolute'' interpretations of the Fourth and D.C. Circuits inconsistent with the statutory ambiguity. *Id.* at 1010. The Court found this ''statutory ambiguity [to be] perfectly consistent, however, with the conclusion that Congress delegated to the Authority the power to determine * * * whether, when, where, and what sort of midterm bargaining is required.'' *Id.* at 1010.

Finally, noting that the specific question before the Court concerned ''whether an agency must bargain endterm about including in the basic labor contract a clause that would require certain forms of midterm bargaining[,]'' the Court concluded that ''the Statute grants the Authority leeway (within ordinary legal limits) in answering that question as well.'' *Id.* at 1011. However, the Court found that the Authority's prior explanation concerning the duty to bargain over such proposals was ''more an effort to respond to, and to distinguish, a contrary judicial authority, rather than an independently reasoned effort to develop complex labor policies.'' *Id.* Accordingly, the Court remanded the case to afford the Authority the opportunity to consider the issues of midterm bargaining, and the related question of bargaining about midterm bargaining, ''aware that the Statute permits, but does not compel, the conclusions [that the Authority] reached.'' *Id.*

The Fourth Circuit remanded ''to the Authority for further proceedings consistent with the opinion of the Supreme Court.'' *Interior* v. *FLRA* and *NFFE,* slip op. at 4.

B. Limitations on Briefs

As noted in the preceding section, the Supreme Court has determined that the Statute is ambiguous on the issue of whether an agency is obliged to engage in union-initiated midterm bargaining. As a result, the Authority will not entertain any further argument on the question of whether union-initiated midterm bargaining is required or prohibited by the Statute. Rather, we seek interested parties' views only to assist the Authority in making ''the workplace-related empirical judgments'' that will balance ''the policy-related considerations'' concerning union-initiated midterm bargaining. *NFFE* and *FLRA* v. *Interior,* 119 S. Ct. at 1009. Because of the extensive previous litigation on this issue, the Authority has concluded that the fifteen page length limitation noted above is appropriate and will provide ample

opportunity for interested parties to express their views.

C. Question on Which Briefs Are Solicited

The parties in the instant case have been directed to address the question set forth below. Additionally, the Authority believes that this issue is likely to be of concern to the federal sector labor-management relations community in general. Accordingly, the Authority invites interested persons to address the following and any other policy-related matters deemed relevant to balancing the pros and cons of union-initiated midterm bargaining.

In the context of resolving this case, what policy considerations and empirical data should the Authority balance in determining whether, when, and where union-initiated midterm bargaining is required?

Dated: June 16, 1999.

For the Authority.

Peter Constantine,

Director of Case Control.

[FR Doc. 99–15656 Filed 6–18–99; 8:45 am]

BILLING CODE 6727–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m.–June 24, 1999.

PLACE : 800 North Capitol Street, N.W., First Floor Hearing Room, Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. 98–14—Shipping Restrictions, Requirements and Practices of the People's Republic of China.

2. Petition No. P5–98—Petition of National Customs Brokers & Forwarders Associaton of America for Issuance of a Rulemaking or, in the Alternative, for a Declaratory Order.

CONTACT PERSON FOR MORE INFORMATION: Bryant L. VanBrakle, Secretary, (202) 523–5725.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–15830 Filed 6–17–99; 12:58 pm]

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 (12 U.S.C. 1843). 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 15, 1999.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Peoples Bancorp of North Carolina, Inc., Newton, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank, Newton, North Carolina.

B. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. United Community Banks, Inc., Blairsville, Georgia; to merge with 1st Floyd Bankshares, Inc., Rome, Georgia, and thereby indirectly acquire 1st Floyd Bank, Rome, Georgia.

C. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Mahaska Investment Company, Oskaloosa, Iowa; to acquire 100 percent of the voting shares of Pella State Bank, Pella, Iowa (in organization).

2. Old Kent Financial Corporation, Grand Rapids, Michigan; to merge with Pinnacle Banc Group, Inc., Oak Brook, Illinois, and thereby indirectly acquire Pinnacle Bank, Cicero, Illinois, and Pinnacle Bank of the Quad-Cities, Silvis, Illinois.

In connection with this application, Applicant also has applied to acquire, indirectly through Pinnacle Banc Group, Inc., Oakbrook, Illinois, more than 5 percent of the voting shares of Dovenmuehle Mortgage Company, L.P., Schaumburg, Illinois, and thereby engage in making, acquiring, brokering or servicing loans or other extensions of credit, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, June 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–15695 Filed 6–18–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 6, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. The Fuji Bank, Limited, Tokyo, Japan; to acquire through its subsidiary, Heller Financial Inc., Chicago, Illinois, up to 100 percent of the voting shares of HealthCare Financial Partners, Inc., Chevy Chase, Maryland, and thereby engage in extending credit and servicing

loans, pursuant to § 225.28(b)(1) of Regulation Y, and activities related to extending credit, pursuant to § 225.28(b)(2) of Regulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Arvest Bank Group, Inc., Bentonville, Arkansas, and its wholly owned subsidiary, Ameribank Corporation, Shawnee, Oklahoma, and its wholly owned subsidiary, United Oklahoma Bancshares, Inc., Del City, Oklahoma; to convert its existing state-chartered bank subsidiary, United Bank, Oklahoma City, Oklahoma, into a savings association and thereby engage in the operation of a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y. Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 16, 1999.

C. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Farmers State Corporation, Mankato, Minnesota; to acquire Southwest State Agency, Springfield, Minnesota, and thereby engage in general insurance agency activities in a place with a population not exceeding 5,000, pursuant to § 225.28(b)(11)(iii) of Regulation Y. The proposed activity will be conducted under the name United Prairie Agency, Springfield, Minnesota.

Board of Governors of the Federal Reserve System, June 15, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–15694 Filed 6–18–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Consumer Advisory Council

Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board is inviting the public to nominate qualified individuals for appointment to its Consumer Advisory Council, whose membership represents interests of consumers, communities, and the financial services industry. Seven new members will be selected for three-year terms that will begin in January 2000. The Board expects to announce the selection of new members by year-end 1999.

DATE: Nominations should be received by August 16, 1999.

ADDRESS: Nominations should be submitted in writing and mailed (not sent by facsimile) to Sandra F. Braunstein, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Ann Bistay, Secretary to the Council, Division of Consumer and Community Affairs, (202) 452-6470. For Telecommunications Device for the Deaf (TDD) users only: Diane Jenkins, (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established in 1976 at the direction of the Congress to advise the Federal Reserve Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests both of consumers and of the financial services industry (15 USC 1691(b)). Under the Rules of Organization and Procedure of the Consumer Advisory Council (12 CFR 267.3), members serve three-year terms that are staggered to provide the Council with continuity.

New members will be selected for terms beginning January 1, 2000, to replace members whose terms expire in December 1999; the Board expects to announce its appointment of new members by year-end. Nomination letters should include information about past and present positions held by the nominee; a description of special knowledge, interests or experience related to community reinvestment, consumer credit, or other consumer financial services; and the current address and telephone number of both the nominee and the nominator. Individuals may nominate themselves.

The Board is interested in candidates who have some familiarity with consumer financial services or community reinvestment, and who are willing to express their viewpoints. Candidates do not have to be experts on all levels of consumer financial services or community reinvestment, but they should possess some basic knowledge of the area. They must be able and willing to make the necessary time commitment to prepare for and attend meetings three times a year (usually for two days, including committee meetings), held at the Board's offices in Washington, D.C. The Board pays travel expenses, lodging, and a nominal honorarium.

In making the appointments, the Board will seek to complement the background of continuing Council members in terms of affiliation and geographic representation, and to ensure the representation of women and minority groups. The Board may consider prior years' nominees and does not limit consideration to individuals nominated by the public when making its selection.

Council members whose terms end as of December 31, 1999, are: Wayne-Kent A. Bradshaw, President and Chief Executive Officer, Family Savings Bank, FSB, Los Angeles, California; Janet C. Koehler, President, Koehler Associates, Ponte Vedra Beach, Florida; Carol Parry, Executive Vice President, Chase Manhattan Bank, New York, New York; Philip Price, Jr., Executive Director, The Philadelphia Plan, Philadelphia, Pennsylvania; Marilyn Ross, Executive Director, Holy Name Housing Corporation, Omaha, Nebraska; Gail Small, Executive Director, Native Action, Lame Deer, Montana; and Yvonne S. Sparks, Vice President, NationsBank Community Investments Group, St. Louis, Missouri.

Council members whose terms continue through 2000 and 2001 are: Lauren Anderson, Executive Director, Neighborhood Housing Services of New Orleans, Inc, New Orleans, Louisiana; Walter J. Boyer, President, United Central Bank, Garland, Texas; Malcolm Bush, President, The Woodstock Institute, Chicago, Illinois; Mary Ellen Domeier, President, State Bank & Trust Company of New Ulm, New Ulm, Minnesota; Jeremy Eisler, Director of Litigation, South Mississippi Legal Services Corp., Biloxi, Mississippi; Robert F. Elliott, Retired Vice Chairman, Household International, Prospect Heights, Illinois; John Gamboa, Executive Director, The Greenlining Institute, San Francisco, California; Rose Garcia, Executive Director, Tierra del Sol Housing Corporation, Las Cruzes, New Mexico; Vincent Giblin, Chief Executive Officer, International Union of Operating Engineers, West Caldwell, New Jersey; Dwight Golann, Professor of Law, Suffolk University Law School, Boston, Massachusetts; Karla Irvine, Executive Director, Housing Opportunities Made Equal of Greater Cincinnati, Inc., Cincinnati, Ohio; Willie Jones, Deputy Director, The Community Builders, Inc., Boston, Massachusetts; Gwenn Kyzer, Vice President, Target Marketing Service Experian, Inc., Allen, Texas; John C. Lamb, Senior Staff Counsel, Department of Consumer Affairs, Legal Services Unit, Sacramento, California; Anne Li, Executive Director, New Jersey

Community Loan Fund, Trenton, New Jersey; Martha W. Miller, President, Choice Federal Credit Union, Greensboro, North Carolina; Daniel W. Morton, Vice President and Senior Counsel, The Huntington National Bank, Columbus, Ohio; David L. Ramp, Assistant Attorney General, State of Minnesota, St. Paul, Minnesota; Marta Ramos, Vice President & CRA Officer, Banco Popular De Puerto Rico, Hato Rey, Puerto Rico; Robert G. Schwemm, Professor Law, University of Kentucky, Lexington, Kentucky; David J. Shirk, Senior Vice President, Frontier Investment Company, Eugene, Oregon; Gary Washington, Senior Vice President, ABN AMRO, Chicago, Illinois; and Robert Wynn, II, Financial Education Officer, Department of Financial Institutions, Madison, Wisconsin.

Board of Governors of the Federal Reserve System, June 14, 1999.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 99–15693 Filed 6–18–99; 8:45a.m.]

Billing Code 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Request for Nominations of Members to the Advisory Committee on Blood Safety and Availability

AGENCY: Office of the Secretary.

ACTION: Announcement of request for membership nominations.

SUMMARY: The Office of the Secretary requests nominations of individuals to serve on the Advisory Committee on Blood Safety and Availability (ACBSA) in accordance with its charter. Appointments will be made for a term of four years. It is not necessary to re-nominate individuals previously nominated; all nominations previously received have been retained and remain active.

DATES: All nominations must be received at the address below by no later than 4 p.m. EDT July 23, 1999.

ADDRESSES: All nominations shall be submitted to Stephen D. Nightingale, M.D., Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201. Phone (202) 690–5560.

FOR FURTHER INFORMATION CONTACT: Stephen D. Nightingale, M.D., Executive Secretary, Advisory Committee on Blood Safety and Availability, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201. Phone (202) 690–5560.

Nominations

Persons nominated for membership should be from among authorities knowledgeable in blood banking, transfusion medicine, bioethics and/or related disciplines. Members shall be selected from State and local organizations, blood and blood products industry including manufacturers and distributors, advocacy groups, consumer advocates, provider organizations, academic researchers, ethicists, private physicians, scientists, consumer advocates, legal organizations and from among communities of persons who are frequent recipients of blood and blood products.

Information Required

Each nomination shall consist of a package that, at a minimum, includes:

A. The name, return address, daytime telephone number and affiliation of the individual being nominated, the basis for the individual's nomination, the category for which the individual is nominated and a statement that the nominated individual is willing to serve as a member of the committee;

B. The name, return address, daytime telephone number at which the nominator may be contacted. Organizational nominators must identify a principal contact person in addition to the contact information;

C. A copy of the nominee's curriculum vitae.

All nomination information for a nominee must be provided in a complete single package. Incomplete nominations will not be considered. Nomination materials must bear original signatures, and facsimile transmissions or copies are not acceptable.

Dated: June 14, 1999.

Stephen D. Nightingale,

Executive Secretary, Advisory Committee on Blood Safety and Availability.

[FR Doc. 99–15627 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Minority Health

Availability of Funds for Grants for the Minority Community Health Coalition Demonstration Program, HIV/AIDS

AGENCY: Office of the Secretary, Office of Minority Health.

ACTION: Notice of availability of funds and request for applications for the Minority Community Health Coalition Demonstration Grant Program, HIV/AIDS.

Purpose

The purpose of this Fiscal Year 1999 Minority Community Health Coalition Demonstration Grant Program, HIV/AIDS is to improve the health status, relative to HIV/AIDS, of targeted minority populations through health promotion and education activities. This program is intended to demonstrate the effectiveness of community-based coalitions involving non-traditional partners in:

(1) Developing an integrated community-based response to the HIV/AIDS crisis through community dialogue and interaction;

(2) Addressing sociocultural, linguistic and other barriers to HIV/AIDS treatment to increase the number of individuals seeking and accepting services; and

(3) Developing and conducting HIV/AIDS education and outreach efforts for hardly reached populations.

The overall goal is to increase the health status of minority populations by increasing the educational understanding of HIV/AIDS, increased testing, and improving the access to HIV/AIDS prevention and treatment services.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2000*, a PHS-led national activity of setting priority areas. This announcement, the Minority Community Health Coalition Demonstration Grant Program, HIV/AIDS, is related to four of the 22 priority areas (1) Alcohol and other drugs; (2) educational and community-based programs; (3) HIV Infection; and (4) sexually transmitted diseases. Potential applicants may obtain a copy of Health People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–0473–1) through the Superintendent of Documents,

Government Printing Office, Washington, DC 20402–9325 or telephone (202) 783–3238.

Background

The Minority Community Health Coalition Demonstration Grant Program, HIV/AIDS is based on the hypothesis that the community coalition approach to health promotion and education activities can be effective in reaching minority target populations—especially those most at risk or hardly reached. Among the merits of using coalitions is the higher likelihood that: (1) The intervention will be culturally and linguistically competent, credible and more acceptable to the target population; (2) the project will address HIV/AIDS within the context of related socio-economic issues; and (3) the effort will contribute to overall community empowerment by strengthening indigenous leadership and organizations. The OMH is continuing, through this announcement, to promote the utilization of community coalitions to develop and implement health promotion/education activities to specifically focus on HIV/AIDS. The OMH is also interested in involving those organizations in the coalition that have not traditionally been involved in HIV/AIDS prevention activities or services and outreach (e.g., sororities/fraternities, rotary clubs, religious affiliates) so that hardly reached populations (e.g. inmates, homeless, women at risk, youth) are provided the services they need. By including organizations that have not traditionally been involved in HIV/AIDS activities, the community coalition will expand its network and ability to access and serve these hardly reached populations. Applicants are also encouraged to establish linkages with other federally funded programs supporting HIV prevention and care to maximize these efforts.

Disproportionate Effect of HIV/AIDS on Minorities

Current statistics from the Centers for Disease Control and Prevention (CDC) indicate that Blacks and Hispanics are disproportionately represented among the more than 640,000 people with AIDS that have been reported in the United States. While Blacks and Hispanics respectively represent approximately 13% and 10% of the U.S. population, 45% of people with AIDS reported in 1997 were Black and 21% were Hispanic. Asian/Pacific Islanders and Native Americans respectively represent 4% and 1% of the U.S. population and currently each account for 1% of people with AIDS. During 1997, the rate of new AIDS cases per 100,000 population in the U.S. was 83.7 among Blacks, 37.7 among Hispanics, 10.4 among whites, 10.4 among American Indians/Alaska Natives, and 4.5 among Asians/Pacific Islanders. Although Asian/Pacific Islanders and Native Americans do not appear to be disproportionately affected by HIV infection, it is believed that the low rate may be due in part to undercounting issues, especially in the Native American population.

The behaviors that increase the risk of infection with HIV include: unprotected sexual intercourse; the sharing of HIV infected needles or other drug paraphernalia; and having numerous unprotected sexual partners (homosexual or heterosexual). People who engage in more than one of these behaviors, for example, individuals who have unprotected sex with someone who injects drugs and shares needles or other ''works'', are at especially high-risk. HIV infections associated with use of injected drugs involve not only drug users themselves, but their sex partners and infants as well. Users of non-injected drugs, e.g. crack, who sell sexual favors to support their habit often expose themselves to multiple potentially infected partners.

Surveillance data shows that a large proportion of AIDS cases among minorities are diagnosed in the 20 to 29 year old age group, indicating HIV infection in adolescence or early 20's. Given the data regarding the incidence of the disease among teenagers, adolescents and adults, it is imperative to conduct targeted outreach activities to implement comprehensive HIV/AIDS prevention and education programs in racial/ethnic communities to reach these populations.

HIV/AIDS and Sexually Transmitted Diseases (STDs)

The behaviors which place individuals at risk for other STDs also increase a person's risk of becoming infected with HIV. Prevention through individual behavior change is the only method currently available to stop the spread of HIV infection. According to the CDC, biological studies suggest both increased susceptibility to HIV infection and increased likelihood of infecting other people when STDs are present. STD surveillance can provide important indications of where HIV infection may spread, and where efforts to promote safer sexual behaviors should be targeted. Therefore, it is important that HIV education and prevention programs integrate STDs as health care problems associated with the high-risk behaviors underlying HIV transmission.

Eligible Applicants: Public and private, nonprofit minority community-based organizations which represent a community coalition of at least three discrete organizations (see definitions of Minority Community-Based Organizations, Community Coalition and AIDS Service Organization found in this announcement.) The applicant and at least one of the three organizations must have significant experience in conducting HIV/AIDS education, prevention and outreach activities. As the applicant, the minority community-based organization must have at least five years or more experience in HIV/AIDS. One of the three organizations must be an AIDS Service Organization (ASO) with at least three years of experience. Additionally, at least one of the coalition members must be an organization rooted in the community, but with limited experience conducting HIV/AIDS programs.

In order to maximize the use of the limited resources available for this program and to address efforts where the HIV/AIDS problem is most prevalent, eligible applicants must be located in one of the following 15 metropolitan statistical areas. These are the areas indicated by the CDC in its HIV/AIDS Surveillance Reports for 1996 and 1997 as having the highest number of newly reported AIDS cases in 1995, 1996 and 1997.

- Atlanta, GA
- Baltimore, MD
- Boston, MA
- Chicago, IL
- Dallas, TX
- Ft. Lauderdale, FL
- Houston, TX
- Los Angeles, CA
- Miami, FL
- New York, NY
- Newark, NJ
- Philadelphia, PA
- San Francisco, CA
- San Juan, PR
- Washington, DC

The minority community-based organization will: serve as the lead agency for the grant; be responsible for management of the project; and serve as the fiscal agent for the Federal grant awarded. The coalition membership must be documented as specified under the project requirements described in this announcement.

National organizations, universities and schools of higher learning are not eligible to apply. However, local affiliates of national organizations which meet the definition of a minority community-based organization are eligible. Currently funded OMH grantees are not eligible to apply (e.g., Minority Community Health Coalition

Demonstration Program, Bilingual/Bicultural Service Demonstration Program). Organizations are not eligible to receive funding from more than one OMH grant program.

Deadline: To receive consideration, grant applications must be received by the Office of Minority Health (OMH) Grants Management Office by July 21, 1999. Applications will be considered as meeting the deadline if they are: (1) Received on or before the deadline date, or (2) postmarked on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applications submitted by facsimile transmission (FAX) or any other electronic format will not be accepted. Applications which do not meet the deadline will be considered late and will be returned to the applicant unread.

Addresses/Contacts: Applications must be prepared using Form PHS 5161–1 (Revised May 1996 and approved by OMB under control Number 0937–0189). Application kits and technical assistance on budget and business aspects of the application may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852, telephone (301) 594–0758. Completed applications are to be submitted to the same address.

Questions regarding programmatic information and/or requests for technical assistance in the preparation of grant applications should be directed to Ms. Cynthia H. Amis, Director, Division of Program Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852, telephone (301) 594–0769.

Technical assistance is also available through the OMH Regional Minority Health Consultants (RMHCs). A listing of the RMHCs and how they may be contacted will be provided in the grant application kit. Additionally, applicants can contact the OMH Resource Center (OMH-RC) at 1–800–444–6472 for health information.

Availability of Funds: Approximately $2.5 million is to be available for award in FY 1999. It is projected that awards of up to $150,000 total costs (direct and indirect) for a 12 month period will be made to approximately 13–15 competing applicants.

Period of Support: The start date for the Minority Community Health Coalition Demonstration Program, HIV/AIDS grants is September 30, 1999. Support may be requested for a total project period not to exceed 3 years. Noncompeting continuation awards of up to $150,000 will be made subject to satisfactory performance and availability of funds.

Project Requirements: Each applicant to this demonstration grant program must:

(1) Propose to conduct a replicable, model program using an integrated community-based response to the HIV/AIDS crisis through community dialogue and interaction designed to improve the health status of targeted minority populations.

(2) Have a coalition capable of ensuring that the target population is provided with HIV/AIDS health promotion and education outreach activities that are linguistically, culturally and age appropriate especially for hardly reached populations.

(3) Engage minority communities in activities that will impact attitudes and perceptions in these communities to increase the number of individuals seeking and accepting services.

(4) The coalition must consist of at least three discrete organizations which include: (1) a minority community-based organization; (2) an ASO; and, (3) one organization rooted in the community with limited experience in HIV/AIDS activities. As the lead, the minority community-based organization must have at least five years of documented experience in conducting HIV/AIDS education and health promotion activities. The coalition must include an ASO with at least three years of documented experience to ensure that information dissemination on HIV/AIDS and related issues is current and accurate from a medical point of view. The coalition must also include at least one organization rooted in the community that has not traditionally been involved in HIV/AIDS activities.

(5) Provide signed documentation between the applicant and each coalition member which specifies, in detail: (a) the roles and resources that each entity will bring to the project, and (b) states the duration and terms of the agreement. The document must be signed by representatives with authority from all the member organizations including the applicant (e.g., president, chief executive officer, executive director).

Use of Grant Funds: Budgets of up to $150,000 total cost (direct and indirect) per year may be requested to cover costs of: personnel, consultants, supplies, equipment, and grant related travel. Funds may not be used for medical treatment, construction, building alterations, or renovations. All budget requests must be fully justified in terms of the proposed goals and objectives and include a computational explanation of how costs were determined.

Criteria for Evaluating Applications

Review of Application

Applications will be screened upon receipt. Those that are judged to be incomplete, non-responsive to the announcement or nonconforming will be returned without comment. Each applicant may submit no more than one proposal under this announcement. If an organization submits more than one proposal, all will be deemed ineligible and returned without comment. Accepted applications will be reviewed for technical merit in accordance with PHS policies. Applications will be evaluated by an Objective Review Panel chosen for their expertise in minority health, experience relevant to this program, and their understanding and knowledge of the health problems and risk factors confronting racial and ethnic minorities in the United States.

Applicants are advised to pay close attention to the specific program guidelines and general instructions provided in the application kit.

Application Review Criteria

The technical review of applications will consider the following generic factors.

Factor 1: Background (15%)

Adequacy of demonstrated knowledge of the problem at the local level; demonstrated need within the proposed community and target population; demonstrated support of local agencies and/or organizations, and established linkages in order to conduct proposed model; and extent and documented outcome of past efforts/activities with the target population.

Factor 2: Goals and Objectives (15%)

Merit of the objectives, their relevance to the program purpose and stated problem, and their attainability in the stated time frames.

Factor 3: Methodology (35%)

Appropriateness of proposed approach and specific activities for each objective and target group. Logic and sequencing of the planned approaches in relation to the objectives and program evaluation. Extent to which the applicant demonstrates access to the target population. Soundness of the established linkages.

Factor 4: Evaluation (20%)

Thoroughness, feasibility and appropriateness of the evaluation design, and data collection and analysis procedures. Clarity of the intent and plans to document the activities and their outcomes to establish a model. The potential for replication of the project for similar target populations and communities.

Factor 5: Management Plan (15%)

Applicant organization's capability to manage and evaluate the project as determined by: the qualifications of proposed staff or requirements for ''to be hired'' staff; proposed staff level of effort; management experience of the lead agency; and experience of each coalition member as it relates to its defined roles and the project.

Award Criteria

Funding decisions will be determined by the Deputy Assistant Secretary for Minority Health, Office of Minority Health and will take under consideration: recommendations/ratings of the review panels and geographic and racial/ethnic distribution. Consideration will also be given to projects proposed to be implemented in Empowerment Zones and Enterprise Communities in the 15 eligible metropolitan statistical areas and those which reach out to neighboring rural communities impacted by the HIV/AIDS epidemic.

Definitions

For purposes of this grant announcement, the following definitions are provided:

AIDS Service Organization (ASO)—A health association, support agency, or other service actively involved in the prevention and treatment of AIDS. (HIV/AIDS Treatment Information Service's Glossary of HIV/AIDS–Related Terms, March 1997.)

Community-Based Organization—Public and private, non-profit organizations which are representative of communities or significant segments of communities, and which address health and human services.

Community Coalition—At least three (3) discrete organizations and institutions in a community which collaborate on specific community concerns, and seeks resolution of those concerns through a formalized relationship documented by written memoranda of understanding/agreement signed by individuals with the authority to represent the organizations (e.g., president, chief executive officer, executive director).

Cultural Competency—A set of behaviors, attitudes, and policies that enable a system, agency, and/or individual to function effectively with culturally diverse clients and communities. (Randall-David, E., 1989)

Intervention—An activity or series of activities (e.g., information dissemination, educational activities, coordinated network-related activities) designed to alter or modify a condition or outcome, or to change behavior to reduce the likelihood of a preventable health problem occurring or progressing further.

Minority Community-Based Organizations—Public and private nonprofit community-based minority organization or a local affiliate of a national minority organization that has: a governing board composed of 51 percent or more racial/ethnic minority members, a significant number of minorities employed in key program positions, and an established record of service to a racial/ethnic minority community.

Minority Populations—American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian or Other Pacific Islander. (Revision to the Standards for the Classification of Federal Data on Race and Ethnicity, **Federal Register**, Vol. 62, No. 210, pg. 58782, October 30, 1997.)

Risk Factor—The environmental and behavioral influences capable of causing ill health with or without predisposition.

Sociocultural Barriers—Policies, practices, behaviors and beliefs that create obstacles to health care access and service delivery (e.g., cultural differences between individuals and institutions, cultural differences of beliefs about health and illness, customs and lifestyles, cultural differences in languages or nonverbal communication styles).

Reporting and Other Requirements

General Reporting Requirements

A successful applicant under this notice will submit: (1) progress reports; (2) an annual Financial Status Report; and (3) a final progress report and Financial Status Report in the format established by the Office of Minority Health, in accordance with provisions of the general regulations which apply under CFR 74.50–74.52.

Provision of Smoke-Free Workplace and Non-Use of Tobacco Products by Recipients of PHS Grants

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Public Health System Reporting Requirements

This program is subject to Public Health Systems Reporting Requirements. Under these requirements, a community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based organizations within their jurisdictions.

Community-based nongovernmental applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted: (a) a copy of the face page of the application (SF 424), and (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) a description of the population to be served, (2) a summary of the services to be provided, and (3) a description of the coordination planned with the appropriate State or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to the Office of Minority Health.

State Reviews

This program is subject to the requirements of Executive Order 12372 which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit to be made available under this notice will contain a listing of States which have chosen to set up a review system and will include a State Single Point of Contact (SPOC) in the State for review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the

application deadline established by the Office of Minority Health's Grants Management Officer.

The Office of Minority Health does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See ''Intergovernmental Review of Federal Programs'' Executive Order 12372 and 45 CFR Part 100 for a description of the review process and requirements).

Authority: This program is authorized under section 1707(e)(1) of the Public Health Service Act, as amended by Public Law 105–392.

(OMB Catalog of Federal Domestic Assistance: The OMB Catalog of Federal Domestic Assistance number for the Minority Community Health Coalition Demonstration Program is 93–137.)

Dated: June 9, 1999.

Nathan Stinson, Jr.,

Acting Deputy Assistant Secretary for Minority Health.

[FR Doc. 99–15635 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Minority Health

Availability of Funds for Grants for State and Territorial Minority HIV/AIDS Demonstration Grant Program

AGENCY: Office of the Secretary, Office of Minority Health.

ACTION: Notice of availability of funds and request for applications for State and Territorial Minority HIV/AIDS Demonstration Grant Program.

Purpose

The purposes of this Fiscal Year 1999 State and Territorial Minority HIV/AIDS Demonstration Program are to:

(1) Assist in the identification of needs within the state for HIV/AIDS prevention and services among minority populations by collection, analysis, and/or tracking of existing data on surveillance and existing providers of HIV services for minority communities;

(2) Facilitate the linkage of minority community-based organizations with other state and local recipients of federal funds for HIV/AIDS to develop greater resource capacity and interventions in the identified areas of need; and

(3) Assist in coordinating federal resources coming into high need, minority communities including identifying the different programs and facilitating access to federal technical assistance available to minority community-based organizations.

This program is intended to demonstrate that the involvement of State and Territorial Offices of Minority Health in coordinating a statewide response to the HIV/AIDS crisis in minority communities can have a greater impact on the communities' understanding of the disease, and the coordination of prevention and treatment services for minority populations, than agencies/organizations working independently.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and to improve the quality of life. This announcement relates to 4 of the 22 priority areas established by Healthy People 2000: (1) Alcohol and other drugs; (2) educational and community-based programs; (3) HIV infection; and (4) sexually transmitted diseases. Potential applicants may obtain a copy of the Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 Midcourse Review and 1995 Revisions (Stock No. 017–001–00526–6) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 or telephone (202) 783–8238.

Background

The Office of Minority Health's (OMH) mission is to improve the health of racial and ethnic minority populations through the development of health policies and programs that will help to address the health disparities and gaps. Consistent with its mission, the role of OMH is to serve as the focal point within the Department for service demonstrations, coalition and partnership building, and related efforts to address the health needs of racial and ethnic minorities. In keeping with this mission, OMH is establishing the State and Territorial Minority HIV/AIDS Demonstration Program to assist in addressing the HIV/AIDS issues facing minority communities across the United States. This program is based on the hypothesis that a broad, state-level approach to HIV/AIDS health care promotion and prevention can be effective in reaching minority populations by both defining existing needs of prevention and treatment, and supporting strategies to address these needs. It is anticipated that this approach will strengthen existing state activities in addressing this health issue by facilitating infrastructure development or expansion of State and Territorial Offices of Minority Health to: (1) Take a lead role in identifying major areas of need in minority communities; (2) link minority community-based organizations with other state and local partners in the identified areas of need; and (3) assist in coordinating federal resources coming into high need, minority communities including identifying the different programs and facilitating access to federal technical assistance available to minority community-based organizations.

Disproportionate Effect of HIV/AIDS on Minorities

Current statistics indicate that although advances have been made in the treatment of HIV/AIDS, this epidemic continues as a significant threat to the public health of the United States (U.S.). Despite showing a decline in the past two years, it remains a disproportionate threat to minorities. While African-Americans and Hispanics respectively represent approximately 13% and 10% of the U.S. population, approximately 36% of the more than 640,000 reported total AIDS cases are African-American and 18% are Hispanic. Asian/Pacific Islanders and Native Americans respectively represent 4% and 1% of the U.S. population and currently each account for less than 1% of the AIDS cases.

In 1997, more African-Americans were reported with AIDS than any other racial/ethnic group. Of the total AIDS cases reported that year, 45% (27,075) were reported among African-Americans, 33% (20,197) were reported among whites, and 21% (12,466) were reported among Hispanics. Among women and children with AIDS, African-Americans have been especially affected, representing 60% of all women reported with AIDS in 1997 and 62% of reported pediatric AIDS cases in 1997. During 1997, the rate of new AIDS cases per 100,000 population in the U.S. was 83.7 among African-Americans, 37.7 among Hispanics, 10.4 among whites, 10.4 among American Indians/Alaska Natives, and 4.5 among Asians/Pacific Islanders.

Data from a recent Centers for Disease Control and Prevention study (Trends in the HIV and AIDS Epidemic, 1998) comparing HIV and AIDS diagnoses in 25 states with integrated reporting systems provide a clearer picture of recent shifts in the epidemic. The study indicates that many of the new HIV diagnoses are occurring among African-Americans, women, and people infected heterosexually, with an increase also observed among Hispanics. During the period from January 1994 through June

1997, African-Americans represented 45% of all AIDS diagnoses, but 57% of all HIV diagnoses. Among young people (ages 13 to 24) diagnosed with HIV, 63% were among African-Americans and 5% were among Hispanics. Although some of the states with large Hispanic populations did not have integrated HIV/AIDS reporting and could not be included in this study, HIV diagnoses among Hispanics increased 10% between 1995 and 1996.

From this same study, for 1996, an estimated 17,250 African-American men and 6,750 African-American women were diagnosed with AIDS. For African-American men, 40% of the transmissions were among men who have sex with men, 38% were linked with injection drug use and 13% were due to heterosexual contact with an HIV infected person. For African-American women, 53% of the transmissions were due to heterosexual contact and 43% were linked with injection drug use. For this same year, an estimated 8,680 Hispanic men and 2,210 Hispanic women were diagnosed with AIDS. Of this number, 45% of the transmissions were among men who have sex with men, 38% were linked with injection drug use and 10% were due to heterosexual contact. For Hispanic women, 60% of the transmissions were due to heterosexual contact and 37% linked with injection drug use.

Eligible Applicants

Eligibility is limited to State and Territorial [1] Offices of Minority Health or, for those states and territories that do not have an established Office of Minority Health, a state or territorial minority health entity located within a State or Territorial Department of Health which functions in the capacity of an Office of Minority Health. (See Definitions in this announcement.) *Each state and territory may submit no more than one proposal under this announcement.*

Documentation to verify official status as a State or Territorial Office of Minority Health must include a signed statement from a state/territorial level authorizing official (e.g., Governor or designated official, Commissioner of Health or designee).

Documentation to verify official status as a state or territorial minority health entity must include a signed statement from the Commissioner of Health or designee in the Department of Health stating that the identified entity has been functioning in the capacity of a State or Territorial Office of Minority Health and describing the types of activities performed or being performed.

Letters of support and commitment to the demonstration project from both the State or Territorial Commissioner of Health and the Office of the Governor are required as part of the application.

Deadline

To receive consideration, grant applications must be received by the Office of Minority Health (OMH) Grants Management Office by July 21, 1999. Applications will be considered as meeting the deadline if they are: (1) Received on or before the deadline date, or (2) postmarked on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applications submitted by facsimile transmission (FAX) or any other electronic format will not be accepted. Applications which do not meet the deadline will be considered late and will be returned to the applicant unread.

Addresses/Contacts

Applications must be prepared using Form PHS 5161–1 (Revised May 1996). Application kits and technical assistance on budget and business aspects of the application may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852, telephone (301) 594–0758. Completed applications are to be submitted to the same address.

Questions regarding programmatic information and/or requests for technical assistance in the preparation of grant applications should be directed to Ms. Cynthia H. Amis, Director, Division of Program Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852, telephone (301) 594–0769.

Technical assistance is also available through the OMH Regional Minority Health Consultants (RMHCs). A listing of the RMHCs and how they may be contacted will be provided in the grant application kit. Additionally, applicants can contact the OMH Resource Center (OMH–RC) at 1–800–444–6472 for health information.

Availability of Funds

Approximately $3 million will be available for award in FY 1999. It is projected that awards of up to $150,000 total costs (direct and indirect) for a 12-month budget period will be made to approximately 20 competing applicants. The amount of funds requested should be based on the size and complexity of the proposed project.

Period of Support

The start date for the State and Territorial Minority HIV/AIDS Demonstration Program grants is September 30, 1999. Support may be requested for a total project period not to exceed 3 years. Noncompeting continuation awards of up to $150,000 will be made subject to satisfactory performance and availability of funds.

Project Requirements

Each applicant to this demonstration grant program must:

(1) Address the three purposes of the program announcement:

- Assist in the identification of needs within the state for HIV/AIDS prevention and services for minority populations by collection, analysis, and/or tracking of existing data on surveillance and existing providers of HIV services for minority communities. The use of geographic information systems and related techniques should be given due consideration as one of the tools to address this area;
- Facilitate the linkage of minority community-based organizations with other state and local recipients of federal funds for HIV/AIDS to develop greater resource capacity and interventions in the identified areas of need; and
- Assist in coordinating federal resources coming into high need, minority communities including identifying the different programs and facilitating access to federal technical assistance available to minority community-based organizations.

(2) Describe plans to establish a project advisory committee to assist the applicant in carrying out the activities specified in the project. The membership is to be comprised of five to seven individuals with the applicant serving as an ex officio member. Committee membership should include: a representative from a state Office on AIDS or state HIV/AIDS coordinator, an HIV/AIDS health care provider, a representative from an AIDS service organization serving a substantial number of people of color, and a minority person living with HIV/AIDS. Other potential members may include: a

[1] Includes all 50 states, the District of Columbia, American Samoa, Federated States of Micronesia, Guam, Marshall Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, and the Virgin Islands.

representative from an HIV/AIDS community planning committee or group (e.g., a group initiated by a local community; a group established under a Federal program, such as the HIV Prevention Cooperative Agreements projects supported by the Center for Disease Control and Prevention or Ryan White Planning Council), an outreach worker/social worker, or a consumer/patient advocate.

Use of Grant Funds

Budgets of up to $150,000 total cost (direct and indirect) per year may be requested to cover costs of: personnel, consultants, supplies, equipment, and grant related travel. Funds may not be used for medical treatment, construction, building alterations, or renovations. All budget requests must be fully justified in terms of the proposed goals and objectives and include a computational explanation of how costs were determined.

Criteria for Evaluation Applications

Review of Application

Applications will be screened upon receipt. Those that are judged to be incomplete, nonresponsive to the announcement or nonconforming will be returned without review. Each state and territory may submit no more than one proposal under this announcement. Accepted applications will be reviewed for technical merit in accordance with PHS policies. Applications will be evaluated by an objective review panel chosen for their expertise in minority health, experience relevant to this program, and their understanding and knowledge of the health problems and risk factors confronting racial and ethnic minorities in the United States.

Applicants are advised to pay close attention to the specific program guidelines and general instructions provided in the application kit.

Application Review Criteria

The technical review of applications will consider the following generic factors:

Factor 1: Background (15%)

Adequacy of demonstrated knowledge of the impact of HIV/AIDS on the state and within minority communities. Adequacy of the description of the HIV/AIDS problem confronting the state and minority communities and of the needs to be addressed. Extent of past efforts/activities in addressing HIV/AIDS in minority communities.

Factor 2: Goals and Objectives (15%)

Merit of objectives in addressing all three purposes stated in **Federal Register** notice and the identified problem. Extent to which objectives are attainable within the stated time frames.

Factor 3: Methodology (35%)

Appropriateness of proposed plan and specific activities for each objective (e.g., capacity to integrate surveillance data and an analysis of existing prevention and treatment delivery systems into a state-wide needs assessment for minority populations, partnership building, technical assistance and resource referral). Logic and sequencing of the planned approaches in relation to the objectives and program evaluation.

Factor 4: Evaluation (20%)

Thoroughness, feasibility and appropriateness of the evaluation design, and data collection and analysis procedures. Clarity of the intent and plans to document the activities and their outcomes. The potential for replication of the project for similar target populations and communities including the assessment of the utility of the different tools used to implement the program.

Factor 5: Management Plan (15%)

Applicant organization's capability to manage and evaluate the project as determined by: the qualifications of proposed staff or requirements for ''to be hired'' staff; proposed staff level of effort; and composition of proposed advisory committee (e.g., membership, role).

Award Criteria

Funding decisions will be determined by the Deputy Assistant Secretary for Minority Health, Office of Minority Health and will take under consideration: recommendations/ratings of the review panels; and geographic and racial/ethnic distribution. Consideration will also be given to projects proposed to be implemented in Empowerment Zones and Enterprise Communities.

Definitions

For purposes of this grant announcement, the following definitions are provided:

AIDS Service Organization (ASO)—A health association, support agency, or other service actively involved in the prevention and treatment of AIDS. (HIV/AIDS Treatment Information Service's Glossary of HIV/AIDS-Related Terms, March 1997.)

Minority Community-Based Organizations—Public and private nonprofit community-based minority organization or a local affiliate of a national minority organization that has: a governing board composed of 51 percent or more racial/ethnic minority members, a significant number of minorities employed in key staff positions, and an established record of service to a racial/ethnic minority community.

Minority Populations—American Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino, and Native Hawaiian or Other Pacific Islander. (Revision to the Standards for the Classification of Federal Data on Race and Ethnicity, **Federal Register**, Vol. 62, No. 210, pg. 58782, October 30, 1997.)

Needs Assessment—A systematic process whereby information (including epidemiologic data) is gathered in order to identify barriers to effective access to HIV/AIDS services at the state and local level, resulting in any number of outcomes including identification of risk factors, service gaps, infrastructure needs, strategic or action plans, and recommendations for policy changes.

State or Territorial Offices of Minority Health—An entity established by an Executive Order, a statute or a state/territorial health officer to improve the health of racial and ethnic populations.

State or Territorial Minority Health Entity—A unit or contact located within a State or Territorial Department of Health that addresses the health disparities experienced by minority populations.

Reporting and Other Requirements

General Reporting Requirements

A successful applicant under this notice will submit: (1) progress reports; (2) an annual Financial Status Report; and (3) a final project report and Financial Status Report in the format established by the Office of Minority Health, in accordance with provisions of the general regulations which apply under 45 CFR Part 92, Subpart C reporting requirements apply.

Provision of Smoke-Free Workplace and Non-Use of Tobacco Products by Recipients of PHS Grants

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. In addition, Pub. L. 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

State Reviews

This program is subject to the requirements of Executive Order 12372 which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit to be made available under this notice will contain a listing of States which have chosen to set up a review system and will include a State Single Point of Contact (SPOC) in the State for review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline established by the Office of Minority Health's Grants Management Officer. The Office of Minority Health does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See ''Intergovernmental Review of Federal Programs'' Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements).

(OMB Catalog of Federal Domestic Assistance: The OMB Catalog of Federal Domestic Assistance number for this program is pending.)

Authority: This program is authorized under section 1707(e)(1) of the Public Health Service Act, as amended by Public Law 105–392.

Dated: June 9, 1999.

Nathan Stinson, Jr.,

Acting Deputy Assistant Secretary for Minority Health.

[FR Doc. 99–15634 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–148]

Public Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces those sites for which ATSDR has completed public health assessments during the period January 1999 through March 1999. This list includes sites that are on or proposed for inclusion on the National Priorities List (NPL), and includes sites for which assessments were prepared in response to requests from the public.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments was published in the **Federal Register** on March 30, 1999, [64 FR 15168]. This announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities [42 CFR Part 90]. This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604(i)].

Availability

The completed public health assessments and addenda are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 605–6000. NTIS charges for copies of public health assessments and addenda. The NTIS order numbers are listed in parentheses following the site names.

Public Health Assesssments Completed or Issued

Between January 1, 1999, and March 31, 1999, public health assessments were issued for the sites listed below:

NPL Sites

Alabama

USA Annniston Army Depot—Bynum—(PB99–123846).

California

Castle Air Force Base—Atwater—(PB99–139248).

Moffet Naval Air Station (a/k/a Moffett Federal Airfield)—Mountain View—(PB99–128910).

Connecticut

Former Clock Factories—Bristol—Thomaston—Waterbury—(PB99–128548).

Georgia

Griffith Oil Company—Arcade—(PB99–134769).

Idaho

USAF Mountain Air Force Base—Mountain Home AFB—(PB99–128258).

Maine

Loring Air Force Base—Limestone—(PB99–134231).

New Mexico

Rinchem Company Incorporated (a/k/a Old Rinchem Incorporated)—(PB99–123853).

Tennessee

American Bemburg Plant—Elizabethton—(PB99–129017).

Virginia

Greenwood Chemical Company—Greenwood—(PB99–132987).

U.S. Titanium—Piney River—(PB99–132979).

Non NPL Petitioned Sites

Georgia

Escambia Brunswick Wood (a/k/a Brunswick Wood Preserving)—(PB99–128993).

Illinois

West Pullman Iron & Metal (a/k/a West Pullman/Victory Heights)—Chicago—(PB99–134397).

Dated: June 14, 1999.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 99–15618 Filed 6–18–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99155]

Non-Invasive Diagnosis of Viral and Bacterial Sexually Transmitted Diseases (STDs) in Sexually Assaulted Female Adolescents and Children; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1999 funds for a cooperative agreement program for non-invasive diagnosis of viral and bacterial sexually transmitted diseases (STDs) in sexually assaulted female adolescents and children. This program addresses the ''Healthy People 2000'' priority area of Immunization and Infectious Diseases. The purpose of the program is to assist Child Protection and Child Abuse and Assault Intervention Centers (CPCs) in conducting investigations to achieve the project goals to (1) evaluate use of non-invasive specimens with less discomfort for the patient, and greater ease of storage, transport and sensitivity, for diagnosis of STDs; (2) study the epidemiology of viral STDs among sexually abused and non-abused children and adolescents, specifically exploring the significance of infection with various human papilloma virus (HPV) types and herpes simplex virus (HSV–2), and; (3) determine usefulness, if any, of non-invasive assays for viral STDs in increasing certainty of abuse assessment. These funds would enable CPCs to evaluate, in real world settings, the modalities in the diagnosis of STDs and their role in the determination, in children, that sexual abuse has taken place.

B. Eligible Applicants

Assistance will be provided only to recognized CPCs or their bona fide agents. For the purpose of this announcement, CPCs are limited to facilities, including emergency rooms, urgent care facilities, and child protection services that examine at least 300 patients, female children (aged 3–13 years of age) and adolescents (13 years 1 day to 20 years of age), for possible sexual abuse or assault. Applicants need to be facilities that obtain laboratory diagnostic testing for STDs as part of these examinations.

Note: Pub. L. 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $80,000 is available in FY 1999, to fund one award. It is expected that the average award will be $80,000. It is expected that the award will begin on or about September 30, 1999 and will be made for a 12-month budget period within a project period of up to five years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Design a protocol to:

1. Evaluate the sensitivity and specificity of urine nucleic acid amplification tests for *C. trachomatis* and *N. gonorrhoeae* relative to the ''gold standard'' of cultures performed at the laboratory(ies) at which the applicant normally has its diagnostic tests performed. A ''gold standard'' is the test to which experimental tests will be compared;

2. Perform routine diagnostic tests on children and adolescents in whom sexual abuse or assault is suspected, including vaginal or cervical cultures for *C. trachomatis* and *N. gonorrhoeae;* HSV cultures and/or other tests as judged appropriate by applicant in a Clinical Laboratory Improvement Act (CLIA) approved laboratory;

3. Evaluate the significance relative to certainty of sexual abuse, of finding antibody to HSV 2 or HPV by serologic tests.

4. Evaluate the significance, by HPV type, of genital warts, relative to certainty of sexual abuse.

b. Conduct epidemiologic studies to assess certainty of abuse in children, by whether they present with each of a variety of common complaints related to sexual abuse, including genital lesions, witnessed or reported abuse, etc.

c. Analyze and summarize data from these studies in collaboration with CDC and other funded applicants for presentation, publication, and revision of current child sexual abuse and adolescent sexual assault guidelines.

2. CDC Activities

a. Provide consultation and scientific and technical assistance in designing the protocol, collecting study specimens, and conducting the studies.

b. Assist in the development of a research protocol for IRB review by all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

c. Conduct experimental tests not performed by applicant (including HPV and HSV 2 serologic tests, *C. trachomatis* and *N. gonorrhoeae* urine nucleic acid amplification tests, and type-specific HPV tests for genital warts), blinded to the certainty of abuse.

d. Assist in analysis and interpretation of data and participate in the timely dissemination of findings and information stemming from these studies.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than [12] double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available in the application kit. On or before August 15, 1999, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement. Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received prior to the submission to the review panel. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background

The extent to which the applicant in the Background section demonstrates a clear understanding of this program and its main goals. The extent to which applicant demonstrates a clear understanding of the requirements, responsibilities, problems, constraints and complexities that may be encountered in conducting this study. (10 points).

2. Technical Approach

The extent to which the applicant defined clearly the population base from which the participants will be enrolled. The extent to which the applicant defines a population base for the study that is appropriate in size and diversity, with high enough number of children and adolescents presenting with possible, probable or certain abuse or assault, and with high enough prevalence of the infections of interest for the accomplishment of proposed activities. The extent to which the applicant clearly describes a population served in 1998, how they came to the attention of the CPC, how the decision was made to test or not test for STDs, the outcome of these laboratory tests and how the determination of certainty of abuse was made. (20 points).

3. Capacity

The extent to which the applicant demonstrates its capacity and ability to maintain a sufficient number of female children possibly, probably or definitely abused by demonstrating referral sources, and collaboration in past or on-going studies. The extent to which the applicant demonstrates its ability to develop and maintain strong cooperative relationships with various public and private local and regional medical, public health, community-based and academic organizations. The extent to which applicant demonstrates its ability to collaborate with other public and private organizations for conducting public health research projects and/or activities related to sexual abuse and/or STDs in children and adolescents. The extent to which applicant provides letters of support from non-applicant participating agencies, institutions, organizations, individuals, consultants, etc., indicating their willingness to participate, as represented in applicant's operational plan, in conducting the study. (25 points).

4. Operational Plan

a. The extent to which the applicant's proposed plan for conducting the study and the protocol is detailed and clearly describes the proposed organizational and operating structure/procedures and clearly identifies the roles and responsibilities of all participating agencies, organizations, institutions, and individuals. The extent to which the applicant describes plans for conducting the project. The extent to which the applicant's plan addresses all Recipient Activities listed in this announcement and appears feasible and capable of accomplishing the purpose of the program. The extent to which the applicant covers Recipients Activities explained in this announcement (15 points).

b. The extent to which the applicant proposal demonstrates support from applicant's institution and consistency with the intent of the RFA, its feasibility, quality of methodology and documentation of plans for recruitment and enrollment of study participants (10 points).

c. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

(1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process for study establishing partnerships with community(ies) and recognition of mutual benefits. (5 points).

5. Personnel Qualification and Management Plan

The extent to which the applicant identifies its own professional and support staff, and professional and support staff from other agencies, institutions, and organizations, that have the experience, authority and willingness to carry out recipient activities as evidenced by job descriptions, curriculum vitae, organizational charts, etc. The extent to which the applicant describes an approach to maintain a sufficiently flexible staffing pattern. (10 points).

6. Evaluation Plan

The extent to which applicant provides an adequate evaluation plan, which includes time-based and outcome-based criteria. The quality of the proposed plan for monitoring accomplishments. The quality of the proposed evaluation plan for monitoring progress in achieving the purpose and overall goals of this program. (5 points).

7. Budget

The extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of the awarded funds. The extent to which both Federal and non-Federal (e.g., state funding) contributions are presented. (Not scored).

8. Human Subjects

Does the application adequately address the requirements of Title 45 CFR part 46 for the protection of human subjects? (Not scored).

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. Progress reports (semiannual);
2. Financial status report, no more than 90 days after the end of the budget period; and
3. Final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2000
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Public Health Service Act, sections 301(a) (42 U.S.C. 241(a)) and 317(k)(2) (42 U.S.C. 247b(k)(2)), as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

To receive additional written information and to request an application kit, call 1–888–GRANTS4

(1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest, 99155.

See also the CDC home page on the Internet web site at http://www.cdc.gov and the program and grants office web site for additional funding opportunities and electronic versions of all necessary forms (www.cdc.gov/od/pgo/forminfo.htm).

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Gladys T. Gissentanna, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone Number: 770–488–2753, Email Address: gcg4@cdc.gov.

For program technical assistance, contact: Dr. Consuelo Beck-Sague, Office of Minority Health, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Atlanta, GA 30333, Telephone Number: 404–639–3467, Email Address: cmb1@cdc.gov.

Dated: June 15, 1999.

Henry S. Cassell,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–15652 Filed 6–18–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 99090]

Intervention Research Addressing the Primary and Secondary Prevention Needs of HIV-Seropositive Injection Drug Users Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) and the Health Resources and Services Administration (HRSA) announce the availability of fiscal year (FY) 1999 funds for a cooperative agreement program to support intervention research on the primary and secondary prevention needs of HIV-seropositive injection drug users (IDUs). This announcement addresses the ''Healthy People 2000'' priority area Human Immunodeficiency Virus (HIV) Infection.

The purpose of this announcement is to support intervention research for HIV-seropositive IDUs that leads to the development of effective, feasible, and sustainable interventions having three goals: (1) To prevent HIV transmission due to high risk sexual and drug injection behaviors; (2) to increase access to, use of, and maintenance in primary health care; and (3) to increase access to, use of, and adherence to HIV treatments, including prophylaxis to prevent opportunistic infections.

Consistent with this purpose, funding under this program will support: (1) One year for intervention refinement and piloting of intervention strategies and components, in collaboration with other funded sites; (2) three years for a multi-site randomized controlled trial to test behavioral/biomedical interventions and strategies for this population; and (3) one year for data analysis and dissemination of research findings.

The intervention proposed for the trial must be based on behavioral theory as well as: (1) Prior research on sexual and drug injection practices among IDUs that lead to HIV/STD risk; and (2) prior research or research data on either adherence to HIV treatment or access to health care. The ultimate goal of this research is the identification of successful intervention strategies for HIV-seropositive IDUs, with an emphasis on IDUs newly diagnosed as HIV seropositive (within the past three years). It is expected that these strategies will integrate behavioral and biomedical approaches and will lead to models that are appropriate for implementation in community settings (e.g., local health departments, community-based organizations, health maintenance organizations) and that are suitable for replication in other communities.

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.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan or any other form.

C. Availability of Funds

Approximately $2,000,000 is available in FY 1999 to fund three to five awards. It is expected that the average award for the first year will be $500,000. An application requesting greater than $600,000, including indirect costs, in year one will not be considered for review and will be returned to the applicant.

Awards are expected to begin on or about **September 30, 1999**. Awards will be made for a 12-month budget period within a total project period of up to five years. It is anticipated that increased funding may be available in years 2–4 to support the randomized controlled trial and in year 5 to support data analysis and dissemination of research findings. Funding estimates may vary and are subject to change based on the availability of funds.

Continuation awards within the project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Funding Preference

In order to promote research and interventions that address the needs of diverse regions of the United States, geographic diversity may be a factor considered in funding decisions. The recruitment area for funded applicants may not overlap. In addition, applicants must demonstrate that intervention programs and research studies for HIV-seropositive IDUs that are currently being conducted in the applicant's catchment area will not jeopardize the success of the proposed research.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities identified under Recipient Activities and CDC and HRSA will be responsible for the activities identified under CDC and HRSA Activities.

1. Recipient Activities

a. Refine and pilot test intervention strategies and components.

b. Develop plans for active collaboration during the entire project with local health departments, medical service providers, members of the affected population, their service providers, and community organizations.

c. Develop research protocols and data collection instruments appropriate to conduct a multi-site randomized controlled intervention trial.

d. Develop plans to collect prospective cost data for the intervention to allow estimates of the

cost of replicating the intervention elsewhere.

e. Establish procedures to maintain the rights and confidentiality of study participants.

f. Submit research protocols to the recipient's Institutional Review Board (IRB).

g. Identify, recruit, and enroll at least 200 research participants according to the study protocol.

h. Collect biological specimens to verify HIV serostatus and assess the presence of sexually transmitted diseases and other blood borne pathogens.

i. Contribute blood specimens (at least every 6–12 months depending on the protocol requirements) for shipment and storage at a centralized repository system at CDC.

j. Summarize the data from the intervention trial, conduct data analyses, and disseminate findings in peer-reviewed journals and at professional meetings.

k. Meet three or four times each year with other funded sites, CDC, and HRSA to discuss research and intervention protocols.

l. Obtain certificate of confidentiality to protect research records.

2. CDC and HRSA Activities

a. Provide scientific and technical assistance and coordination, as requested, for all phases of the study.

b. As needed, participate in the analysis of data gathered from research projects and the reporting of results.

c. Facilitate group meetings with the sites to allow for the exchange of information and for input into the development and refinement of the research and intervention protocol.

d. Conduct site visits to assess program progress.

e. Assist in the development a research protocol for IRB review by each institution participating in the research project as well as the CDC IRB. CDC IRB also will review the projects on at least an annual basis until the research is complete.

f. Arrange meetings with the External Working Group (EWG) convened by CDC. The EWG is an independent advisory group made up of non-CDC experts who will provide input on the scientific, methodological, and ethical aspects of the research and intervention protocol. The EWG will act like a data safety monitoring board during the intervention trial.

g. Assist the sites in obtaining certificates of confidentiality to protect research records.

E. Application Content

You must document that this proposal is consistent with the Statewide Coordinated Statement of Need document from your area or provide a rationale for any discrepancies. Note: This initiative is supported, in part from funds provided under the Special Projects of National Significance Program of the Ryan White Comprehensive AIDS Resource Emergency Act. Section 2691(f) indicates that the Secretary may not make a grant under this program ''unless the applicant submits evidence that the proposed program is consistent with the Statewide Coordinated Statement of Need, and the applicant agrees to participate in the ongoing revision process of such statement of need.''

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The application may not exceed 40 double-spaced pages in length, excluding appendices. (The appendices are the appropriate location for curriculum vitae, references, letters of support, and memoranda of agreement documenting collaboration with other agencies.) Provide a one-page abstract of the proposal. Number all pages clearly and sequentially and include a complete table of contents to the application and its appendices. Submit the original and five copies of the application UNSTAPLED and UNBOUND. Print all material, double spaced, in a 12-point or larger font on 8½″ by 11″ paper, with at least 1″ margins and printed on one side only.

Use the following outline.

1. Experience With Relevant Research and Familiarity With HIV-Seropositive Injection Drug Users

a. Describe prior research and, if appropriate, service provision to IDUs, and particularly, HIV-seropositive IDUs. Describe methods used to collect prior data among IDUs regarding (1) HIV transmission risk and its correlates, AND (2) either access to, use of, and maintenance in health care, OR, access to, use of, and adherence to HIV treatments;

b. Demonstrate familiarity with issues faced by HIV-seropositive IDUs in coping with HIV, maintaining safer sex and injection practices, accessing and utilizing health care, and adhering to various HIV treatments such as antiretroviral treatment as well as medications used to prevent opportunistic infections. Applicant should describe both its own research experience with any of these issues as well as provide a review of the scientific literature.

c. Describe the characteristics of HIV-seropositive IDUs in the proposed study population, including demographic, drug taking, and other relevant characteristics;

d. Describe procedures for involving the target population, their advocates, or service providers in the design of research and intervention activities:

(1) A statement as to how the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities; and

(2) The proposed plan for the inclusion of racial and ethnic minority populations and women for appropriate representation, and justification when representation is limited or absent.

2. Access to a Sufficient Number of HIV-Seropositive Injection Drug Users

a. Describe methods previously used to recruit and follow research samples of IDUs, particularly HIV seropositive IDUs, and document the ability to recruit and follow at least 200 HIV-seropositive injection drug users for the proposed research activities (including at least 100 IDUs newly diagnosed as HIV seropositive within the past three years).

b. Describe linkages and relationships with organizations providing medical and psycho social services to HIV-seropositive IDUs and how participants will be referred to these services as needed.

c. Demonstrate knowledge of the health care system available to the targeted population, specifically HIV outpatient medical care. Provide detail regarding ability to access care, ability to access HIV treatments, monitoring of adherence to medications, the process for appointment setting and follow-up, etc.

d. In the appendix, include a table of any intervention studies and prevention programs for HIV seropositive IDUs that you are conducting or that you are aware of in the proposed recruitment area. In this table, include target population; proposed activities; sites for recruitment, intervention, or data collection activities and provide a narrative describing potential overlap and plans to coordinate efforts (if any) to minimize overlap.

3. Intervention Research Plan

a. Propose an integrated behavioral/biomedical intervention that will

promote the three primary objectives: decreasing sexual and injection risk behavior, increasing access to and maintenance in primary health care, and increasing adherence to HIV treatments;

b. Describe the research design and methods that are proposed for the intervention. Include information about the research hypotheses, randomization procedures, primary (behavioral and biological) and secondary (relevant mediating variables) outcome measures, the reliability and validity of measures that will be used, and procedures for maximizing external and internal validity (e.g., sampling strategies and retention procedures, respectively);

c. Provide a detailed description of the proposed intervention and comparison conditions and give a rationale for each. Clearly specify the way in which the proposed intervention activities are based on findings from prior research and behavioral theory (include the intervention curriculum in the Appendix);

d. Propose a method for conducting a prospective cost analysis (excluding research costs) so the costs of the intervention will be available for replication purposes;

e. Describe procedures for obtaining informed consent and maintaining participant confidentiality;

f. Describe plans to develop specific documents necessary to replicate the intervention (if effective) and to disseminate study findings to community and scientific audiences.

4. Plan for Intervention Refinement and Piloting

Describe plans to refine and pilot the intervention to improve its acceptability to and feasibility with the target population;

5. Research and Intervention Capability

a. Describe the research team and organizational setting;

b. Describe the professional training and relevant research experience of all scientific staff;

c. Describe prior experience collecting biologic data (especially from IDUs) and conducting biomedical research in a behavioral context;

d. Include in the appendix memoranda of agreement that clearly and specifically document activities to be performed by any external agreements, consultants, or collaborating agencies under the cooperative agreement. Clearly indicate roles, responsibilities, and staffing provided by these collaborators.

6. Staffing, Facilities, and Time Line

a. Explain the proposed staffing, percentage of time each staff member commits to this and other projects, and division of duties and responsibilities for the project;

b. Describe the arrangements that you have made for facilitating access to primary health care for project participants;

c. Identify and describe key roles of behavioral scientists, biomedical scientists, and other staff essential to the completion of the project;

d. Describe support activities such as project oversight or data management that will contribute to the completion of all research activities;

e. Provide a statement that project staff will attend three or four meetings each year with CDC and HRSA staff and staff from other recipient sites;

f. Describe existing facilities (including ability to collect and store biologic data), equipment, computer software, and data processing capacity;

g. Describe the procedures to ensure the security of research data (including biologic data); and

h. Provide a time line for the completion of the proposed research.

7. Budget: Provide a Detailed, Line-Item Budget for the Project and a Budget Narrative That Justifies Each Line-Item.

F. Submission and Deadline

Submit the original and five copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are in the application kit.

On or before **August 6, 1999,** submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Application shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

If your application does not arrive in time for submission to the independent review group, it will not be considered in the current competition unless you can provide proof that you mailed it on or before the deadline (*i.e.*, receipt from U.S. Postal Service or a commercial carrier; private metered postmarks are not acceptable).

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Experience With Relevant Research and Familiarity With HIV-Seropositive Injection Drug Users (20 points)

a. Extent of applicant's knowledge of issues faced by HIV-seropositive IDUs, as demonstrated by prior research and review of the scientific literature, and applicant's experience in working with this population;

b. Evidence of: (1) Prior research on the correlates of sexual and injection risk behavior, and (2) research or research data on access to medical care, or adherence to HIV treatments among HIV-seropositive IDUs; and overall quality of research in all 3 areas;

c. Description of proposed study population and rationale for focusing on specific subgroups, if any;

d. Feasibility of plans to involve HIV-seropositive IDUs, their advocates, or service providers in the development of research and intervention activities.

2. Access to a Sufficient Number of HIV-Seropositive Injection Drug Users (20 points)

a. Quality of methods used to recruit and follow IDUs for prior studies, and particularly the quality of methods used to recruit HIV-seropositive IDUs and achieve high follow-up rates;

b. Evidence of ability to recruit at least 200 HIV-seropositive IDUs, including at least 100 newly diagnosed IDUs (diagnosed with HIV infection or AIDS in the past three years);

c. Existence of linkages to facilitate recruitment from and referral to programs providing services for HIV-seropositive IDUs;

d. Feasibility of proposed intervention given other intervention studies and prevention programs for HIV-seropositive IDUs being conducted by applicant or other investigators in the same greater metropolitan area;

3. Intervention Research Plan, and the Degree to Which the Applicant Has Met the CDC Policy Requirements Regarding the Inclusion of Ethnic and Racial Groups and Women in the Proposed Research (25 points)

a. Intervention Research Plan.

1. Quality, feasibility, and theoretical bases of the suggested biomedical/behavioral intervention;
2. Appropriateness of proposed research hypotheses and intervention outcome measures;
3. Quality and scientific rigor of the proposed research design and methods for the intervention trial;
4. Quality of the rationale for the curricula for the intervention and comparison conditions, including the extent to which intervention activities are based on findings from prior research and behavioral theory;
5. Ability to collect data for tracking costs (excluding research costs) to conduct a prospective cost analysis;
6. Adequacy of procedures for obtaining informed consent and maintaining participant confidentiality; and
7. Quality of plans to develop appropriate materials for intervention replication and to disseminate study findings to community and scientific audiences.

b. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of ethnic and racial groups and women in the proposed research.

1. The proposed plan for the inclusion of racial and ethnic minority populations and women for appropriate representation;
2. The proposed justification when representation is limited or absent;
3. A statement as to whether the design of the study is adequate to measure differences when warranted; and
4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

4. Plan for Intervention Refinement and Piloting (10 points)

Quality of the proposed plan to refine and pilot test the proposed intervention.

5. Research and Intervention Capability (20 points)

a. Ability of the applicant to conduct the proposed research as reflected in the training, research, and behavioral intervention experience of staff members;

b. Ability of the applicant to collect and monitor biologic data as reflected in prior experience;

c. Extent to which services to be provided by external experts, consultants, or collaborating agencies are documented by memoranda of agreement in the appendix, including a clear indication of roles, responsibilities, and staffing provided by these collaborators.

6. Staffing, Facilities, and Time Line (5 points)

a. Availability of qualified and experienced personnel with sufficient time dedicated to the proposed project. Presence of behavioral scientists in key leadership positions on the project;

b. Availability of persons with biomedical expertise on the research staff and among other project personnel to assure competent and appropriate collection and storage of biological specimens;

c. Clarity of the described duties and responsibilities of project personnel, including support personnel for project oversight and data management, as well as a clear plan for facilitating access to primary health care for participants;

d. Stated agreement to meet three or four times each year with CDC and HRSA staff and staff from other recipient sites to discuss and provide input to each site throughout the 5-year project;

e. Adequacy of the facilities (including ability to collect and store biologic data), equipment, data management resources, and systems for ensuring data security and;

f. Specificity and reasonableness of time line.

7. Does the application adequately address the requirements of Title 45 CFR part 46 for the protection of human subjects? (not scored)

8. Budget (not scored)

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of funds.

H. Other Requirements

1. Technical Reporting Requirements Provide CDC with original plus two copies of

a. semi-annual progress reports, no more than 30 days after the end of each reporting period. The progress reports must include the following for each program, function, or activity involved:

(1) A comparison of accomplishments of the goals established for the period;

(2) Reasons that any goals were not met and;

(3) A description of steps taken to overcome barriers to the goals for the period.

b. financial status report, no more than 90 days after the end of the budget period; and

c. final financial status and performance reports, no more than 90 days after the end of the project period. Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

2. The following additional requirements are applicable to this program. For a complete description of each, see Attachments.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Racial and Ethnic Minorities in Research
AR–4 HIV/AIDS Confidentiality Provisions
AR–5 HIV Program Review Panel Requirements
AR–6 Patient Care
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2000
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301 and 317(k)(2), of the Public Health Service Act [42 U.S.C. 241 and 247b(k)(2)], as amended. The HRSA Special Projects of National Significance (SPNS) program is authorized by section 2691 of the Public Health Service Act (42 U.S.C.300ff–10). The Catalog of Federal Domestic Assistance number is 93.941.

J. Where To Obtain Additional Information

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest. You may also view this and all other CDC/ATSDR competitive Program Announcements, and download application forms, via the Internet at http://www.cdc.gov.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from:

Brenda Hayes, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Mail Stop E–15, Atlanta, GA 30341–4146, telephone: (770) 488–2720; Email: bkh4@cdc.gov.

Programmatic technical assistance may be obtained from: Robert Kohmescher, Centers for Disease Control and

Prevention (CDC), 1600 Clifton Road, NE, Mail Stop E–44, Atlanta, GA 30333, telephone (404) 639–1914 Email HTTP://WWW.RNK1.CDC.GOV or

Jeff Efird, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE, Mail Stop E–45, Atlanta, GA 30333 telephone (404) 639–6136, Email HTTP://WWW.JLE1@cdc.gov

Dated: June 15, 1999.

Henry S. Cassell III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–15632 Filed 6–18–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98C–0790]

EM Industries, Inc.; Filing of Color Additive Petition; Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the filing notice for a color additive petition filed by EM Industries, Inc., to clarify that the petitioner's request is to amend the color additive regulations to provide for the safe use of composite pigments made from synthetic iron oxide, titanium dioxide, and mica to color food.

FOR FURTHER INFORMATION CONTACT: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3076.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 25, 1998 (63 FR 51359), FDA announced that a color additive petition (CAP 8C0262) had been filed by EM Industries, Inc., 7 Skyline Dr., Hawthorne, NY 10532. The petition proposed to amend the color additive regulations to provide for the safe use of synthetic iron oxide and mica to color food and to provide for the safe use of titanium dioxide to color food at levels higher than the current limit.

The data in the petition indicated that the petitioner manufactured color additives, to color food, by combining synthetic iron oxide, mica, and titanium dioxide. Based on these data, at the time of the filing of the petition, FDA considered the color additive combinations the petitioner prepared from synthetic iron oxide, mica, and titanium dioxide to be color additive mixtures.

To more accurately describe the pigments that are the subjects of this petition, FDA is amending the filing notice of September 25, 1998, to indicate that the petition proposes to amend the color additive regulations to provide for the safe use of composite pigments prepared from synthetic iron oxide, mica, and titanium dioxide to color food.

The agency has determined under 21 CFR 25.32(r) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: June 2, 1999.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–15661 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99F–1867]

Asahi Chemical Industry Co. and Japan Synthetic Rubber Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Asahi Chemical Industry Co. and Japan Synthetic Rubber Co. have filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,4-diphenyl-4-methyl-1-pentene (common name alpha-methylstyrene dimer) in the manufacture of coatings for food-contact paper and paperboard.

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3095.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 9B4666) has been filed by Asahi Chemical Industry Co. and Japan Synthetic Rubber Co., c/o Environ International Corp., 4350 North Fairfax Dr., suite 300, Arlington, VA 22203. The petition proposes to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) and § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of 2,4-diphenyl-4-methyl-1-pentene (common name alpha-methylstyrene dimer) in the manufacture of coatings for food-contact paper and paperboard.

The agency has determined under 21 CFR 25.32(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: June 2, 1999.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–15662 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1833]

SoloPak Laboratories, Inc.; Withdrawal of Approval of 1 New Drug Application and 38 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 1 new drug application (NDA) and 38 abbreviated new drug applications (ANDA's). SoloPak Laboratories, Inc., notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: July 21, 1999.

FOR FURTHER INFORMATION CONTACT: Olivia A. Pritzlaff, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: SoloPak Laboratories, Inc., 1845 Tonne Rd., Elk Grove Village, IL 60007–5125, has informed FDA that the drug products listed in the following table are no longer marketed and has requested that FDA withdraw approval of the applications. SoloPak Laboratories, Inc.,

has also, by its request, waived its opportunity for a hearing.

Application No.	Drug
NDA 19–961	Ganite (gallium nitrate)
ANDA 62–507	Gentamicin Sulfate Injection USP, 10 and 40 milligrams (mg)/milliliter (mL)
ANDA 62–605	Kanamycin Sulfate Injection USP, 500 mg/2 mL and 75 mg/2 mL and 1 gram/3 mL
ANDA 62–819	Clindamycin Phosphate Injection USP, 150 mg/mL
ANDA 62–852	Clindamycin Phosphate Injection USP, 150 mg/mL
ANDA 70–046	Dopamine Hycrochloride Injection USP, 40 mg/mL
ANDA 70–047	Dopamine Hycrochloride Injection USP, 80 mg/mL
ANDA 70–078	Furosemide Injection USP, 10 mg/mL
ANDA 70–137	Propranolol Hydrochloride Injection USP, 1 mg/mL
ANDA 70–623	Metoclopramide Injection USP, 5 mg/mL
ANDA 70–633	Nitroglycerin Injection USP, 5 mg/mL
ANDA 70–696	Verapamil Hydrochloride Injection USP, 2.5 mg/mL
ANDA 70–801	Haloperidol Lactate Injection USP, 5 mg/mL
ANDA 70–841	Methyldopate Hydrochloride Injection USP, 50 mg/mL
ANDA 70–864	Haloperidol Injection USP, 5 mg/mL
ANDA 71–671	Naloxone Hydrochloride Injection USP, 0.02 mg/mL
ANDA 71–681	Naloxone Hydrochloride Injection USP, 0.4 mg/mL
ANDA 71–682	Naloxone Hydrochloride Injection USP, 0.4 mg/mL
ANDA 71–754	Droperidol Injection USP, 2.5 mg/mL
ANDA 71–755	Droperidol Injection USP, 2.5 mg/mL
ANDA 87–591	Hydroxyzine Hydrochloride Injection USP, 25 mg/mL
ANDA 87–593	Hydroxyzine Hydrochloride Injection USP, 50 mg/mL
ANDA 87–595	Hydroxyzine Hydrochloride Injection USP, 50 mg/mL
ANDA 88–239	Heparin Sodium Injection USP, 1,000 Units/mL
ANDA 88–457	Heparin Lock Flush Solution USP, 10 Units/mL
ANDA 88–458	Heparin Lock Flush Solution USP, 10 Units/mL
ANDA 88–459	Heparin Lock Flush Solution USP, 100 Units/mL
ANDA 88–460	Heparin Lock Flush Solution USP, 100 Units/mL
ANDA 88–517	Hydralazine Hydrochloride Injection USP, 20 mg/mL
ANDA 88–519	Phenytoin Sodium Injection USP, 50 mg/mL
ANDA 88–530	Procainamide Hydrochloride Injection USP, 100 mg/mL
ANDA 88–531	Procainamide Hydrochloride Injection USP, 500 mg/mL
ANDA 88–580	Heparin Lock Flush Solution USP, 10 Units/mL
ANDA 88–581	Heparin Lock Flush Solution USP, 100 Units/mL
ANDA 88–749	Aminophylline Injection USP, 25 mg/mL
ANDA 88–767	Fluorouracil Injection USP, 50 mg/mL
ANDA 88–960	Trimethobenzamide Hydrochloride Injection USP, 100 mg/mL
ANDA 89–251	Prochlorperazine Edisylate Injection USP, 5mg/mL
ANDA 89–434	Flourouracil Injection USP, 50 mg/mL

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective July 21, 1999.

Dated: June 7, 1999.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 99–15581 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1818]

Steris Laboratories, Inc.; Withdrawal of Approval of 55 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 55 abbreviated new drug applications (ANDA's). Steris Laboratories, Inc., notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: JULY 21, 1999.

FOR FURTHER INFORMATION CONTACT: Olivia A. Pritzlaff, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: Steris Laboratories, Inc., 620 North 51st Ave., Phoenix, AZ 85043–4705, has informed FDA that the drug products listed in the following table are no longer marketed and has requested that FDA withdraw approval of the applications. Steris Laboratories, Inc., has also, by its request, waived its opportunity for a hearing.

ANDA No.	Drug
40–043	Edrophonium Chloride Injection USP, 10 milligrams (mg)/milliliter (mL)
40–044	Edrophonium Chloride Injection USP, 10 mg/mL
62–788	Neomycin and Polymyxin B Sulfate and Gramicidin Ophthalmic Solution
62–900	Clindamycin Phosphate Injection USP, 150 mg/mL
63–079	Clindamycin Phosphate Injection USP, 150 mg/mL
70–019	Furosemide Injection USP, 10 mg/mL
70–170	Metronidazole Injection, 500 mg
70–604	Furosemide Injection USP, 10 mg/mL
70–713	Haloperidol Injection USP, 5 mg/mL
70–744	Haloperidol Injection USP, 5 mg/mL
70–911	Diazepam Injection, 5 mg/mL (ampule)
70–930	Diazepam Injection USP, 5 mg/mL (syringe)
71–556	Sulfamethoxazole and Trimethoprim for Injection Concentrate USP, 80 mg/mL and 15 mg/mL
71–339	Naloxone Hydrochloride Injection USP, 0.4 mg/mL
73–488	Fentanyl Citrate Injection USP, 50 micrograms (mcg)/mL
73–520	Droperidol Injection USP, 2.5 mg/mL
73–521	Droperidol Injection USP, 2.5 mg/mL
73–523	Droperidol Injection USP, 2.5 mg/mL
74–228	Etoposide Injection, 20 mg/mL
83–362	Prednisolone Tebutate Suspension, 20 mg/mL
83–702	Dexamethasone Sodium Phosphate Injection USP, 4 mg/mL
83–767	Prednisolone Acetate Suspension, 40 mg/mL
83–820	Brompheniramine Maleate Injection, 100 mg/mL
84–510	Promazine Hydrochloride Injection USP, 25 mg/mL
84–517	Promazine Hydrochloride Injection USP, 50 mg/mL
84–737	Hydrocortisone Sodium Succinate for Injection USP, 250 mg
84–738	Hydrocortisone Sodium Succinate for Injection USP, 100 mg
84–747	Hydrocortisone Sodium Succinate for Injection USP, 500 mg
84–748	Hydrocortisone Sodium Succinate for Injection USP, 1000 mg
84–875	Mersalyl-Theophylline Injection
85–237	Sterile Estrone Suspension USP, 2 mg/mL
85–434	Phenytoin Sodium Injection USP, 50 mg/mL
85–490	Testosterone Propionate Injection, 25 mg/mL and 50 mg/mL
85–594	Amitriptyline Hydrochloride Injection USP, 10 mg/mL
85–599	Testosterone Enanthate Injection USP, 100 mg/mL
85–606	Dexamethasone Sodium Phosphate Injection USP, 24 mg/mL
86–208	Potassium Chloride Injection
86–210	Potassium Chloride Injection
86–386	Nandrolone Phenpropionate Injection USP, 25 mg/mL
86–947	Glycopyrrolate Injection USP, 0.2 mg/mL
86–953	Methylprednisolone Sodium Succinate for Injection, 40 mg
87–030	Methylprednisolone Sodium Succinate for Injection, 125 mg
87–079	Procainamide Hydrochloride Injection USP, 100 mg/mL
87–080	Procainamide Hydrochloride Injection USP, 500 mg/mL
87–460	Mannitol Injection USP, 250 mg/mL
87–488	Nandrolone Phenpropionate Injection USP, 50 mg/mL
88–523	Methylprednisolone Sodium Succinate for Injection, 500 mg
88–524	Methylprednisolone Sodium Succinate for Injection, 1000 mg
88–554	Nandrolone Decanoate Injection, 50 mg/mL
88–772	Corticotropin for Injection USP, 40 units (vial)
89–163	Potassium Chloride for Injection Concentrate USP, 2 milliequivalents (mEq)/mL
89–170	Dexamethasone Ophthalmic Suspension USP, 0.1%
89–171	Tropicamide Ophthalmic Solution USP, 0.5%
89–421	Potassium Chloride Injection USP, 2 mEq/mL
89–606	Prochlorperazine Edisylate Injection USP, 5 mg

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective July 21, 1999

Dated: June 7, 1999.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 99–15660 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–1265]

Federal/State Memorandum of Understanding on Interstate Distribution of Compounded Drug Products; Draft; Availability; Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening until August 2, 1999, the comment period for the draft standard memorandum of understanding (MOU) entitled ''Memorandum of Understanding on Interstate Distribution of Compounded Drug Products'' (draft standard MOU) that States may enter into with FDA. FDA published a notice of availability of the draft standard MOU in the **Federal Register** of January 21, 1999 (64 FR 3301). The agency is taking this action in response to numerous requests for an extension of the comment period.

DATES: Written comments on the draft standard MOU may be submitted by August 2, 1999.

ADDRESSES: Copies of the draft standard MOU are available on the Internet at ''http://www.fda.gov/cder/pharmcomp/default.htm''. Submit written requests for single copies of the draft standard MOU entitled ''Memorandum of Understanding on Interstate Distribution of Compounded Drug Products'' to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your request. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Requests and comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Fred Richman, Center for Drug Evaluation and Research (HFD–332), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855–2737, 301–827–7292.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 21, 1999 (64 FR 3301), FDA published a notice announcing the availability of a draft standard MOU entitled ''Memorandum of Understanding on Interstate Distribution of Compounded Drug Products'' that States may enter into with FDA. The draft standard MOU describes the responsibilities of the States and FDA in investigating and responding to complaints related to compounded drug products distributed interstate and addresses the interstate distribution of inordinate amounts of compounded drug products. FDA has developed this MOU in consultation with the National Association of Boards of Pharmacy under provisions of the Food and Drug Administration Modernization Act of 1997. Interested persons were given until March 22, 1999, to submit written comments on the draft standard MOU.

In the **Federal Register** of March 23, 1999 (64 FR 13997), FDA extended the comment period on the draft standard MOU to June 1, 1999.

In response to numerous requests, FDA has decided to reopen the comment period on the draft standard MOU until August 2, 1999.

Interested persons may, on or before August 2, 1999, submit to the Dockets Management Branch (address above) written comments on the draft standard MOU. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. The draft standard MOU and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 11, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy Coordination.

[FR Doc. 99–15582 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Assessment of Factors Influencing the Adequacy of Health Care Services to Children in Foster Care and Other Out-of-Home Placements—New

The Maternal and Child Health Bureau of HRSA is planning to conduct a survey of health care services for children in foster care and other out-of-home care settings in the United States. This project is aimed at identifying the contributing factors affecting the delivery of health care services to these children. A survey will be conducted of Child Welfare, Child Health/MCH, Medicaid and Mental Health agencies in all 50 states, the District of Columbia, and five counties in each of 11 states with county-administered child welfare systems. An additional 10 counties will be surveyed to include the counties with the largest population, bringing the total sample to 65 counties. This survey will obtain information describing the range of health service delivery arrangements currently provided, obtain a comprehensive assessment of the organization and delivery of services, and collect data on what different jurisdictions are doing to improve the delivery of health services to this population.

Estimates of the annualized reporting burden are as follows:

Survey	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Child Welfare	93	1	93	4	372
Child Health	93	1	93	2.5	232
Child Mental Health	93	1	93	2.5	232
Medicaid	41	1	41	4	164
Total			320		1000

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Wendy A. Taylor, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: June 15, 1999.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–15663 Filed 6–18–99; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Physician Survey on Genetic Testing

Summary: Under the provisions of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 5, 1999, page 519–520 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

Proposed Collection: Title: Physician Survey on Genetic Testing. Type of Information Request: New. Need and Use of Information Collection: The Physicians Survey on Genetic Testing will be used by the National Cancer Institute to establish baseline information on the prevalence of genetic testing for cancer susceptibility among primary care physicians in the United States. The survey will assess whether there are statistically significant differences in (1) self-reported knowledge, current use of, and future intentions to use genetic testing for cancer susceptibility, and (2) perceptions of barriers to testing, among primary care physicians by their type and location of practice, and recency of training. Primary care physicians (internists, pediatricians, family and general practitioners) will also be compared with specialty groups (gastroenterologists, surgeons, urologists and oncologists) with respect to their use, attitudes toward, and knowledge of, genetic testing for cancer susceptibility. A questionnaire will be administered by mail, telephone, facsimile and Internet, using a nationally representative sample of physicians. The study physicians will select their preferred response mode. Frequency of Response: One-time study. Affected Public: Medical Community. Type of Respondents: Primary care and speciality physicians with active licenses to practice medicine in the U.S. The annual reporting burden is as follows: Estimated Number of Respondents: 1,350; Estimated Number of Responses per Respondent: 1; Average Burden Hours per Response: .250 and Estimated Total Annual Burden Hours Requested; 338. The annualized cost to respondents is estimated at: $25,313. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Written comments and/or 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 performance of the function of the agency, including whether the information will have practical utility; (2) 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) 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 on information technology.

Direct Comments to OMB: 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 Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Louise Wideroff or Andrew Freedman, Epidemiologists, National Cancer Institute, EPN 313, Executive Boulevard MSC 7334, Bethesda, Maryland 20892–7344, Telephone (301) 435–6823 or (301) 435–6819, FAX (301) 435–3710, or E-mail your request, including your address to *wideroff@nih.gov* or Andrew__Freedman@nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: June 11, 1999.

Reesa L. Nichols,

NCI Project Clearance Liaison.

[FR Doc. 99–15636 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Research and Development of Software for Managing Distributed Knowledgebases Consisting of Large Numbers of Object of Diverse Categories Spanning Administrative, Scientific and Other Knowledge Domains

The National Cancer Institute (NCI) has extended the deadline for submission of written notices and proposals regarding the CRADA opportunity described in the **Federal Register** Notice number 74, volume 64, page 19183, dated April 19, 1999.

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of extension of announcement.

SUMMARY: The National Cancer Institute (NCI) seeks a Cooperative Research and Development Agreement (CRADA) with a software company with demonstrated excellence in the development and deployment of software applications for the enterprise and individuals. NCI has recently developed a powerful but user-friendly computer-based system which enables its users to create, use and share a knowledge base of information consisting of diverse objects related to each other by semantically meaningful links. This system, provisionally called ''KBTool'', can be considered a new class of software application since it is sufficiently different from existing applications. The system provides a knowledge base that is seamless, allowing individuals to store information on a virtually unlimited range of objects and concepts. In addition, dense and informative links between many types of concepts are constructed. The system is extensible so that it is suited for use in distributed systems in which information is shared between users and stored at different physical locations. Because of the power of the system and its relevance to many domains of knowledge and types of applications, the NCI is seeking a commercial partner for its continued development and deployment. The software was originally created to organize and link vast quantities of scientific data; however, NCI predicts that KBTool's functionality will be applicable to a wide variety of fields. The Collaborator must have a demonstrated record of success in privately producing and marketing information resources. Please refer to **Federal Register** notice number 74, volume 64, page 19183, dated April 19, 1999 for additional information about the KBTool technology and the corresponding CRADA opportunity.

A Cooperative Research and Development Agreement (CRADA) is the anticipated joint agreement to be entered into by the NCI pursuant to the Federal Technology Transfer Act of 1986 and Executive Order 12591 of April 10, 1987 as amended by the national Technology Transfer Advancement Act of 1995. The NCI is looking for a CRADA partner to collaborate in the development of the properties of the KBTool data management system. The expected duration of the CRADA would be from one(1) to five (5) years.

DATES: Interested parties should notify this office in writing of their interest in filing a formal proposal no later than July 21, 1999. They will then have an additional thirty (30) days to submit a formal proposal. CRADA proposals submitted thereafter may be considered if a suitable CRADA Collaborator has not been selected.

ADDRESSES: Inquiries and proposals regarding this opportunity should be addressed to Holly S. Symonds, Ph.D. (Tel. #301–496–0477, FAX # 301–402–2117), Technology Development and Commercialization Branch, National Cancer Institute, 6120 Executive Blvd., Suite 450, Rockville, MD 20852. Inquiries directed to obtaining patent license(s) needed for participation in the CRADA opportunity may be addressed to John Fahner-Vihtelic, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852, (Tel. 301–496–7735, ext. 270; FAX 301–402–0220).

Dated: June 13, 1999.

Kathleen Sybert,

Chief, Technology Development and Commercilization Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 99–15637 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases: Licensing Opportunity and/or Cooperative Research and Development Agreement (''CRADA'') Opportunity; Drug and Method for the Therapeutic Treatment of Respiratory Syncytial Virus and Parainfluenza Virus in Children

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases (NIAID) of the NIH is seeking Licensees and/or capability statements from parties to further develop, evaluate, and commercialize eosinophil-derived neutralizing agent (EDNA) for the treatment of infections in children and/or the elderly caused by Respiratory Syncytial Virus (RSV) and parainfluenza virus (PIV). RSV and PIV are medically the most important single-stranded RNA viruses; infections caused by these viruses hospitalize over 100,000 infants per year in the U.S.

The methods and compositions of this invention provide a means for prevention and treatment of infection by enveloped RNA viruses by eoxinophil derived neutralizing agent (EDNA), a ribonuclease. EDNA is a relatively soluble and thermostable protein, active at low concentrations, with no direct toxicity to bronchial epithelial cells, making it suitable for inhalation therapy. Parenteral administration is also contemplated by this invention.

EDNA, particularly recombinant EDNA, may be used as an agent for direct inhalation therapy in children with established RSV bronchiolitis (associated with the development of future respiratory disorders such as asthma), in children for which there is a high index of suspicion, and as prophylactic therapy in children with predisposing conditions such as prematurity, bronchiole pulmonary displasia, congential heart disease and immunodeficiency. Similar criteria may be applied to the susceptible elderly population.

Recombinant human EDNA has been produced in bacterial and baculovirus expression systems. Furthermore, in vitro experiments have shown it to have potent antiviral activity against RSV (Domachowske, JB et al., 1998, *J. Infect. Dis.* 177:1458–1464.) Initial studies in the Balb/C mouse model of RSV infection support its effectiveness against this virus. This project is a part of the study of ribonucleases and host defenses in the Laboratory of Host Defenses (LHD), Division of Intramural Research, NIAID.

The invention claimed in DHHS Reference No. E–161–97/1, ''Methods for Inactivating Enveloped RNA Virus Particles and Compositions for Use Therewith'' (HF Rosenberg, JB Domachowske), PCT/US98/13852 filed July 2, 1998, is available for exclusive or non-exclusive licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 and/or further development under one or more CRADAs in the clinically important applications described below in the Supplementary Information section.

ADDRESSES: Questions about licensing opportunities should be addressed to Peter Soukas, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804, Telephone: (301) 496–7056 ext. 268; Facsimile: (301) 402–0220; E-mail: ps193c@nih.gov. Information about Patent Applications and pertinent information not yet publicly described can be obtained under the terms of a

Confidential Disclosure Agreement. Respondents interested in licensing the invention will be required to submit an ''Application for License to Public Health Service Inventions.''

Depending upon the mutual interests of the Licensee(s) and the NIAID, a CRADA to collaborate to develop EDNA as an anti-RSV therapeutic may also be negotiated. Proposals and questions about this CRADA opportunity should be addressed to Dr. Michael R. Mowatt, Technology Development Manager, Office of Technology Development, NIAID, Building 31, Room 3B62, 31 Center Drive, Bethesda, MD 20892–2137, Telephone: (301) 435–8618; E-mail: mm25q@nih.gov. Respondents interested in submitting a CRADA Proposal should be aware that it may be necessary to secure a license to the above-mentioned patent rights in order to commercialize products arising from a CRADA.

EFFECTIVE DATE: Respondents interested in licensing the invention will be required to submit an ''Application for License to Public Health Service Inventions'' on or before September 20, 1999, for priority consideration.

Interested CRADA collaborators must submit a confidential proposal summary to the NIAID [attention Dr. Michael Mowatt at the aforementioned address' on or before September 20, 1999, for consideration. Guidelines for preparing full CRADA proposals will be communicated shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest. CRADA and PHS License Applications submitted thereafter may be considered if a suitable CRADA collaborator of Licensee(s) has not been selected.

SUPPLEMENTARY INFORMATION: Under the CRADA the production of biologically active recombinant human EDNA will be optimized and the agent evaluated in a series of preclinical studies in animals as well as initial safety testing in humans. Positive outcomes of these studies will indicate continued clinical development aimed at supporting regulatory approval of a product to be labeled for use in children and/or the elderly. The Public Health Service (PHS) has filed patent applications both in the U.S. and internationally related to this technology. Notice of the availability of the patent application for licensing was first published in the **Federal Register** (Vol. 62, No. 219, Page 60909) on November 13, 1997

NIAID's principal investigator has extensive experience with recombinant technology as applied to ribonucleases, their purification and testing. The Collaborator in this endeavor is expected to assist NIAID in evaluating its current system for producing recombinant EDNA and to develop and optimize an alternative expression system, if necessary, to manufacture sufficient quantities of the product for preclinical testing in animals and initial safety studies in humans. The Collaborator must have experience in the manufacture of recombinant protein products according to applicable FDA guidelines and Points to Consider documents to include Good Manufacturing Procedures (GMP). In addition, it is expected that the Collaborator would provide funds to supplement the LHD's research budget for the project and to support the preclinical and initial human testing.

The capability statement should include detailed descriptions of: (1) Collaborator's expertise in the expression of recombinant proteins, (2) Collaborator's ability to manufacture sufficient quantities of the product according to FDA guidelines and Points to Consider documents, (3) the technical expertise of the Collaborator's principal investigator and laboratory group in preclinical safety testing (e.g., expertise in *in vitro* and *in vivo* toxicity and pharmacology studies) and initial human safety studies, and (4) Collaborator's ability to provide adequate funding to support preclinical and initial human safety studies required for marketing approval.

Dated: May 24, 1999.

Mark Rohrbaugh,

Director, Office of Technology Development, National Institute of Allergy and Infectious Diseases.

Dated: June 10, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–15638 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Susan S. Rucker, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 245; fax: 301/402–0220; e-mail: sr156v@nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Transgenomic Viruses

WJ Ramsey, RM Blaese, KG Xanthopoulos (NHGRI)

Serial No. 09/058,686 filed April 10, 1998, PCT/US98/07166 filed April 9, 1998 and 60/043,667 filed April 11, 1997.

Licensing Contact: Susan S. Rucker, 301/496–7056 ext 245

The technology described and claimed in these applications relates to the fields of gene therapy, the production of transgenic non-human animals and diagnostic or quality control applications where identification of an unknown viral genome is desired. More, particularly the technology described and claimed in the application relates to chimeric viruses. When used for gene therapy or the production of transgenic non-human animals the chimeric viruses are capable of producing secondary virus in a producer cell. The secondary virus may be any virus other than the primary virus or a Dependovirus. When used for diagnostic or quality control applications the chimeric virus complements, in *trans,* the secondary packaging components found in the producer cells.

When employed in the fields of gene therapy and the production of transgenic non-human animals the chimeric virus offers the advantages of high transduction efficiency, high viral titer, and the ability to have a producer cell which is from the same source as the target cell allowing for the production of autologous secondary viruses which evade the immune response. The chimeric virus is exemplified by an adenovirus which contains a retroviral vector containing a heterologous protein/transgene. Other chimeric viruses are adenovirus-togavirus chimera such as adenovirus-Semiliki Forest virus or adenovirus-Sindbis virus.

When employed for diagnostic or quality control purposes the chimeric primary virus is constructed to encode all of the packaging components necessary to rescue and package a viral genome. The chimeric primary virus is then used to infect a host cell which is suspected of containing an unknown or known virus which contains a packaging signal which can be recognized by the primary chimeric virus.

This research has been published, in part, in Biochem Biophys Res Commun 246(3): 912–19 (May 29, 1998) and in Gene Therapy 6(3): 454–459 (March 1999).

Dated: June 10, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–15639 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Mouse Animal Models for Human Cancers Consortium.

Date: July 21–23, 1999.

Time: 7:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 29814.

Contact Person: Ray Bramhall, PHD, Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6130 Executive Blvd, Rockville, MD 20892, (301) 496–3428.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and prevention Research, 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research, 93.396, Cancer Biology Research; 93.397, Cancer Centers Support, 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 99–15640 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Innovative Technologies for the Molecular Analysis of Cancer: SBIR/STTR Initiative.

Date: July 21, 1999.

Time: 8:00 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Sherwood Githens, PHD, Scientific Review Administrator, National Institutes of Health, National Cancer Institute, Special Review, Referral and Resources Branch, Executive Plaza North, 6130 Executive Boulevard, Bethesda, MD 20892, 301/435–9050.

Name of Committee: National Cancer Institute Special Emphasis Panel Innovative Technologies for the Molecular Analysis of Cancer: Phased Innovation Award.

Date: July 22–23, 1999.

Time: 8:00 AM to 12:00 PM.

Agenda: To review and evaluate grant applications.

Place: 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Sherwood Githens, PHD, Scientific Review Administrator, National Institutes of Health, National Cancer Institute, Special Review, Referral and Resources Branch, Executive Plaza North, 6130 Executive Boulevard, Bethesda, MD 20892, 301/435–9050.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 99–15641 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Technologies for Generation of Full-Length Mammalian cDNA.

Date: July 26, 1999.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: C.M. Kerwin, PHD, Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6130 Executive Boulevard/EPN–630, Rockville, MD 20892–7405, 301/496–7421.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support;

93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 99–15647 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Institute Board of Scientific Advisors.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(6) and 552b(c)(9)(B), Title 5 U.S.C. The discussions could reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy and the premature disclosure of discussions related to personnel and confidential administrative information would be likely to significantly frustrate the subsequent implementation of recommendations.

Name of Committee: National Cancer Institute Board of Scientific Advisors.

Date: June 23, 1999.

Open: 8:00 AM to 4:30 PM.

Agenda: Report of the Director, NCI; Ongoing and New Business, Status Reports of Implementing Program Review Group(s) Recommendations, Budget Presentation, Reports of Special Initiatives, and RFA Concept Reviews.

Closed: 4:30 PM to 6:00 PM.

Agenda: To review and evaluate personnel and programmatic issues.

Place: National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6 Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Paulette S. Gray, Ph.D., Executive Secretary, Deputy Director, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, Executive Plaza North, Suite 600, 6130 Executive Boulevard, Rockville, MD 20852, (301) 496–4218.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–15732 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Alternative Medicine; Notice of Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the first meeting of the Cancer Advisory Panel for Complementary and Alternative Medicine (CAPCAM) on Thursday, July 8, 1999, through Friday, July 9, 1999. The meeting will be held at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

The meeting will be open to the public on Thursday, July 8 from 8:30 am to 12:15 pm. The agenda includes: Remarks from the Acting Director, NCCAM; CAMCAM Chair; and Director, OCCAM, NCI, CAPCAM process overview, and other business of the Panel.

In accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended, the meeting will be closed to the public on July 8, 1999, from 1:15 pm to 5:30 pm for discussions of individual patient information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The meeting will be open to the public on Friday, July 9, 1999, from 8:30 am to 1:30 pm. The agenda will include scientific presentations and public comments session. The public comments session is scheduled from 1 pm to 1:30 pm. Each speaker will be permitted 5 minutes for their presentation. Interested individuals and representatives of organizations are requested to notify Dr. Richard Nahin, National Center for Complementary and Alternative Medicine, NIH, 31 Center Drive, (MSC 2182), Building 31, Room 5B37, Bethesda, Maryland, 20892, 301–594–2013, Fax: 301–480–9500. Letters of intent to present comments, along with a brief description of the organization represented, should be received no later than 5 pm on June 28, 1999. Only one representative of an organization may present oral comments. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting may be considered for oral presentation, if time permits, and at the discretion of the Chairperson. In addition, written comments may be submitted to Dr. Nahin at the address listed above up to ten calendar days (received by July 19,1999) following the meeting.

Copies of the meeting agenda and the roster of members will be furnished upon request by Dr. Richard Nahin, Executive Secretary, CAPCAM, National Institutes of Health, Building 31, Room 5B37, 31 Center Drive, Bethesda, Maryland 20892, (301) 594–2013, Fax 301–480–9500. Individuals who plan to attend the open session and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Nahin.

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, National Institutes of Health.

[FR Doc. 99–15642 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Prevention of CVD in Diabetes Mellitus—Coordinating Center.

Date: July 7, 1999.

Time: 8:30 AM to 1:30 PM.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Valerie L. Prenger, PHD, Health Scientist Administrator, Review Branch, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892–7924, (301) 435–0297.

Name of Committee: National Heart Lung, and Blood Institute Special Emphasis Panel—Development of Animal Models in HIV Related Lung Disease.

Date: July 12–13, 1999.

Time: 8:30 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Deborah P. Beebe, PHD, Leader, Cardiology/Pulmonary Scientific Review Group, Rockledge Center II, 6701 Rockledge Drive, Suite 7178, Bethesda, MD 20892–7924, 301/435/0270.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Demonstration & Education Grant Application Review.

Date: July 20, 1999.

Time: 9:00 AM to 1:00 PM.

Agenda: To review and evaluate grant applications.

Place: Washington National Airport Hilton, 2399 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Louise P. Corman, PHD, Scientific Review Administrator, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892–7924, (301) 435–0270.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Abdominal Aortic Aneurysm: Pathogenesis.

Date: July 21, 1999.

Time: 8:00 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Eric H. Brown, PHD, Scientific Review Administrator, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7204, Bethesda, MD C 7956, (301) 435–0299.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Managing Asthma In School Children.

Date: July 29, 1999.

Time: 3:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Teleconference Meeting, 6701 Rockledge Drive, 7214, Rockledge II, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ivan C. Baines, PHD, Scientific Review Administrator, NIH, NHBLI, DEA, Review Branch, Rockledge II, 6701 Rockledge Drive, Suite 7184, Bethesda, MD 20892–7922, 301/435–0277.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 99–15643 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Neurological Sciences and Disorders B, June 21, 1999, 7:30 a.m. to June 22, 1999, 5 p.m., Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD, 20814 which was published in the **Federal Register** on May 6, 1999, 64 FR 24411.

The NSDB meeting will now be held June 21–23, 1999 from 8:30 a.m. to 5 p.m. each day at the Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD, 20814. The meeting is closed to the public.

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 99–15644 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Neurological Sciences and Disorders A, June 24, 1999, 8:30 a.m. to June 25, 1999, 5 p.m., Chevy Chase Holiday Inn, Chevy Chase, MD, 20815 which was published in the **Federal Register** on May 6, 1999, 64 FR 24411.

The NSDA meeting will now be held June 23–25, 1999 from 8:30 a.m. to 5 p.m. each day at the Chevy Chase Holiday Inn, Chevy Chase, MD 20815. The meeting is closed to the public.

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Office, National Institutes of Health.

[FR Doc. 99–15645 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, June 21, 1999, 8:30 a.m. to June 22, 1999, 5 p.m., Madison Hotel, Fifteenth & M Streets NW, Washington, DC 20005 which was published in the **Federal Register** on June 7, 1999, 64 FR 30348.

The meeting will now be held June 21–23, 1999 from 8:30 a.m. to 5 p.m. each day at the Madison Hotel, Fifteenth & M Streets, NW, Washington, DC 20005. The meeting is closed to the public.

Dated: June 14, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 99–15646 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Research Resource for

Genetics of Families with Multiple Autoimmune Diseases.

Date: July 1, 1999.

Time: 9:00 AM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Sheraton Crystal City Hotel, Crystal III Room, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Hagit S. David, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2155, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–402–4596.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–15728 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: July 19, 1999.

Time: 9:00 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Henry J. Haigler, PHD Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–7216.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–15730 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: July 13, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John R. Lymangrover, PHD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–15731 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial properly such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel Visible Human Project: Image Processing Tools Contract Proposal.

Date: June 21–22, 1999.

Time: June 21, 199, 8:30 AM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Time: June 22, 1999, 8:30 AM to 5 PM.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Terry S Yoo, AB, MS, PHD, Computer Scientist, High Performance Computing & Communications, Lister Hill Nat'l CTR For Biomed Communications, National Library of Medicine, 8600 Rockville Pike Bldg 38A, RM B1N30P, Bethesda, MD 20894.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–15726 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, Visible Human Project Atlas of the Head and Neck Contract.

Date: June 30–July 1, 1999.

Time: June 30, 1999, 8:30 am to 5:00 pm.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Bockville Pike, Bethesda, MD 20894.

Time: July 1, 1999, 8:30 am to 5:00 pm.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Bockville Pike, Bethesda, MD 20894.

Contact Person: Donald Jenkins, BS, PHC, PhD, Special Expert, Computer Scientist, High Performance Computing and Communications, Lister Hill Nat'l Ctr for Biomed Communications, National Library of Medicine, 8600 Rockville Pike, Bldg 38A, RM B1N30P, Bethesda, MD 20894.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–15727 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special emphasis Panel, Phase II Next Generation Internet (NGI) Contract Proposals.

Date: June 28–29, 1999.

Time: June 28, 1999, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD, 20894.

Time: June 29, 1999, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Board Room Bldg 38, 2E–09, 8600 Rockville Pike, Bethesda, MD, 20894.

Contact Person: Paul A Fontelo, BS, MD, MPH, Special Expert, High Performance Computing & Communications, Lister Hill Nat'l Ctr for Biomed Communications, National Library of Medicine, 8600 Rockville Pike, Bldg 38A, Rm B1N3OP, Bethesda, Md 20894.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 15, 1999.

Laverne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–15729 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

Center for Scientific Review; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 22–23, 1999.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Joanne T. Fujii, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, Bethesda, MD 20892, (301) 435–1178, fujii@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Health Promotion and Disease Prevention Initial Review Group Epidemiology and Disease Control Subcommittee 2.

Date: June 28–29, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: David M. Monsees, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7848, Bethesda, MD 20892, (301) 435–0684, monseesd@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovasular Sciences Initial Review Group, Cardiovascular Study Section.

Date: June 28–29, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Gordon L. Johnson, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7802, Bethesda, MD 20892, (301) 435–01212, monseesd@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cell Development and Function Initial Review Group Cell Development and Function 6.

Date: June 28–29, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Select, 480 King Street, Old Town Alexandria, VA 22314.

Contact Person: Anthony D. Carter, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–01212.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28–29, 1999.

Time: 8:30 AM to 6:00 PM.

Agenda: To review and evaluate grant applications.

Place: Washington Monarch Hotel, 2401 M Sreet, NW, Washington, DC 20037.

Contact Person: Mushtaq A. Khan, DVM, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7818, Bethesda, MD 20892, (301) 435–1778.khanm@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28, 1999.

Time: 8:30 AM to 4: PM.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015.

Contact Person: Eugene Vigil, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435–1025.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28, 1999.

Time: 9:00 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, N.W., Washington, DC 20037.

Contact Person: Anita Miller Sosteck, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda MD 20892, (301) 435–0910.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Genetic Sciences Initial Review Group Genome Study Section.

Date: June 28–29, 1999.

Time: 9:00 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Cheryl M. Corsaro, PHD, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 6172, MSC 7890, Bethesda, MD 20892, (301) 435–1045.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Surgery, Radiology and Bioengineering Initial Review Group Surgery, Anesthesiology and Trauma Study Section.

Date: June 28–29, 1999.

Time: 1:00 PM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.

Contact Person: Gerald L. Becker, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435–1170.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28, 1999.

Time: 3:00 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul K. Strudler, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435–1716.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28, 1999.

Time: 12:00 PM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul K. Strudler, PHD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435–1716.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 15, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–15733 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institute of Environmental Health Sciences (NIEHS); Corrositex®: An In Vitro Test Method for Assessing Dermal Corrosivity Potential of Chemicals, Report Now Available

SUMMARY: The report entitled ''Corrositex®: An *In Vitro* Test Method for Assessing Dermal Corrosivity Potential of Chemicals,'' NIH Publication 99–4495, is now available and may be obtained as described in this notice. The report describes the results of an independent peer review evaluation of the validation status of Corrositex® that was conducted on January 21, 1999 **Federal Register** 63 FR 57303, October 27, 1998). Corrositex® was proposed by In Vitro International, Inc., Irvine, CA, as an alternative toxicological test method for assessing the dermal corrosivity potential of chemicals and chemical mixtures. The review was coordinated by the Interagency Coordinating Committee on the Validation of Alternative methods (ICCVAM) and the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM). The review was sponsored by NIEHS and the NTP.

Background

Pub. L. 103–43 directed NIEHS to develop and validate alternative methods that can reduce or eliminate the use of animals in acute or chronic toxicity testing, establish criteria for the validation and regulatory acceptance of alternative testing methods, and recommend a process through which scientifically validated alternative

methods can be accepted for regulatory use. Criteria and processes for validation and regulatory acceptance were developed in conjunction with 13 other Federal agencies and programs with broad input from the public. These are described in the document ''Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the Ad Hoc Interagency Coordinating Committee on the Validation of Alternative Methods,'' NIH publication 97–3981, March 1997, which is available on the Internet at http://ntp-server.niehs.nih.gov/htdocs/ICCVAM/iccvam.html. ICCVAM was subsequently established in a collaborative effort by NIEHS and 13 other Federal regulatory and research agencies and programs. The Committee's functions include the coordination of interagency reviews of toxicological test methods and communication with stakeholders throughout the process of test method development and validation. The following Federal regulatory and research agencies and organizations participate in this effort:

Consumer Product Safety Commission
Department of Defense
Department of Energy
Department of Health and Human Services
  Agency for Toxic Substances and Disease Registry
  Food and Drug Administration
  National Institute for Occupational Safety and Health/CDC
  National Institutes of Health
  National Cancer Institute
  National Institute of Environmental Health Sciences
  National Library of Medicine
Department of the Interior
Department of Labor
  Occupational Safety and Health Administration
Department of Transportation
  Research and Special Programs Administration
Environmental Protection Agency

ICCVAM determined that there was sufficient information available to merit an independent scientific peer review evaluation of the Corrositex® test method. Peer review is an essential prerequisite for consideration of a method for regulatory acceptance. The peer review panel was charged with developing a scientific consensus on the usefulness and limitations of the test method.

Description of the Method

Corrositex® is an *in vitro* method used to determine the dermal corrosive potential of chemicals and chemical mixtures. Corrositex® is based on the ability of a corrosive chemical or chemical mixture to pass through, by diffusion and/or destruction/erosion, a biobarrier and to elicit a color change in the underlying liquid Chemical Detection System (CDS). The biobarrier is composed of a hydrated collagen matrix in a supporting filter membrane, while the CDS is composed of water and pH indicator dyes. Test chemicals and chemical mixtures, including solids and liquids, are applied directly to the biobarrier. The time it takes for a test chemical or chemical mixture to penetrate the biobarrier and produce a color change in the CDS is compared to a classification chart to determine corrosivity/noncorrosivity and to identify the appropriate U.S. Department of Transportation (U.S. DOT) packing group. Chemicals are prescreened for compatibility with the assay by directly applying the test chemical or chemical mixture to the CDS; if a color change is not induced, then the test chemical or chemical mixture does not qualify for testing with this assay. The U.S. DOT currently accepts the use of Corrositex® to assign subcategories of corrosivity (packing groups) for specific chemical classes for labeling purposes according to United Nations (UN) Committee of Experts on the Transport of Dangerous Goods guidelines.

Conclusions and Recommendations

The peer review panel concluded that for specific testing circumstances such as that required by the U.S. DOT, Corrositex® is useful as a stand-alone assay for evaluating the corrosivity or noncorrosivity of acids, bases, and acid derivatives. In other testing circumstances, and for other chemical and product classes, the peer review panel concluded that Corrositex® may be used as part of a tiered assessment strategy. In this approach, negative responses must be followed by dermal irritation testing, and positive responses require no further testing unless the investigator is concerned about potential false positive responses. The panel recommended that in either testing strategy, an investigator may conclude that confirmation testing is necessary based on consideration of supplemental information, such as pH, structure-activity relationships, and other chemical and/or testing information. These conclusions are based on the assumption that the method will be performed in accordance with the following peer review panel recommendations:

1. The protocol should incorporate the following:

- It should be explicitly stated that the biobarrier should be allowed to harden on a level surface and to cool overnight before use.
- Guidance should be provided on how to evaluate an aberrant value, even though replicate variability has been shown to be very low.
- The IVI Corrositex® Data Sheets provided with the test kit should contain a provision for recording the performance of the positive and negative controls. This information should be used to determine the suitability of the test results.
- Description of the test protocol would benefit from the addition of a flow diagram illustrating the steps in the procedure.

2. In future studies, compliance with Good Laboratory Practice (GLP) guidelines and inclusion of quality control procedures would improve data quality and credibility.

3. Positive and negative control values should be reported concurrently with each assay to demonstrate that the test is working properly.

4. Laboratories unfamiliar with conducting the test should obtain appropriate training and conduct tests with test reference chemicals before undertaking any testing of unknown chemicals and chemical mixtures.

5. Prior to the use of Corrositex®, pH testing should be conducted, given the ease and cost effectiveness of conducting a pH test. Such information could be used in the future to re-evaluate the agreement between pH and Corrositex® in identifying corrosivity.

The peer review panel also concluded that Corrositex® offers advantages with respect to animal welfare considerations. Corrositex®, when used as a stand-alone assay for some testing applications such as transportation purposes, can replace the use of animals for corrosivity testing of qualified chemicals in some chemical classes. When used as part of a tiered testing strategy for corrrosivity, there is a reduction in the number of animals required because positive results usually eliminate the need for animal testing, and when further testing in animals is determined to be necessary, only one animal is required to confirm a corrosive chemical. Corrositex® also provides for refinement in that most of the chemicals that are identified as negative by Corrositex® or nonqualifying in the detection system are unlikely to be corrosive when tested in the in vivo test for irritation potential.

The peer review panel's report was accepted by ICCVAM and has been forwarded to Federal agencies for their determination of the regulatory

acceptability and applicability of the test method according to their statutory mandates.

Obtaining the Report

The full report contains 238 pages and includes the results of the independent peer review evaluation and supporting documentation, including the original test method submission and supporting data evaluations conducted by NICEATM.

To receive a copy of the report, please contact NICEATM at PO Box 12233, MD EC–17, Research Triangle Park, NC 27709 (mail), 919–541–3398 (phone), 919–541–0947 (fax), or iccvam@niehs.nih.gov (email). The report will also be available on the ICCVAM/NICEATM website at http://iccvam.niehs.hih.gov.

Dated: June 15, 1999.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 99–15725 Filed 6–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4420–N–03]

RIN 2577–AB89

Public Housing Agency Plan and Section 8 Certificate and Voucher Merger Announcement of Public Forum

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Public forums announcement.

SUMMARY: This document announces the (1) exact location of the public forum to be held in Syracuse, New York, on HUD's Public Housing Agency (PHA) Plan interim rule that was published on February 18, 1999, and on HUD's Section 8 certificate and voucher merger interim rule (Section 8 merger) that was published on May 14, 1999, and (2) an additional public forum to be held on both rules in Washington, DC. The statute authorizing these two rules requires that before HUD issues final rules on these subjects, HUD will convene at least two public forums for each rule, and specifically seek recommendations from certain organizations and individuals, as specified in the statute.

DATES: June 28, 1999, and July 28, 1999. The exact times for discussion of each rule at these two forums is provided in the Supplementary Information section of this document.

ADDRESSES: The June 28, 1999 public forum will be held at Grant Auditorium, E.I. White Hall, College of Law, Syracuse University, Syracuse, New York. The July 28, 1999 public forum will be held at HUD Headquarters, 451 Seventh Street, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: This information will be posted on the QHWRA page of HUD's website (www.hud.gov/pih/legis/titlev.html). Information also may be obtained by contacting your local HUD office, or by contacting the Office of Policy, Program and Legislative Initiatives, in the Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4116, Washington, DC 20410; telephone (202) 708–0713 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

PHA Plan Interim Rule

Section 511 of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, 112 Stat. 2461, approved October 21, 1998) (the 1998 Act) added a new section 5A to the United States Housing Act of 1937 (USHA) (42 U.S.C. 1437 *et seq.*). This new section provides for public housing agencies (PHAs) to develop and submit to HUD two plans—a five-year plan and an annual plan on their goals and objectives and current PHA operations. Section 511 also required HUD to publish, within 120 days of enactment of the statute, an interim rule implementing the requirements of the PHA plans and the submission process. HUD published its interim rule on February 18, 1999 (64 FR 8170) (the PHA Plan rule). The PHA Plan rule provided a 60-day public comment period which closed on April 19, 1999.

Section 511 also requires that before HUD issues its final PHA Plan rule, HUD will seek recommendations on implementation of the PHA plans from organizations representing:

(1) State or local public housing agencies;
(2) Residents, including resident management corporations;
(3) Other appropriate parties.

Section 511 also requires HUD to convene not less than two public forums at which the person or organization making recommendations may express their views concerning the proposed disposition of their recommendations.

Through its February 18, 1999 interim rule, HUD specifically sought recommendations from these categories of organizations (see 64 FR 8170, middle column), and again seeks their recommendations through this document.

Section 8 Certificate and Voucher Merger Rule

Section 545 of the 1998 Act amended section 8(o) of the USHA to provide for the merger of the Section 8 certificate and voucher programs. HUD's interim rule implementing the merger of these two programs was published on May 14, 1999 (64 FR 26632) (Merger rule). The Merger rule provides for a 60-day public comment period which closes on July 13, 1999. In accordance with section 559 of the 1998 Act, HUD will also hold a minimum of two public forums on this rule.

Section 559 provides that the Secretary of HUD shall issue interim regulations as may be necessary to implement the amendments made by the 1998 Act as these amendments relate to section 8(o) of the USHA. Section 559 also provides that before the publication of final regulations, in addition to public comment invited in connection with the publication of the interim rule, the Secretary shall seek recommendations on the implementation of sections 8(o)(6(B), 8(o)(7)(B) and 8(o)(10)(D) of the USHA and on the implementation of the renewals of expiring tenant-based assistance from organizations representing:

(1) State or local public housing agencies;
(2) Owners and managers of tenant-based housing assisted under section 8 of the USHA;
(3) Families receiving tenant-based assistance under section 8 of the USHA; and
(4) Legal services organizations.

Section 559 also requires HUD to hold not less than two public forums at which the individuals and organizations described above may express views concerning the proposed disposition of the recommendations.

Through its May 14, 1999 interim rule, HUD specifically sought rulemaking recommendations from these categories of organizations (see 64 FR 26635, middle column), and again seeks their recommendations through this document.

Public Forum Dates and Locations

June 28, 1999 Public Forum. The June 28, 1999 public forum in Syracuse, New York, will be HUD's third public forum on the PHA Plan rule, and its second

public forum on the Merger rule. (HUD's public forum announcement, published on April 27, 1999, provided the dates and locations of the earlier public forums (see 64 FR 22550).)

The public forum on the PHA Plan rule will be held from 9:00 am to 12:00 pm.

The public forum for the Merger rule will be held from 1:00 pm to 4:00 pm.

Both public forums will be held at Grant Auditorium, E.I. White Hall, College of Law, Syracuse University, Syracuse, New York.

July 28, 1999 Public Forum. The July 28, 1999 public forum in Washington, DC, will be HUD's fourth public forum on the PHA Plan rule, and its third public forum on the Merger rule. On this date, the discussion of the Merger rule will precede the discussion of the PHA Plan rule.

The public forum for the Merger rule will be held from 9:00 am to 12:00 pm.

The public forum on the PHA Plan rule will be held from 1:00 pm to 4:00 pm.

Both public forums will be held at HUD Headquarters, 451 Seventh Street, SW, Washington, DC.

Discussions at Public Forums

So that the discussions at the public forums can be productive, recommendations from the categories of organizations specified in the statute need to be submitted in as far in advance of the forum date as possible to: the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should include the following reference: ''PHA Plan rule (FR–4420); Public Forum'' or ''Section 8 Merger rule (FR–4428); Public Forum.''

Dated: June 15, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–15628 Filed 6–18–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary—Policy, Management and Budget

[FA–108–2810–00–24–IE]

Notice of Intent To Establish the Joint Fire Science Program Stakeholder Advisory Group and Call for Non-Federal Nominations

AGENCY: Department of the Interior; Office of the Assistant Secretary For Policy Management and Budget.

ACTION: Notice of intent to establish the Joint Fire Science Program Stakeholder Advisory Group; Public call for nominations.

SUMMARY: This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. App.). Notice is hereby given that the Secretary of the Interior and the Secretary of Agriculture intend to establish the Joint Fire Science Program Stakeholder Advisory Group to provide advice concerning priorities and approaches for research and implementation of research findings for the management of wildland fuels on lands administered by the Department of the Interior, through the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service, and the Department of Agriculture, through the Forest Service (FS).

DATES: Nominations should be submitted to the address listed below no later than July 21, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Bob Clark, Joint Fire Science Program Manager, National Interagency Fire Center, 3833 S. Development Ave., Boise, Idaho 83705, (208) 387–5349. Internet: b1clark@nifc.blm.gov.

SUPPLEMENTARY INFORMATION: The Stakeholder Advisory Group will consist of 30 members, 15 Federal and 15 nonfederal. This call for nominations will establish the nonfederal membership on the Group. Group membership will be balanced in terms of categories of interest represented.

Any individual or organization may nominate one or more persons to serve on the Joint Fire Science Program Stakeholder Advisory Group. Individuals may also nominate themselves for Group membership. All nomination letters should include the name, address, profession, relevant biographic data, and reference sources for each nominee, and should be sent to the above address. Letters of support should be from interests or groups that nominees claim to represent. This material will be used to evaluate nominees in terms of their expertise and qualifications for advising the Secretaries on matters pertaining to research into wildland fuels problems and implementation of strategies and solutions for managing the increasing fuel loadings on federally administered wildlands.

Nominations may be made for the following categories of interest:

Wildland fire management
Wildland fuels management
Air quality management
Public lands management
Forest ecology
Rangeland ecology
Hydrology
Conservation
Social science
Computer science and modeling
Tribal government
Public-at-large

The specific category that the nominee will represent should be identified in the letter of nomination.

Agency administrators will nominate Federal representatives, including: Four (4) members from the FS, and one member each from the Bureau of Land Management, the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Geological Survey, the Department of Energy, the Department of Defense, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the Natural Resources Conservation Service.

Each Stakeholder Advisory Group Member will be appointed to serve a 2-year term.

Members will serve without salary, but non-federal members will be reimbursed for travel and per diem expenses at current rates for Government employees.

The Group will meet at least once annually. Additional meetings may be called in connection with special needs for advice. The Department of the Interior's Senior Policy Advisor, Office of Managing Risk and Public Safety, will be the Designated Federal Officer who will call meetings of the Group.

Dated: June 11, 1999.

John Berry,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 99–15655 Filed 6–18–99; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. TE–799158–0

Applicant: Oklahoma Museum of Natural History, Norman, Oklahoma.

Applicant requests authorization for scientific research and recovery purposes to conduct a study of the movement of the leopard darter (*Percina pantherina*) in the Glover River and Mountain Fork River on USDA Forest Lands in McCurtain County, Oklahoma.

Permit No. TE–004439–1

Applicant: Albuquerque Biological Park, Albuquerque, New Mexico.

Applicant request authorization to capture and hold for public display the following endangered and threatened species of native New Mexican fishes.

Gila trout (*Oncorhynchus gilae*)
Chihuahua chub (*Gila nigrescens*)
Rio Grande silvery minnow (*Hybognathus amarus*)
Spikedace (*Meda fulgida*)
Pecos bluntnose shiner (*Notropis simus pecosensis*)
Colorado squawfish (*Ptychocheilus lucius*)
Loach minnow (*Tiaroga cobitis*)
razorback sucker (*Xyrauchen texanus*)
Pecos gambusia (*Gambusia nobilis*)
Gila topminnow (*Poeciliopsis occidentalis*)

Permit No. PRT–826118

Applicant: Tulsa District, Corps of Engineers, Tulsa, Oklahoma.

Applicant requests authorization to conduct presence/absence surveys for the following endangered species statewide in Oklahoma and in north Texas:

gray bat (*Myotis grisescens*)
Indiana bat (*Myotis sodalis*)
Ozark big-eared bat (*Corynorhinus townsendii ingens*)
leopard darter (*Percina pantherina*)
neosho madtom (*Noturus placidus*)
Ouachita rock pocketbook (*Arkansia wheeleri*)

Permit No. TE012642

Applicant: Blue Earth Biological Consultants, Santa Fe, New Mexico.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) throughout New Mexico.

Permit No. TE–812212

Applicant: Karen Melody Lytle, Austin, Texas.

Applicant requests authorization to conduct presence/absence surveys for the peregrine falcon (*Falco peregrinus*), Coffin Cave mold beetle (*Bastrisodes texanus*), and Barton Springs salamander (*Eurycea sosorum*) in Travis County, Texas.

Permit No. TE–797457

Applicant: University of Texas, Department of Zoology, Austin, Texas.

Applicant requests authorization for scientific research and recovery purposes to collect the fountain darter (*Etheostoma fonticola*), Comanche Springs pupfish (*Cyprinodon elegans*), Leon Springs pupfish (*Cyprinodon bovinus*) in Texas.

Permit No. TE—797125

Applicant: The McDonald Company, Maryville, Tennessee.

Applicant requests authorization for scientific research and recovery purposes to conduct presence/absence surveys for the American burying beetle (*Nicrophorus americanus*) bald eagle (*Haliaeetus leucocephalus*), Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and peregrine falcon (*Falco peregrinus*) in Latimer, Haskell, LeFlore, Cherokee, and Muskogee Counties, Oklahoma.

Permit No. TE–013086

Applicant: Ron J. Van Ommeren, Phoenix, Arizona.

Applicant requests authorization for scientific research and recovery purposed to conduct presence/absence surveys for the following endangered and threatened species in Arizona, New Mexico and Texas:

cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*)
southwestern willow flycatcher (*Empidonax traillii extimus*)
peregrine falcon (*Falco peregrinus*)
golden-cheeked warbler (*Dendroica chrysoparia*)
black-capped vireo (*Vireo atricapillus*)
Yuma clapper rail (*Rallus longiristris yumanensis*)
lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*)
Mexican long-nosed bat (*Leptonycteris nivalis*)
Hualapai Mexican vole (*Microtus mexicanus hualpaiensis*)
desert tortoise (*Gopherus agassizii*)

Permit No. TE—828640

Applicant: Harris Environmental Group, Tucson, Arizona.

Applicant requests authorization for scientific research and recovery purposes to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*), and the lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) in New Mexico and Arizona.

Permit No. TE—013103—0

Applicant: Abilene Zoological Society, Abilene, Texas.

Applicant requests authorization for research and recovery purposes to band the black-capped vireos (*Vireo atricapillus*) in Taylor County, Texas.

Permit No. TE—827726—0

Applicant: Tonto National Forest, Phoenix, Arizona.

Applicant request authorization for research and recovery purposes to conduct presence/absence surveys for the endangered and threatened wildlife and collect plant parts for the plant species listed below:

razorback sucker (*Xyrauchen texanus*)
Colorado pikeminnow (*Ptychocheilus lucius*)
desert pupfish (*Cyprinodon macularius macularius*)
Gila topminnow (*Poeciliopsis occidentalis occidentalis*)
lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*)
southwestern willow flycatcher (*Empidonax traillii extimus*)
cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*)
Yuma clapper rail (*Rallus longirostris yumanensis*)
Arizona hedgehog cactus (*Echinocereus triglochidiatus var. arizonica*)
Arizona agave (*Agave arizonica*)
Arizona cliffrose (*Purshia subintegra*)

Permit No. TE—013143—0

Applicant: The Institute for Bird Populations, Point Reyes Station, California.

Applicant requests authorization for research and recovery purposes to conduct presence/absence surveys for the golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*) in Ft. Hood, Texas.

Permit No. TE—0131490—0

Applicant: Thomas Staudt, Tucson, Arizona.

Applicant requests authorization for scientific research and recovery purposes to conduct presence/absence surveys for the following endangered species in Arizona, New Mexico, and Texas:

southwestern willow flycatcher (*Empidonax traillii extimus*)
cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*)
Yuma clapper rail (*Rallus longirostris yumanensis*)
bald eagle (*Haliaeetus leucocephalus*)
peregrine falcon (*Falco peregrinus*)
northern aplomado falcon (*Falco femoralis septentrionalis*)
interior least tern (*Sterna antillarum*)
piping plover (*Charadrius melodus*)
brown pelican (*Pelicanus occidentalis*)
golden-cheeked warbler (*Dendroica chrysoparia*)
black-capped vireo (*Vireo atricapillus*)
western snowy plover (*Charadrius alexandrinus nivosus*)

California condor (*Gymnogyps californianus*)

DATES: Written comments on these permit applications must be received on or before July 21, 1999.

ADDRESSES: Written data or comments should be submitted to the Legal Instruments Examiner, Division of Endangered Species/Permits, Ecological Services, PO Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: The U.S. Fish and Wildlife Service, Ecological Services, Division of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103.

Please refer to the respective permit number for each application when requesting copies of documents. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Bryan Arroyo,

Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 99–15631 Filed 6–18–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–010–1430–00; GP9–0209]

Meeting Notice for the Southeast Oregon Resource Advisory Council

AGENCY: Lakeview District, Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Southeast Oregon Resource Advisory Council will meet at the Winema National Forest Headquarters, 2819 Dahlia, Klamath Falls, Oregon, from 8:00 a.m. to 5:30 pm (PDST) on July 27, 1999. Topics to be discussed by the Council include the Klamath Basin water issues, the Owyhee Wild and Scenic River, and other such matters as may reasonably come before the Council. The entire meeting is open to the public. Public comment is scheduled for 11:15–11:45 am.

FOR FURTHER INFORMATION, CONTACT: Julie Bolton, Bureau of Land Management, Lakeview District Office, HC 10, Box 337, Lakeview, OR 97630, (Telephone: 541/947–2177).

Dated: June 7, 1999.

M. Joe Tague,

Designated Federal Official.

[FR Doc. 99–15605 Filed 6–18–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–015–1430–01: GP–9–0210]

Realty Action; Lake County, Oregon

AGENCY: Bureau of Land Management, Lakeview District, Interior.

ACTION: Competitive sale of public land in Lake County, Oregon, Serial Number (OR 54499).

The following parcel of public land is suitable for competitive sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the appraised fair market value. The land will not be offered for sale for at least 60 days following the publication of this notice in the **Federal Register**.

Legal description	Acreage	Sale price	Deposit
Parcel Serial No., OR 54499 *T.25S., R.18E., W.M., Oregon,* Sec. 32: W½	320	$41,600.00	$4,160.00

The above described parcel of land is hereby classified for disposal pursuant to section 7 of the Taylor Grazing Act, 43 U.S.C. 315f and segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statutes. The segregation will last for a period of 270 days from the date of publication, until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

The land is not considered essential to the public land management base and is unsuitable for management by another Federal agency. No significant resource values will be affected by this disposal. The sale is consistent with Bureau planning for the land involved and will serve important public objectives.

The sale parcel will be offered under competitive sale procedures as authorized under the Federal Land Policy and Management Act of October 21, 1976 and 43 CFR 2711.3–3. The land will be offered for competitive sale at 10 a.m. PST, on September 30, 1999 and will be by written bid only. Sealed written bids, delivered or mailed, must be received by the BLM, Lakeview Resource Area Office, 1300 South G Street, HC 10 Box 337, Lakeview, Oregon 97630, prior to 10 a.m. on Thursday, September 30, 1999, and must be for not less than the appraised sale price indicated. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Department of the Interior-BLM for not less than the bid deposit specified in this notice and shall be enclosed in a sealed envelope clearly marked, in the lower left hand corner, ''Bid for Public Land Sale OR 54499, Lake County, Oregon, September 30, 1999.'' All written sealed bids received will be opened and the high bidder declared at the time of the sale. In the event of a tie, the tied bidders will be notified and given an opportunity to modify their original bids. The resulting bid off will determine the high bidder and the high bidder will be notified by certified mail. The high bidder is required to pay the total purchase price within 180 days of the date of sale or the bid deposit will be forfeited and the parcel reoffered to the public until sold or withdrawn from sale.

The terms, conditions and reservations applicable to the sale are as follows:

(1) Patent to the sale parcel will contain a reservation to the United States for ditches and canals.

(2) The sale parcel will be subject to all valid existing rights of record at the time of patent issuance.

(3) The mineral interests being offered for conveyance with sale parcel OR 54499 have no known value. A deposit or bid to purchase the parcel will also constitute an application for conveyance of the mineral estate with the following reservations;

(a) Oil and gas and geothermal resources will be reserved to the United States. The above mineral reservations

are being made in accordance with Section 209 of the Federal Land Policy and Management Act of 1976. The successful bidder must include with the final payment a non-refundable $50.00 filing fee for conveyance of the mineral estate.

Federal law requires that bidders must be U.S. citizens, 18 years of age or older, a state or state instrumentality authorized to hold property, or a corporation authorized to own real estate in the state in which the land is located.

If the land identified in this notice is not sold on the date of first sale offering, the parcel will be available on an over-the-counter competitive sale basis at no less than the indicated sale price and subject to the above terms and conditions. Sealed bids will be accepted on the unsold parcel at the Lakeview Resource Area Office during regular business hours (7:45 a.m. to 4:30 p.m. Monday through Friday) at the address shown above. All sealed bids received will be opened the first Wednesday of each subsequent month until the land is either sold or withdrawn from sale. Prospective buyers should inquire about parcel availability after September 30, 1999.

Detailed information concerning the sale, including the reservations, sale procedures, terms and conditions, planning and environmental documentation, is available at the Lakeview Resource Area Office, 1300 South G Street, HC 10, Box 337, Lakeview, Oregon 97630.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Lakeview Resource Area Manager, Bureau of Land Management, at the above address. Objections will be reviewed by the Lakeview District Manager who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Scott R. Florence,

Manager, Lakeview Resource Area.

[FR Doc. 99–15604 Filed 6–18–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(OR–015–1610–00; GP9–0211)

Notice of Intent To Prepare a Resource Management Plan/Environmental Impact Statement for the Lakeview Resource Area

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to prepare a Resource Management Plan/Environmental Impact Statement for the Lakeview Resource Area and initiation of public scoping.

SUMMARY: In accordance with section 202 of the Federal Land Policy and Management Act (FLPMA), a Resource Management Plan/Environmental Impact Statement (RMP/EIS) will be prepared for approximately 3.2 million acres of land managed by the Lakeview Resource Area, Lakeview District and located in Lake and Harney Counties in southeastern Oregon. In addition, a small, contiguous portion of Modoc and Washoe Counties located in northeastern California and northwestern Nevada falling within the administrative boundary of the Surprise Field Office in Cedarville, California, but managed by the Lakeview Resource Area will also be included. Decisions generated during this planning process will supersede planning guidance presented in the High Desert, Lost River, and Warner Lakes Management Framework Plans, as amended, and the Lakeview Grazing Management Final EIS/Record of Decision. Valid decisions and guidance in these or other activity plans will be carried forward and brought into conformance with the final EIS and approved Lakeview RMP.

Two public meetings are scheduled for the purposes of disseminating information and accepting public comments:

July 13, 1999 from 7 p.m. to 9 p.m.
BLM—Lakeview District Office, 1300 South G Street, Lakeview, OR 97630

July 14, 1999 from 7 p.m. to 9 p.m.
North Lake School, County Road 510, Silver Lake, OR 97638

Written comments regarding the plan will also be accepted. For comments to be most helpful, they should relate to specific concerns or conflicts that are within the legal responsibilities of BLM and they must be able to be resolved in this planning process.

DATES AND ADDRESSES: All written comments should be sent to Dwayne Sykes, RMP Team Leader, Bureau of Land Management, HC 10 Box 337, Lakeview, OR 97630. The comment period closes July 31, 1999.

SUPPLEMENTARY INFORMATION: This land use plan will focus on the principles of multiple use management and sustained yield as prescribed by section 202 of the FLPMA. This plan will provide direction for management of the public lands within the Lakeview Resource Area for 15–20 years after the plan is completed. Several management alternatives covering a wide range of management actions and resource uses will be and analyzed in the plan. These alternatives will be developed based on internal staff discussions, public input during this scoping process, and meetings with tribal and government agencies. Tentative issues have been identified which will be addressed in the RMP, including designation and management of special management areas, upland ecosystem management and restoration, riparian and wetland area management, motorized vehicle use, and social needs related to local communities and tribes. These issues may be modified or other issues may be developed as a result of public scoping. In addition to issues, several management concerns will also be addressed in the RMP.

The dissemination of information relating to the preparation of the RMP/EIS and opportunities for public input will be provided throughout the process. Ample public notice of these opportunities will be given as they arise.

FOR FURTHER INFORMATION: Contact Dwayne Sykes, (541) 947–6148 (phone), (541) 947–6399 (fax), or e-mail d1sykes@or.blm.gov.

Dated: June 9, 1999.

Scott R. Florence,

Field Manager, Lakeview Resource Area.

[FR Doc. 99–15603 Filed 6–18–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Acadia National Park, Bar Harbor, ME; Acadia National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770, 5 U.S.C. App. 1, Sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, July 12, 1999.

The Commission was established pursuant to Public Law 99–420, Sec. 103. The purpose of the commission is to consult with the Secretary of the Interior, or his designee, on matters

relating to the management and development of the park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at park Headquarters, McFarland Hill, Bar Harbor, Maine, at 1:00 PM to consider the following agenda:

1. Review and approval of minutes from the meeting held June 7, 1999
2. Committee reports
   Land Conservation
   Education
   Park Use
   Science
3. Old business
4. Superintendent's report
5. Public comments
6. Proposed agenda and date of next Commission meeting

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, tel: (207) 288–3338.

Dated: June 14, 1999.

Paul F. Haertel,

Superintendent, Acadia National Park.

[FR Doc. 99–15654 Filed 6–18–99; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 23, 1999 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. AA1921–114 (Review) (Stainless Steel Plate from Sweden)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 6, 1999.)
5. Outstanding action jackets: (1.) Document No. ID–99–010: Approval to begin work on the proposed final phase in the series in Inv. No. 332–237 (Production Sharing: Use of U.S. Components and Materials in Foreign Assembly Operations, 1995–1998).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 17, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–15832 Filed 6–17–99; 1:27 pm]

BILLING CODE 7020–02–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Revision to a Currently Approved Information Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until August 20, 1999.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. James L. Baylen (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6433, E-mail: jbaylen@ncua.gov.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, James L. Baylen, (703) 518–6411.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0129.

Form Number: NA.

Type of Review: Revision to the currently approved collection.

Title: Corporate Credit Unions.

Description: Part 704 of NCUA's Rules and Regulations directs corporate credit unions to maintain records concerning their activities.

Respondents: Corporate credit unions.

Estimated No. of Respondents/Recordkeepers: 38.

Estimated Burden Hours Per Response: 1,822 hours.

Frequency of Response: Reporting, Recordkeeping, On Occasion and Annually.

Estimated Total Annual Burden Hours: 69,236.

Estimated Total Annual Cost: $2,417,026.

By the National Credit Union Administration Board on June 9, 1999.

Becky Baker,

Secretary of the Board.

[FR Doc. 99–15651 Filed 6–18–99; 8:45 am]

BILLING CODE 7535–01–U

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking Infrastructure Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Advanced Networking and Infrastructure Research (#1207).

Date and Time: July 7 and 8, 1999; 8:30 a.m.–5 p.m.

Place: Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22203.

Type of Meeting: Closed.

Contact Persons: Darleen Fisher and Karen Sollins, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1950.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Networking Research and Special Projects Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15609 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking Infrastructure Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Advanced Networking and Infrastructure Research (#1207).

Date and Time: June 23 and 24, 1999; 8:30 a.m.–5 p.m.

Place: Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Darleen Fisher and Karen Sollins, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1950.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Networking Research and Special Projects Programs as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J York,

Committee Management Officer.

[FR Doc. 99–15610 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking and Infrastructure Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Advanced Networking and Infrastructure Research (#1207).

Date and Time: July 13 and 14, 1999; 8 a.m.–6 p.m.

Place: Room 970, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Darleen Fisher, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1949.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Networking Research Wireless Technology Programs as part of the selection process for awards.

Reason for Closing; The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial date, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15611 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemistry (1191).

Date and Time: July 12 and 13, 1999, 8:00 AM to 5 PM each day.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Richard Hilderbrandt, Program Officer, National Science Foundation, Room 1055, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1844.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Knowledge and Distributed Intelligence (KDI) Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15612 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (#1205).

Date and Time: July, 15, 16, 21 and 23 1999; 8:30 a.m. to 5 p.m

Place: NSF, 4201 Wilson Boulevard, Rooms 530 and 580, Arlington, Virginia 22230.

Contact Person: Drs. Daniel C. Davis and Ken P. Chong, Control, Materials and Mechanics Cluster, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvd., Arlington, VA 22230. 703/306–1361, x5078 and 5065.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Type of Meeting: Closed.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15615 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (#1205).

Date and Time: July 14, 1999; 8:30 a.m. to 5 p.m.

Place: NSF, 4201 Wilson Boulevard, Room 580, Arlington, Virginia 22230.

Contact Person: Dr. Jorn Larsen-Basse, Control, Materials and Mechanics Cluster, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvd., Arlington, VA 22230. 703/306–1361, x5073.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Type of Meeting: Closed.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15616 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Experimental and Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Experimental and Integrative Activities; CISE/EIA: Minority Institutions Infrastructure Program (MII).

Date/Time: June 24, 1999; 8:45 a.m. to 5:30 p.m.

Place: National Science Foundation, Room 1105.17, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Rita V. Rodriguez, Program Director for Minority Institutions Infrastructure Program, Division of Experimental and Integrative Activities, National Science Foundation, Room 1160, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1980

Purpose of Meeting: To provide further evaluation and final recommendation of submitted Minority Institutions Infrastructure proposals submitted to NSF for financial support.

Agenda: To review and discuss recommendations concerning CISE Minority Institutions Infrastructure proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 5552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15613 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Interagency Research Education Initiative; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Interagency Research Education Initiative (IERI), a sub-panel of the Special Emphasis Panel in Research, Evaluation and Communication.

Date and Time: July 15–16, 1999 (8 a.m.–5 p.m.), July 19–20, 1999 (8 a.m.–5 p.m.)

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. John Cherniavsky, Senior Advisor for Research; Research, Evaluation and Communication (REC), Room 855, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Telephone: 703/306–1650.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the Interagency Research Education Initiative (IERI) of NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to the Program as a part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a propriety or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15614 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

National Assessment Synthesis Team; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: U.S. National Assessment Synthesis Team (#5219).

Date: July 7–9, 1999 (8:30 a.m.–5:30 p.m. on July 7–8 and 8:30 a.m.–3:30 p.m. on July 9).

Place: National Science Foundation, Room 1235, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: Melissa J. Taylor, Office of the U.S. Global Change Research Program (USGCRP), 400 Virginia Avenue, SW, Suite 750, Washington, DC 20024. Tel: (202) 314–2230; Fax: (202) 488–8681; Email: mtaylor@usgcrp.gov. Interested persons should contact Ms. Taylor as soon as possible to assure space provisions are made for all participants and observers.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the interagency Subcommittee on Global Change Research on the design and conduct of the national effort to assess the consequences of climate variability and climate change for the United States.

Agenda:

Day 1 (July 7) Review overall progress since the June meeting, and focus on the revisions of the draft sections of the Synthesis Report.

Day 2 (July 8) Continue discussion of the draft sections of the Synthesis Report.

Day 3 (July 9) Continue discussion of the draft sections of the Synthesis Report, review the timetable for next steps, and address any outstanding issues.

Dated: June 15, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–15617 Filed 6–18–99; 8:45 am]

BILLING CODE 7555–01–M

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its monthly meeting to consider matters relating to administration and enforcement of the price regulation, including the reports and recommendations of the Commission's standing Committees.

DATES: The meeting is scheduled for 1:00 p.m. on Wednesday, July 7, 1999.

ADDRESSES: The meeting will be held at Eastern States Exposition (Gate 2), Brooks Building/Main Administration Building, 1305 Memorial Avenue, West Springfield, MA.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Becker, Executive Director, Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256.

Dated: June 15, 1999.

Kenneth M. Becker,

Executive Director.

[FR Doc. 99–15653 Filed 6–18–99; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Generic Letter 91–02, ''Reporting Mishaps Involving LLW Forms Prepared for Disposal.''

2. *Current OMB approval number:* 3150–0156.

3. *How often the collection is required:* Reports are made only when the licensee or waste processor experiences a mishap that is reportable under the guidelines described in the Generic Letter.

4. *Who is required or asked to report:* Nuclear power reactor licensees and Agreement State and non-Agreement State waste processors and disposal site operators.

5. *The number of annual respondents:* 34.

6. *The number of hours needed annually to complete the requirement or request:* 272 hours (an average of 8 hours per response).

7. *Abstract:* Generic Letter 91–02 encourages voluntary reporting (by both waste form generators and processors) of information concerning mishaps to low-level radioactive waste (LLW) forms prepared for disposal. The information is used by NRC to determine whether follow up action is necessary to assure protection of public health and safety.

Submit, by August 20, 1999, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at BJS@NRC.GOV.

Dated at Rockville, Maryland, this 16th day of June 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–15659 Filed 6–18–99; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Joint Meeting of the ACRS Subcommittees on Reliability and Probabilistic Risk Assessment and on Regulatory Policies and Practices; Meeting

The ACRS Subcommittees on Reliability and Probabilistic Risk Assessment and on Regulatory Policies and Practices will hold a joint meeting on July 13, 1999, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, July 13, 1999—1:00 p.m. until the conclusion of business

The Subcommittees will review proposed options for development of risk-informed revisions to10 CFR Part 50, including proposed definitions and scope changes related to structures, systems, and components as well as policy issues, special studies, and related matters. 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 Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and 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 engineer, Mr. Michael T. Markley (telephone 301/415–6885) 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 potential changes to the agenda, etc., that may have occurred.

Dated: June 14, 1999.

Richard P. Savio,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 99–15657 Filed 6–18–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request Review of a Revised Information Collection; Presidential Management Intern Program Application 3206–0082

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a request for clearance of a revised information

collection. The Office of Personnel Management is requesting OMB to authorize procession of collection of information associated with the Presidential Management Intern Program Application. Processing and approval of the 1999 Presidential Management Intern Program Application is necessary to facilitate the timely nomination, selection and placement of Presidential Management Intern Finalists in Federal agencies.

We estimate 2000 applications will be received and processed in 1999. Each application takes approximately 2 hours to complete (one hour for applicants (nominees) and one hour for nominating school officials). The annual estimated burden is 4000 hours. For copies of this proposal, contact Mary Beth Smith-Toomey at (202) 606–8358, or E-MAIL to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before July 21, 1999.

ADDRESSES:

Kathleen A. Keeney, Presidential Management Intern Program, U.S. Office of Personnel Management, William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, PA 19106

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and, Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Keeney, (215) 861–3027.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–15687 Filed 6–18–99; 8:45 am]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23871; 812–9416]

PaineWebber Group Inc., et al.; Notice of Application

June 15, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an exemption under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the ''Act'') from section 17(a) of the Act, under section 6(c) of the Act from section 12(d)(3) of the Act, and for an order under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF THE APPLICATION: Applicants request an order to permit: (a) GE Issuers (as defined below) to sell commercial paper issued by the GE Issuers to certain registered investment companies and the GE Issuers to repurchase (i.e., prepay) the commercial paper; (b) certain registered investment companies to purchase municipal obligations insured by the Financial Guaranty Insurance Company (''FGIC'') and/or insurance policies issued by FGIC on municipal obligations; and (c) certain registered investment companies to purchase in the secondary market common stock and other securities issued by General Electric Company and its subsidiaries.

Applicants: PaineWebber Group Inc. (''PWG''), PaineWebber Incorporated (''PWI''), Mitchell Hutchins Asset Management Inc. (''MHAM''), (collectively, the ''PaineWebber Companies''), General Electric Company (''GE''), General Electric Capital Services, Inc. (''GECS''), General Electric Capital Corporation (''GECC''), GE Financial Assurance Holdings, Inc. (''GEFA'') (collectively, the ''GE Issuers''), FGIC, PaineWebber America Fund, PaineWebber Cashfund, Inc., PaineWebber Investment Series, PaineWebber Managed Assets Trust, PaineWebber Managed Investments Trust, PaineWebber Managed Municipal Trust, PaineWebber Master Series, Inc., PaineWebber Municipal Series, PaineWebber Mutual Fund Trust, PaineWebber Olympus Fund, PaineWebber Financial Services Growth Fund Inc., PaineWebber RMA Money Fund, Inc., PaineWebber RMA Tax-Free Fund, Inc., PaineWebber Securities Trust, Mitchell Hutchins Series Trust, Strategic Global Income Fund, Inc., 2002 Target Term Trust Inc., All-American Term Trust Inc., Global High Income Dollar Fund Inc., Investment Grade Municipal Income Fund Inc., Insured Municipal Income Fund Inc., Managed High Yield Fund Inc., PaineWebber Municipal Money Market Series, PaineWebber Investment Trust, PaineWebber Investment Trust II, Liquid Institutional Reserves, PaineWebber PACE Select Advisors Trust, Mitchell Hutchins Portfolios, PaineWebber Index Trust, Mitchell Hutchins Institutional Series, Managed High Yield Plus Fund Inc. (''PaineWebber Funds''), and The Infinity Mutual Funds, Inc. (the ''Outside Fund,'' and, together with PaineWebber Funds and any other registered investment companies for which PWG or any of its subsidiaries may serve as investment adviser or principal underwriter in the future (''Future Funds''), the ''Funds'').

Filing Dates: The application was filed on January 3, 1995, and amended on August 16, 1996, and June 1, 1999.

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 July 6, 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 who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. PaineWebber Group Inc., 1285 Avenue of the Americas, New York 10019. The Infinity Mutual Funds, Inc., 3235 Stelzer Road, Columbus, Ohio 4319–3035. General Electric Company, 3135 Easton Turnpike, Fairfield, Connecticut 06431. General Electric Capital Services, Inc., and General Electric Capital Corporation, 260 Long Ridge Road, Stamford, Connecticut 06927. GE Financial Assurance Holdings, Inc., 6604 West Broad Street, Richmond, Virginia 23230. Financial Guaranty Insurance Company, 115 Broadway, New York, New York 10006.

FOR FURTHER INFORMATION CONTACT: J. Amanda Machen, Senior Counsel, at (202) 942–7120, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., N.W., Washington, D.C. 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. PWG is a publicly held financial services holding company. GE owns approximately 21.6% of PWG's common stock acquired in a 1994 transaction (''1994 Transaction''). Pursuant to a 1995 SEC order, GE does not control PWG within the meaning of section 2(a)(9) of the Act and will not control PWG for a 15 year period ending on December 16, 2009 (''Effective

Period'').[1] PWI, a wholly-owned subsidiary of PWG, is a broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'') and an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''). MHAM, a wholly-owned subsidiary of PWI, a broker-dealer registered under the Exchange Act and an investment adviser registered under the Advisers Act.

2. Each of the Paine Webber Funds is organized as a Massachusetts or Delaware business trust or Maryland corporation and is registered under the Act as an open-end or closed-end investment company. Each of the Paine Webber Funds has entered into an investment advisory agreement with PWI or MHAM. PWI or MHAM serves as principal underwriter to all of the open-end Paine Webber Funds. GE Investment Management Incorporated (''GEIM''), a wholly-owned subsidiary of GE, serves as investment subadviser to Global Small Cap Fund Inc. Series of Funds for which GEIM serves, or may in the future serve, as investment adviser or subadviser are referred to as ''GEIM-Advised Series.''[2] The Infinity Mutual Funds, Inc. is organized as a Maryland corporation and MHAM serves as investment adviser to two of its series.

3. GE and its consolidated affiliates (the ''GE Company'') comprise one of the largest and most diversified industrial corporations in the world. Through GECS, a wholly-owned subsidiary of GE, and GECS' two principal subsidiaries, GECC and GE Global Insurance Holding Corporation, the GE Company engages in a broad spectrum of financial services. FGIC, which provides financial guaranty insurance, principally on municipal obligations and structured finance issues, is a subsidiary of FGIC Holdings, Inc., a Delaware holding company that is, in turn, a wholly-owned subsidiary of GECC.

4. Applicants request relief to permit (i) the GE Issuers to sell to the Funds short-term obligations issued by the GE Issuers, commonly known as commercial paper (''GE commercial paper''), (ii) the Funds to purchase, to the extent otherwise permitted by their investment objectives, policies, and restrictions, from the GE Issuers, GE commercial paper, and (iii) the GE Issuers to repurchase (i.e., prepay), and the Funds to request repurchase by the GE Issuers of, GE commercial paper held by the Funds (collectively, ''GE Debt Transactions''). While the PaineWebber Funds and the Outside Fund have differing investment objectives, policies and restrictions, virtually all are able to invest some portion of their assets, either as part of their regular investment program or for temporary defensive purposes, in commercial paper.

5. Applicants also request relief to permit (i) the Funds to purchase, to the extent otherwise permitted by their investment objectives, policies, and restrictions, municipal obligations insured as to timely payment of principal and interest by FGIC and/or insurance policies issued by FGIC on municipal obligations, and (ii) FGIC to sell such insurance policies to the Funds (collectively, the ''FGIC Transactions''). In addition, with respect to municipal obligations insured by FGIC, applicants request relief to permit the Funds (i) to accept certain payments that might arise from claims made upon such insurance and (ii) in connection with the Funds' acceptance of any such payments, to assign to FGIC the Funds' rights of recovery (i.e., to permit subrogation of FGIC, to the extent of such payments, to the Funds' rights of recovery against other parties) (collectively, ''Claim Settlement Transactions'').

6. A number of the Funds are permitted to invest at least some portion of their assets, and one has a policy requiring it under normal circumstances to invest at least 80% of its assets, in municipal obligations that are insured as to timely payment of principal and interest (''Insured Municipal Obligations'') under an insurance policy (a) obtained by the issuer or underwriter of the municipal obligation (''Primary Market Insurance''), or (b) purchased by a Fund or by a previous owner of the municipal obligation (''Secondary Market Insurance''). The purchase of Secondary Market Insurance by the Funds themselves, however, would be unusual, and the Funds would only purchase Secondary Market Insurance directly from FGIC if the prices offered by FGIC were at least as favorable as those obtainable from non-affiliated insurers of similar stature and creditworthiness.

7. Applicants also request relief to permit the Funds to purchase in the secondary market (on an exchange or over the counter), to the extent otherwise permitted by their investment objectives, policies, and restrictions, common stock and other securities issued by GE and its subsidiaries.

8. Applicants state that as of May 6, 1999, GE had approximately $4.2 billion, GECS had approximately $5.6 billion, GECC had approximately $77.6 billion, and GEFA had approximately $1.0 billion in commercial paper outstanding. Collectively, the GE Issuers are the largest issuer of commercial paper in the United States, with a collective market share of approximately 7.7% as of December 31, 1998. Applicants state that large institutional investors have consistently viewed GE commercial paper as an attractive short-term investment. Commercial paper issued by each of GE, GECS, GECC and GEFA is rated in the highest possible rating category for commercial paper by Standard & Poor's Rating Group, a division of the McGraw Hill Companies, Inc. (''S&P'') and Moody's Investors Service, Inc. (''Moody's''). GE commercial paper is also highly liquid, in that the GE Issuers are prepared generally to prepay their paper upon request from a holder, subject to prevailing market conditions and the GE commercial paper's liquidity. Moreover, GE Issuers, like a number of other large corporations, permit institutional purchasers to purchase commercial paper directly, thereby saving the purchaser a dealer's markup.

9. Applicants further state that for at least the last eight years prior to the 1994 Transaction, GE commercial paper represented significant investment opportunities for the PaineWebber Funds. Historically, when considering investments in commercial paper, MHAM has considered investment in commercial paper of various other issuers comparable to the GE Issuers. Of these, the GE Issuers have the largest market presence in the United States (collectively), and, in the judgment of MHAM, offer the highest quality commercial paper at a favorable price. In addition, commercial paper issued by GE itself, representing investments in the electric, appliance, finance, broadcasting, and other industries, offers greater diversification than commercial paper issued by most other issuers, whose commercial paper represents investment in a narrower band of industries.

10. Applicants represent that, with respect to each GE Debt Transaction, a determination will be required, based upon the information reasonably available to the purchasing Fund and its investment adviser, that the commercial paper available for purchase from the GE Issuer in question is of an overall quality and value equal to or better than

[1] *See In the Matter of Paine Webber Group Inc.*, Investment Company Release Nos. 21177 (June 30, 1995) (notice) and 21261 (July 27, 1995) (order).

[2] Series of Funds for which GEIM in the past served, but no longer serves, as investment adviser or subadviser will not be considered GEIM-Advised Series. To the extent that a series of a Fund for which GEIM serves as investment adviser or subadviser ceases to be advised by GEIM, such series will be deemed a Future Fund for purposes of the application.

commercial paper then available in the same quantities from other issuers, taking into consideration such factors as yield, maturity, rating by a NRSRO, quality of issuer, flexibility, transaction costs or any other factor deemed relevant by the Fund and adviser in evaluating the desirability of an investment in commercial paper. In particular, applicants represent that before purchasing any commercial paper from a GE Issuer, applicants will obtain yield information on commercial paper offered by at least two comparable issuers, *i.e.,* issuers with similar credit rating and program size, and in a similar market segment or segments, as the GE Issuer.

11. With respect to FGIC Transactions, applicants state that FGIC is among a small number of leading insurers in the market for issuing insurance policies which guarantee the timely payment of principal of, and interest on, particular municipal obligations or on a portfolio of municipal obligations. As of December 31, 1998, FGIC's 21.7% market share of insured new issues ranked FGIC as third in the market. FGIC has received insurance claims-paying ability ratings of AAA/Aaa/AAA by S&P, Moody's, and Fitch IBCA, Inc. FGIC-insured municipal bonds have represented significant investment opportunities for certain of the Funds.

12. Applicants acknowledge and agree that the requested order will be effective only during the Effective Period and will not be applicable with respect to any GEIM-Advised Series. Applicants further acknowledge and agree that the applicability of the requested order to any Fund is conditioned upon approval of the conditions set forth in the application by the Fund's disinterested directors/trustees.

Applicants' Legal Analysis

Sections 17(a) and (d)

1. Section 17(a) of the Act provides, in relevant part, that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such an affiliated person, acting as principal, knowingly: (i) to sell any security or other property to such registered company; (ii) to purchase any security or other property from such registered company; or (iii) to borrow money or other property from such registered company. To the extent that GE and each of the GE entities would be deemed to be an affiliated person of an affiliated person of each of the Funds, section 17(a) could be deemed applicable to GE Debt Transactions, FGIC Transactions, and Claim Settlement Transactions.

2. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such affiliated person, acting as principal, from engaging in a joint enterprise or other joint arrangement with such registered investment company, unless an application regarding such enterprise or arrangement has been filed with the SEC and an order has been granted. To the extent that GE and each of the GE entities would be deemed to be affiliated persons of an affiliated person of each of the Funds, section 17(d) and rule 17d–1 could be deemed applicable to FGIC Transactions and Claim Settlement Transactions.

3. Section 17(d) provides that on application, the SEC shall grant an order exempting a proposed transaction from section 17(a) if evidence establishes that: (1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned; and (3) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) provides that in passing upon applications, the SEC will consider whether each party's participation in the proposed joint transaction ''is consistent with the provisions, policies and purposes of the Act'' as well as the ''extent to which such participation is on a basis different or less advantageous than that of other participants.''

4. Section 6(c) of the Act provides, in pertinent part, that the SEC may, by order upon application, conditionally or unconditionally exempt any class of transactions from any provisions of the Act ''if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of this title.''

5. Applicants seek an order: (1) Under sections 6(c) and 17(b) of the Act, granting an exemption from the provisions of section 17(a) of the Act to permit the GE Debt Transactions, FGIC Transactions, and Claim Settlement Transactions; and (2) under section 17(d) of the Act and rule 17d–1 under the Act to permit FGIC Transactions and Claim Settlement Transactions.

6. Applicants state that while the requested order would enable the Funds to engage in the enumerated transactions, it would neither require nor encourage the Funds to do so. Such transactions would be matters left solely within the discretion of the Funds' investment advisers and boards of directors, consistent with each of the Funds' investment objectives, policies and restrictions.

7. With respect to GE Debt Transactions, applicants state that the ability of any Fund to continue to invest in GE commercial paper is important to the management of the Funds and their opportunity to achieve their overall investment objectives to the benefit of their shareholders. Applicants contend that in light of the significant market share of GE commercial paper in the commercial paper market, it is undesirable for the Funds to be precluded from these potentially favorable investment opportunities. Since purchases in the significantly smaller secondary market in GE commercial paper are often at a less favorable price than direct purchases from GE Issuers, applicants argue that in the absence of the requested relief, the Funds may not have a reasonable and cost-effective opportunity to purchase GE commercial paper. Given many of the Funds' diversification requirements, applicants contend that the inability of the Funds to purchase GE commercial paper (or to ''sell'' such paper back to the GE Issuers through requesting prepayment on such paper) could cause the Funds to turn to smaller, possibly less attractive issuers of commercial paper.

8. With respect to the FGIC Transactions, applicants state that the ability of those Funds which are permitted to invest in municipal obligations to continue to engaged in FGIC Transactions is important to the management of the Funds and their opportunity to achieve their overall investment objectives to the benefit of their shareholders. Applicants contend that given the significant position of FGIC in the market of insurers of municipal bonds, as well as the fact that insured municipal bonds make up an increasingly large percentage of the market, it is undesirable for the Funds to be precluded from these potentially favorable investment opportunities. Applicants argue that precluding any municipal Funds, whether or not diversified, from purchasing FGIC-insured municipal obligations would significantly reduce the pool of potential investments for these Funds, thereby potentially adversely affecting the Funds' ability to achieve the most favorable investment results, and could increase the Funds' exposure in the event that one of the other insurers

experiences problems meeting its insurance obligations.

9. Applicants state that the proposed conditions will help to ensure that GE Debt Transactions and FGIC Transactions will be reasonable and fair to the shareholders of the Funds will not involve overreaching on the part of any person concerned, and will accord with the relevant policies of the Act by ensuring that the Funds' portfolios securities will not be selected in the interest of affiliated persons or FGIC rather than in the interest of the Funds' shareholders. In addition, with respect to Claim Settlement Transactions, applicants assert that the terms of any Claim Settlement Transactions will be reasonable and fair and will not involve overreaching on the part of any person concerned.

Section 12(d)(3)

10. Section 12(d)(3) of the Act generality prohibits a registered investment company from acquiring any security issued by a securities related buisness—*i.e.* the business of any person who is a broker, a dealer, an underwriter, or an investment adviser. Although rule 12d3–1 exempts from section 12(d)(3) purchases by an investment company of certain such securities, rule 12d3–1(c) provides that the exemption does not extend to the acquisition of any security issued by the acquiring company's investment adviser, promoter, or principal underwriter, or any affiliated person of such investment adviser, promoter, or principal underwriter.

11. To the extent that GE and its subsidiaries may be deemed to be affiliated persons of PWI and MHAM, or to be engaged in a securities-related business, applicants seek an order from the SEC pursuant to section 6(c) of the Act exempting them from section 12(d)(3) to the extent necessary to permit the GE Debt Transactions, as well as secondary market submit that the concerns at which section 12(d)(3) is directed are not implicated, and the criteria of section 6(c) are met, with respect to the proposed transactions. Applicants note that the GE Company itself derived less than 1% of its gross revenues from ''securities related activities'' (excluding its interest in PWG) of its fiscal year ended December 31, 1989.

Applicants' Conditions

Applicants agree that any order granting this requested relief will be subject to the following conditions:

1. GE Debt Transactions will be limited to commercial paper issued by the GE Issuer that is a party to the transaction.

2. Before any GE Debt Transaction is consummated, the Fund or its investment adviser will obtain such information as it deems necessary to satisfy itself that the price available to the Fund is at least as favorable to the Fund as the price available to other institutional purchasers or sellers, buying or selling, respectively, in approximately the same quantities at approximately the same time.

3. All GE commercial paper purchased by the Funds from GE Issuers under the order will, at the time of purchase, be an ''eligible security'' and a ''rated security'' as those terms are defined in rule 2a–7 under the Act.

4. Each GE Debt Transaction will be in accordance with the participating Fund's investment objectives, policies and restrictions, and neither MHAM, PWI nor any other investment adviser of any of the Funds will take any action to encourage a change in such investment objectives, policies or restrictions with the intent of facilitating GE Debt Transactions.

5. The Funds will not purchase commercial paper of a GE Issuer if, after such purchase, the Funds' holdings in the aggregate of such GE Issuer's commercial paper would exceed: (a) 10% (measured at the time of purchase) of the value of the outstanding commercial paper of such GE Issuer if such GE Issuer is GE or GECS (or 15%, measured at the time of purchase), if the Funds are investing for temporary defensive purposes or for other purposes of liquidity) or (b) 5% (measured at the time of purchase) of the value of the outstanding commercial paper of such GE Issuer if such GE Issuer is GECC (or 10%, measured at the time of purchase, if the Funds are investing for temporary defensive purposes or for other purposes of liquidity). The Funds will calculate the amount of limitations applicable under this paragraph on the bases of the amount of each GE Issuer's outstanding commercial paper as shown in, and as of the end of the period covered by, the GE Issuer's most recent quarterly report, or, if more recent, the GE Issuers' annual report.

6. No fund or series of any Fund will invest more then 1% (measured to the time of purchase) of the value of its total assets, or, if lower, the maximum percentage permitted by its investment policies and restrictions, in the commercial paper of GE Issuers, measured in the aggregate, except that each Money Market Fund or series of any Money Market Fund may invest up to 5% (measured at the time of purchase) of the value of its total assets in the commercial paper of GE Issuers, measured in the aggregate, subject to any limitations in rule 2a–7 under the Act.

7. The Funds and their investment advisers will maintain such records with respect to GE Debt Transactions conducted pursuant to the requested order (''Order'') as may be necessary to confirm compliance with the conditions of the Order.

a. Each Fund shall maintain an itemized daily record of all purchases and sales of securities pursuant to the Order, showing for each transaction: the name and quality of securities; the unit purchase or sale price; the time and date of the transaction; and the rating of the securities. Such records also shall document for each commercial paper transaction at least two quotations on securities of comparable issuers, including: the source of the quotations (Telerate or another generally accepted electronic means); the prices quoted; the time and dates the quotations were received; and the ratings of these securities of comparable issuers.

b. Each Fund shall maintain a ledger or other record showing, on a daily basis, the percentage of that Fund's total assets invested in GE commercial paper.

c. Each Fund and/or its investment adviser shall maintain records sufficient to verify compliance with the limitations in condition 5 above.

The records required by this condition 7 will be maintained and preserved in the same manner as records required under rule 31a–1(b)(1) under the Act.

8. Each FGIC Transaction will be in accordance with the participating Fund's investment objectives, policies and restrictions, and neither MHAM, PWI nor any other investment adviser of any of the Funds will take any action to encourage a change to such investment objectives, policies or restrictions with the intent of facilitating FGIC Transactions.

9. The Funds and their investment advisers will maintain such records with respect to FGIC Transactions conducted pursuant to the Order as may be necessary to confirm compliance with the conditions of the Order. The records will show for each transaction conducted pursuant to the Order, among other things, the time and date of the FGIC Transaction, the price of the insured purchased pursuant to the Order, the type of insurance covering the security, and, in the case of Secondary Market Insurance purchased directly from FGIC, the procedures taken to make the determination set forth on condition 10. The records will

be maintained and preserved in the same manner as records required under rule 31a–1(b)(1) under the Act.

10. The Funds will not purchase Secondary Market Insurance from FGIC unless the Funds or their investment advisers determine that: (a) the rates and terms of such insurance are at least as favorable to the Funds as the rates and terms FGIC offers non-affiliated investment companies; and (b) the rates and terms of such insurance are at least as favorable to the Funds as those obtainable from non-affiliated insurers of similar stature and creditworthiness.

11. The Funds will not purchase: (a) in any initial public offering of municipal securities insured wholly through FGIC Primary Market Insurance, more than 10% of the offering; and (b) in any initial public offering of municipal securities insured partly through FGIC Primary Market Insurance, more than 10% of that portion of the offering insured by FGIC.

12. A Fund that purchases insurance with an option to continue in effect after the resale of a municipal obligation will only exercise such option when the insured value of the security, less the cost of the premium for the insurance, exceeds the value of the security without the insurance.

13. In the event there is a payment default on a municipal obligation held by a Fund that is insured by FGIC, the Fund will not accept from FGIC in settlement of any claim less than an amount sufficient to pay any principal or interest then due on such municipal obligation in accordance with the insurance policy to which such obligation is subject without obtaining a further exemptive order or other relief from the SEC except as follows: If holders of such obligation, otherwise unaffiliated with FGIC or any GE entity and holding in the aggregate a larger principal amount than the Fund, accept a settlement by a majority (in principal amount) of such unaffiliated holders, then the Fund may accept a settlement on terms as least as favorable as those accepted by such majority without obtaining an order from the Commission, provided the Fund's board of directors/trustees (''Board''), including a majority of the non-interested directors/trustees (''Disinterested Directors''), approve the settlement as in the best interests of the Fund.

14. The Board of each Fund, including a majority of the Disinterested Directors, will adopt guidelines for the Funds and their investment advisers to ensure compliance with the conditions set forth in the application. Each Fund shall maintain and preserve permanently in an easily accessible place a copy of the guidelines. The Board shall review, no less frequently than annually, compliance with such guidelines in order to determine that: (a) transactions conducted pursuant to the Order comply with the conditions set forth herein; (b) the above procedures are followed in all respects; and (c) participation by the Fund in such transactions is, and continues to be, in the best interests of the Fund and its shareholders. The minutes of the meeting of the Board of each Fund at which this determination is made will reflect in detail the reasons for the Board's determination.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–15598 Filed 6–18–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41525; File No. SR–DTC–99–14]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of a Proposed Rule Change Relating to the Establishment of an Automated Foreign Tax Reclaim Service

June 14, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 27, 1999, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–99–14) as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Under the proposed rule change, DTC will establish an automated foreign tax reclaim service called ''TaxReclaim.''

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

DTC currently offers two foreign tax withholding services. Under DTC's Elective Dividend Service, participants can certify securities positions that are entitled to reduced withholdings under international tax treaties or source country law in order to obtain tax relief at source or by accelerated tax refunds. DTC also provides a foreign tax information database called ''TAXI'' which provides withholding tax information on foreign securities.

Under the proposed rule change, DTC will expand its international tax services with the addition of TaxReclaim. TaxReclaim will be an interactive tax reclaim preparation facility that will assist participants in preparing foreign jurisdictions' tax reclaim forms that are required to reclaim tax withheld on income payments on foreign securities. Participants will access TaxReclaim through DTC's participant terminal system. Participants will input data particular to the beneficial owner, foreign security, and payment details as required by the country of issuance. DTC will process the information in a software application that includes the reclaim form and tax information template and will transmit back to the participant using file transfer protocol a print file containing the completed tax reclaim form, reclaim calculation, and information on additional filing requirements and filing instructions. In a subsequent phase, TaxReclaim may be further automated and made accessible to participants over DTC's computer to computer facility.

DTC will initiate the TaxReclaim service as a pilot program with a small group of participant users. It is anticipated that the initial pilot program will begin in July 1999 with approximately 6 to 15 participants. No fees will be charged during the pilot phase. DTC anticipates concluding the pilot program phase and introducing TaxReclaim as a regular DTC service in August 1999. When TaxReclaim becomes a regular DTC service, the fee

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

for each reclaim transaction on a printed reclaim form will be $10. A reclaim transaction will consist of the reclaim calculation applicable to one security, one beneficial owner, and one income payment date. For reclaim transactions that are not completed because the reclaimable amount falls below a threshold value established by the participant, the fee will be $2 per reclaim transaction. DTC will post a disclaimer of liability in connection with use of the TaxReclaim service.

DTC believes that the proposed rule change is consistent with section 17A of the Act[3] and the rules and regulations thereunder because it facilitates return of payments withheld by foreign jurisdiction with respect to distributions made on foreign securities and thereby protects investor entitlements to such payments.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

DTC has not solicited nor received written comments on the proposed rule change. However, the introduction of a foreign tax reclaim service was discussed with DTC's Participant Advisory Group on Foreign Tax Services at meetings of the group held on September 28, 1998, February 15, 1999, and April 23, 1999. The Participant Advisory Group on Foreign Tax Services consists of representatives of 19 participants. A prototype of the TaxReclaim Service was demonstrated at the meeting of the Participant Advisory Group on Foreign Tax Services held on April 23, 1999, and was favorably received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which DTC consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–99–14 and should be submitted by July 12, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–15600 Filed 6–18–99; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78q–1.

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41516; File No. SR–MBSCC–99–02]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to MBSCC's Risk Management Rules and Procedures

June 10, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] notice is hereby given that on April 15, 1999, MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–MBSCC–99–02) as described in Items I, II, and III below, which Items have been prepared primarily by MBSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to make several modifications to MBSCC's risk management rules. Specifically, the proposed rule change: (i) implements the net-out report, (ii) modifies financial reporting by participants, (iii) modifies certain special provisions applicable to nondomestic participants, (iv) requires additional assurances from MBSCC participants, and (v) clarifies MBSCC's role as agent in a liquidation.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with the Commission, MBSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to make several modifications to MBSCC's risk management rules. Specifically, the proposed rule change: (i) implements the net-out report, (ii) modifies financial reporting by participants, (iii) modifies certain special provisions applicable to nondomestic participants, (iv) adds a provision for additional assurances, and (v) clarifies MBSCC's role as agent in a liquidation.

The specific objectives of the proposed rule change and the corresponding modifications to MBSCC's rules are described below.

1. Net-Out Report

Article III, Rule 3, Section 5 of MBSCC's rules governs when MBSCC ceases to act for a participant, This rule generally provides that if a defaulting participant's participants fund contribution is insufficient to cover losses of the defaulting participant's nonoriginal contra sides, the deficiency

[2] The Commission has modified the text of the summaries prepared by MBSCC.

is assessed against the defaulting participant's original contra sides. Original contra sides remain liable for potential assessments even if as a result of MBSCC's netting process they net-out of transactions. MBSCC, however, does not currently provide participants with information regarding their open net-out obligations.

The proposed rule change modifies Article II, Rule 4 of MBSCC's rules to add a provision for a daily net-out report that will list all of a participant's open net-out obligations. Article I, Rule 1 of MBSCC's rules is also being modified to add a definition of the term ''net-out report.'' The net-out report is intended to provide participants with timely information regarding their open net-out obligations to enable them to better monitor potential risk exposure with original contra sides.

2. Financial Reporting

Article III, Rule 1, Section 10 of MBSCC's rules sets forth the financial reporting requirements for participants. This rule generally requires participants to provide MBSCC with annual audited and quarterly unaudited financial statements.

MBSCC's rules also contain special provisions applicable to certain participants. Article III, Rule 1, Section 11 provides that MBSCC may permit: (i) Any registered broker-dealer to satisfy its obligation to furnish financial statements by providing MBSCC with Form X–17A–5 FOCUS Reports or Form G–405 Report on Finances and Operations, (ii) any bank to satisfy its obligation to furnish financial statements by providing MBSCC with Consolidated Reports of Condition and Income (Call Reports), and (iii) any participant that is subject to the periodic reporting requirements of Section 13 of the Act to satisfy its obligation to furnish financial statements to MBSCC by providing MBSCC with Form 10–K and Form 10–Q Reports.

The proposed rule change modifies Article III, Rule 1, Section 10 of MBSCC's rules to replace the general requirement for quarterly unaudited financial statements with unaudited financial statements as frequently as required by the participant's appropriate regulator, and if not regulated or a nondomestic participant, monthly unaudited financial statements.

This modification is intended to provide MBSCC with more frequent information on the financial condition of certain participants. MBSCC believes that this information should be especially useful in periods of market volatility.

3. Non Domestic Participants

Article III, Rule 1, Section 13 of MBSCC's rules contains special provisions applicable to non domestic participants. This rule generally provides that any participant that is not organized under the laws of the United States must comply with certain additional financial and operational requirements.

The proposed rule change modifies Article III, Rule 1, Section 13 of MBSCC's rules to codify the existing practice of requiring non domestic participants to: (i) execute and deliver to MBSCC a master agreement, (ii) provide MBSCC with an opinion of counsel, and (iii) confirm the master agreement and option of counsel as MBSCC may require. The master agreement and the opinion of counsel generally address the enforceability of MBSCC's rules. Article I, Rule 1 of MBSCC's rules is also being modified to add definitions of the terms ''master agreement'' and ''opinion of counsel.''

The master agreement, opinion of counsel, and periodic confirmation thereof are designed to provide MBSCC with additional comfort from non domestic participants regarding the enforceability of MBSCC's rules and procedures.

4. Additional Assurances

Article III, Rule 3, Section 1 of MBSCC' rules requires a participant that is unable to meet its obligations or perform its contracts or is insolvent to immediately notify MBSCC. However, MBSCC's rules do not currently require a participant to notify MBSCC in situations where the participant contemplates that it will be unable to meet its obligations or perform its contracts or will no longer be in compliance with MBSCC's rules and procedures.

The proposed rule change modifies Article III, Rule 1 of MBSCC's rules by adding a new Section 16 regarding additional assurances. The new section provides that any participant that contemplates it no longer will be in compliance with MBSCC's rules and procedures or will no longer be able to perform its contracts or satisfy its obligations to MBSCC or participants must immediately notify MBSCC. If MBSCC has reasonable ground to believe that a participant no longer will be in compliance with MBSCC's rules and procedures or no longer will be able to perform its contracts or satisfy its obligations to MBSCC or participants, MBSCC may require additional information from such participant relating to its ability to comply with the rules and procedures, perform its contracts, and satisfy its obligations to MBSCC or participants. MBSCC may also increase a participant's minimum required deposits to the participants fund if MBSCC has reasonable grounds to believe such conditions may exist. The new section also states that it does not restrict MBSCC from exercising its right at any time to cease to act for the participant pursuant to MBSCC's rules.

The new section providing for additional assurances is designed to enable MBSCC to better determine a participant's potential inability to meet its obligations and to increase the likelihood that a participant's collateral will be sufficient to satisfy its obligations.

5. MBSCC as Agent

Article III, Rule 3, Section 5(f) of MBSCC's rules governs the distribution of funds when MBSCC ceases to act for a participant. MBSCC's role as agent in the distribution of funds is currently implied within the rules because MBSCC does not guaranty its participants' transactions. The proposed rule change modifies Article III, Rule 3, Section 5(f) to make explicit that any distribution of funds relating to a participant for which MBSCC has ceased to act is made by MBSCC as agent.

MBSCC believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act and the rules and regulations thereunder because it is designed to assure the safeguarding of securities and funds which are in the custody or control of MBSCC or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(B) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. MBSCC will notify the Commission of any written comments received by MBSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to

ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR–MBSCC–99–02 and should be submitted by July 12, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–15599 Filed 6–18–99; 8:45 am]

BILLING CODE 8010–01–M

[3] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41524; File No. SR–Phlx–99–11]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Enhance the Exchange's Automated Options Market System and To Employ Trade Reporting Terminals in Certain Options

June 14, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 7, 1999, the Philadelphia Stock Exchange Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On June 10, 1999, the Phlx filed with the Commission Amendment No. 1[3] to the proposed rule change. The Commission is publishing this notice, as amended, to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes two enhancements to the Phlx Automated Options Market (''AUTOM'')[4] System. The first proposed system enhancement, called the Floor Broker Order Entry System (''FBOE''), allows certain orders to be placed directly onto the X.Station,[5] in lieu of a ''paper'' book. The second proposed enhancement involves employing trade reporting terminals in certain options for non-AUTOM delivered orders.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Nandita Yagnick, Counsel, Phlx, to Michael Walinskas, Associate Director, Division of Market Regulation, Commission, dated June 10, 1999 (''Amendment No. 1''). Amendment No. 1 makes a technical modification to the proposed rule change.

[4] *See* Phlx Rule 1080. AUTOM is the Exchange's electronic order delivery and reporting system that provides for the automatic entry and routing of Exchange listed equity option and index option orders.

[5] For a more detailed description of the X.Station, *see* Securities Exchange Act Release Nos. 40625 (Nov. 2, 1998), 63 FR 60435 (Nov. 9, 1998) and 39972 (May 7, 1998), 63FR 26666 (May 13, 1998).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The X.Station is the Exchange's full service options electronic book and trading system. The X.Station provides order execution and order canceling by specialists. Orders delivered through AUTOM, if not automatically executed, are placed on the X. Station on the electronic book for execution by the specialist. Orders not delivered through AUTOM are placed on the ''paper'' book. Currently, orders, that are on the paper book, when due an execution, are manually executed by the specialist. The specialist then writes out tickets for both sides of the trade and submits them to Exchange staff for reporting to the Options Price Reporting Authority (''OPRA'') and for the entry of clearing information.

The Exchange is now proposing a system—The FBOE—that would allow hand-delivered orders[6] to be entered directly onto the X.Station rather than on a paper book. The FBOE will place all orders, except all-or-none, stop, and stop limit orders.[7]

The FBOE will operate as follows: The floor broker will give orders to the specialist; the specialist or his clerk will enter the orders into the FBOE terminal located at the specialist post. The floor broker also may enter the order through terminals located at his floor broker booth. The orders will be displayed on the X.Station and reflected in the Auto-

[6] The FBOE will not accept orders of Registered Options Traders (ROTs) nor will it accept ''firm'' (member) orders entered by a floor broker.

[7] *see* Phlx Rule 1066. An all-or-nore order is a market or limit order that is to be executed in its entirety or not at all. A stop order is a contingency order to buy or sell at a specified price. A stop limit order is a contingency order to buy or sell at limited price when the market for the particular option reaches a specified price.

Quote[8] bids and offers. Once the specialist executes an order (using the X.Station), the execution ticket is immediately printed at the floor broker's post and the trade is reported to OPRA.

Cancellation of orders will operate in the same manner. The floor broker will either deliver the order to the specialist, where the specialist or his clerk will enter the cancellation and the X.Station or the floor broker will cancel the orders from the terminal located at this booth. The cancellation ticket will also be printed at the broker's booth.

The FBOE will provide notification of executions and ''outs'' as well as query capabilities to determine the status of orders and cleared trades, from the floor broker's booth. The FBOE will allow paper orders originating with floor brokers to exist thereafter on the X.Station just like AUTOM delivered orders. This measure will allow a greater number of orders to be processed electronically through the AUTOM system, which in turn enables the Exchange to better process order flow in the more active issues.

Secondly, in addition to the FBOE system, trade reporting terminals will be placed near the crowd in certain options so that trades that are not executed by the X.Station (non-AUTOM delivered orders) can be reported promptly at the time of the trade, rather than after clearing information is entered into the system. This will result in trades being reported to the participants and OPRA more efficiently.

2. Statutory Basis

The Exchange believes that the proposed enhancements to the AUTOM system are consistent with Section 6 of the Act[9] in general, and Section 6(b)(5)[10] in particular, in that they are designed to facilitate transactions in securities and remove impediments to and perfect the mechanism of a free and open market and national market system, as well as to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change, as amended, will become effective upon filing pursuant to Section 19(b)(3)(A) of the Act,[11] and Rule 19b–4(f)(5)[12] thereunder, in that it is designated by the Exchange as effecting a change in an existing order entry system of a self-regulatory organization that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not have the effect of limiting access to or availability of the system. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[13]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington DC. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to the File No. SR–Phlx–99–11 and should be submitted by July 12, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–15601 Filed 6–18–99; 8:45 am]

BILLING CODE 8010–01–M

[8] *See* Phlx Rule 1080, Commentary .01. Automatic Quotation (Auto-Quote) is the Exchange's electronic options pricing system the enables specialists to automatically monitor and instantly update quotations.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(5).

[13] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3186, Amdt. 2]

State of Iowa

In accordance with a notice received from the Federal Emergency Management Agency dated June 7, 1999, the above-numbered Declaration is hereby amended to include Scott County in the State of Iowa as a disaster area as a result of damages caused by severe storms, flooding, and tornadoes beginning on May 16 and continuing through May 29, 1999.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Muscatine County, Iowa and Rock Island County, Illinois. Any counties contiguous to the above-named primary county and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 19, 1999, and for economic injury the deadline is February 22, 2000.

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

Dated: June 11, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–15589 Filed 6–18–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3190]

State of New Mexico

Valencia County and the contiguous Counties of Bernalillo, Cibola, Socorro, and Torrance in the State of New Mexico constitute a disaster area as a result of damages caused by severe thunderstorms and flash flooding that occurred on May 24, 1999. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 9, 1999 and

for economic injury until the close of business on March 10, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with Credit available elsewhere	6.875
Homeowners without credit available elsewhere	3.437
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster are 319006 for physical damage and 9D0500 for economic injury.

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

Dated: June 10, 1999.

Fred P. Hochberg,

Acting Administrator.

[FR Doc. 99–15586 Filed 6–18–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3189]

State of North Dakota

As a result of the President's major disaster declaration on June 8, 1999, I find that the following counties in the State of North Dakota constitute a disaster area due to damages caused by severe storms, flooding, snow and ice, ground saturation, landslides, mudslides, and tornadoes beginning on March 1, 1999 and continuing: Barnes, Benson, Bottineau, Burleigh, Cass, Dickey, Emmons, Foster, Grand Forks, Griggs, Kidder, LaMoure, Logan, McHenry, McIntosh, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Steele, Stutsman, Towner, Traill, Walsh, Ward, and Wells Counties, and the Indian Reservations of the Devils Lake Sioux, Fort Berthold, and Turtle Mountain. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 6, 1999, and for loans for economic injury until the close of business on March 8, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Burke, Cavalier, Dunn, Eddy, McKenzie, Mercer, Morton, Oliver, Sioux, and Williams Counties in North Dakota; Brown, Campbell, Marshall, McPherson, and Roberts Counties in South Dakota; and Clay, Kittson, Marshall, Norman, Polk, Traverse, and Wilkin Counties in Minnesota.

The interest rates are:

	Percent
Physical Damage:	
Homeowners with credit available elsewhere	6.375
Homeowners without credit available elsewhere	3.188
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 318906. For economic injury the numbers are 9D0200 for North Dakota, 9D0300 for South Dakota, and 9D0400 for Minnesota.

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

Dated: June 11, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–15588 Filed 6–18–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3191]

State of South Dakota

As a result of the President's major disaster declaration on June 9, 1999, I find that Shannon County and the Pine Ridge Indian Reservation in the State of South Dakota constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding beginning on June 4, 1999 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on August 7, 1999, and for loans for economic injury until the close of business on March 9, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Bennett, Custer, Fall River, Jackson, Mellette *, Pennington, and Todd * Counties in South Dakota, and Dawes, Cherry *, and Sheridan Counties in Nebraska.

* These counties are contiguous to the Indian Reservation.

The interest rates are:

	Percent
Physical Damage:	
Homeowners with credit available elsewhere	6.875
Homeowners without credit available elsewhere	3.437
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.000
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 319106. For economic injury the numbers are 9D0600 for South Dakota and 9D0700 for Nebraska.

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

Dated: June 11, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99–15587 Filed 6–18–99; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Emergency Consideration Request

In compliance with Pub. L. 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is requesting emergency consideration from OMB by June 30, 1999 of the information collection listed below.

Request for Information—0960–NEW. The information collected on this form will be used by SSA's Office of the Inspector General (OIG) to conduct periodic eligibility reviews of beneficiaries residing in foreign countries. The form is designed to replace the current time-consuming and expensive method of conducting these reviews by selecting sample cases and conducting in person interviews. The form will permit OIG to review all beneficiary residents of the foreign country under study, thereby narrowing the scope of the beneficiaries requiring in person visits to those who do not respond or to those who provide questionable evidence. The respondents are Social Security beneficiaries residing in foreign countries.

Number of Respondents: 900.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 450 hours.

SSA is currently in the process of clearing this information collection under the normal OMB approval procedures, and published the first **Federal Register** Notice on May 27, 1999. However, time constraints associated with the normal clearance process will not permit SSA to complete this time-sensitive and mission-critical objective as mandated by the Inspector General Act.

SSA's OIG has responsibility for combating fraud, waste and abuse of SSA's programs. Accordingly, this information collection is designed to determine which beneficiaries residing in foreign countries pose the greatest risk of committing fraud against SSA programs. As a result, overpayments will be captured and corrected promptly, thereby minimizing the negative impact to SSA programs and the resulting public harm. To allow adequate time for review and planning purposes, responses to this form must be available to SSA's OIG prior to August 25, 1999. For this survey of foreign eligibility reviews investigators are scheduled to arrive on site on August 30, 1999. Therefore, we are requesting emergency consideration from OMB of the information collection.

You can obtain a copy of the collection instrument and/or OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235

Dated: June 15, 1999.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 99–15692 Filed 6–18–99; 8:45 am]

BILLING CODE 4190–29–U

DEPARTMENT OF STATE

[Public Notice # 3064]

Public Notice; State Department Consultation With American Indigenous Groups

The Department of State will hold the fourth annual consultation between U.S. Government officials and federally recognized American Indian and Alaska Native Tribes, and other interested groups/parties to discuss issues of interest to indigenous groups and to provide tribal leaders with an update on progress on the United Nations (U.N.) and Organization of American States (OAS) draft declarations on indigenous rights. This event will build on annual consultations held since 1996 providing a regular forum for discussions between the Department of State and federally recognized tribes. The consultation, which is open to the general public, is scheduled for Tuesday, July 13, 1999, from 1:00 p.m. to 5:00 p.m., and Wednesday, July 14, 1999 from 8:30 a.m. to 5:00 p.m. at the Department of State in Washington, DC.

The consultation will take place in the East Auditorium, Room 2925, Department of State, 2201 C Street, NW, Washington, DC. Registration begins at 1:00 p.m., on July 13, and 8:30 a.m. on July 14th, at the 21st Street entrance, the Department of State. The public is invited to attend the meetings.

Those interested in attending or seeking additional information should contact Yvonne Thayer or Sarah Osmer by fax (202–647–0431) or phone (202–647–0293) in the Bureau of Democracy, Human Rights, and Labor at the Department of State. To ensure that your name is on the list of participants, please contact the Department of State no later than July 6, 1999.

Dated: June 11, 1999.

Harold Hongju Koh,

Assistant Secretary, Bureau of Democracy, Human Rights, and Labor Department of State.

[FR Doc. 99–15700 Filed 6–18–99; 8:45 am]

BILLING CODE 4710–18–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS–166]

WTO Dispute Settlement Proceeding Regarding USA—Definitive Safeguard Measures on Imports of Wheat Gluten

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (''USTR'') is providing notice of the European Communities' (''EC'') request for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization (''WTO''). The EC challenges the United States' action in imposing temporary quantitative limitations on imports of wheat gluten in an effort to aid the domestic industry to make a positive adjustment to import competition. In this dispute the EC alleges that the United States' safeguard measure is inconsistent with certain obligations under the WTO Agreement on Safeguards (''Safeguards Agreement''), Article XIX of the General Agreement on Tariffs and Trade 1994 (''GATT 1994''), and the WTO Agreement on Agriculture (''Agriculture Agreement''). USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by July 19, 1999, to be assured of timely consideration by USTR in preparing its first written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: Wheat Gluten, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Marjorie Florestal, Assistant General Counsel at (202) 395–3581 or Robert Cummings, Senior Economist at (202) 395–6127.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), USTR is providing notice that on June 3, 1999, the EC submitted a request for the establishment of a WTO dispute settlement panel to examine the U.S. safeguard measure on imports of wheat gluten. The WTO Dispute Settlement Body (''DSB'') is expected to establish a panel for this purpose in July, 1999.

Major Issues Raised and Legal Basis of the Complaint

The EC challenges the safeguard measure on imports of wheat gluten that the President established in Proclamation 7103 of May 30, 1998, and described in the President's Memorandum of May 30, 1998, entitled ''Action Under section 203 of the Trade Act of 1974 Concerning Wheat Gluten.'' The President's Proclamation and Memorandum were published in the **Federal Register** in Vol. 63, No. 106, pp. 30359 and 30363 on June 3, 1998.

In the EC's view the U.S. measure violates the Safeguards Agreement, Article XIX of the GATT 1994, and the Agriculture Agreement. Specifically, the EC asserts violations of:

- Articles 2.1 and 4 of the Safeguards Agreements because the U.S. International Trade Commission allegedly failed to examine ''fundamental requirements'' under these provisions when it conducted its investigation of the domestic industry.
- Article 5 of the Safeguards Agreement because, in adopting and applying the measure, the United States allegedly violated Article 5's rules on proportionality and allocation of quotas among supplying countries.
- Article 8 of the Safeguards Agreement because the United States allegedly failed to maintain a substantially equivalent level of concessions to affected WTO Members.
- Article 12 of the Safeguards Agreement because the United States allegedly failed to ''fully respect'' the notification requirements therein.
- Article 4.2 of the Agriculture Agreement because the measure in effect allegedly constitutes a substantial breach of the United States' obligations thereunder.
- Article XIX of GATT 1994 because the United States allegedly failed to fulfill ''relevant conditions'' under that Article, and because the measure allegedly was designed and applied in order to breach the most-favored-nation principle under Article I of GATT 1994, particularly since the measure allegedly favored Australia in terms of impact on trade.

On March 17, 1999, the EC requested consultations with the United States, and these consultations were held in Geneva on May 3, 1999, but did not lead to a satisfactory resolution of the matter.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other parties in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS–166, ''Wheat Gluten'') may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant U.S. Trade Representative for Monitoring and Enforcement.

[FR Doc. 99–15583 Filed 6–18–99; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–18]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 12, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Terry Stubblefield (202) 267–7624 Office of

Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 16, 1999.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28452.
Petitioner: Boeing Commercial Airplane Group.
Section of the FAR Affected: 14 CFR 25.562(b)(2).
Description of Relief Sought: To add Boeing Model 737–700C/–900 to Exemption No. 6425. This would permit exemption from the floor warpage testing requirements of § 25.562(b)(2), as amended by Amendment 25–64, for flight deck seats.

Docket No.: 29552.
Petitioner: Northern Illinois Flight Center, Inc.
Section of the FAR Affected: 14 CFR 135.299(a).
Description of Relief Sought: To permit NIFC pilots to accomplish a line operational evaluation in a Level C or Level D flight simulator in lieu of a pilot-in-command line check in an aircraft.

Docket No.: 29553.
Petitioner: UFS, Inc.
Section of the FAR Affected: 14 CFR 121.344(b)(3).
Description of Relief Sought: To permit UFS to operate nine British Aerospace ATP aircraft without installing the required, approved digital flight data recorder (DFDR) until the next heavy maintenance check conducted after the aircraft manufacturer has made the DFDR modification kit available.

Docket No.: 29565.
Petitioner: Acadia Air, Inc.
Section of the FAR Affected: 14 CFR 119.71(b).
Description of Relief Sought: To permit Mr. Bouffard to continue to act as Director of Operations for Acadia, a certificate holder operating under 14 CFR part 135, without Mr. Bouffard holding a commercial pilot certificate and instrument rating.

Docket No.: 29593.
Petitioner: Empressa Brasileira da Aeronautica, S.A. (EMBRAER)
Section of the FAR Affected: 14 CFR 25.783(f).
Description of Relief Sought: To exempt EMBRAER from the requirements of § 25.783(f), to permit operation of the Embraer Model 135 airplane without a pressurization prevention means for the rear electronic compartment access hatch.

Dispositions of Petitions

Docket No.: 26237.
Petitioner: MCIWORLDCOM Management Company, Inc.
Sections of the FAR Affected: 14 CFR 91.611.
Description of Relief Sought/ Disposition: To permit MCI to conduct ferry flights with one engine inoperative in MCI's Falcon Trijet airplanes, Models No. 50 and 900, without obtaining a special flight permit for each flight. To change the name of the exemption holder from MCI Systemhouse Corporation to MCIWORLDCOM Management Company, Inc. *GRANT, 05/21/99, Exemption No. 5332D.*

Docket No.: 28768.
Petitioner: Franklin Products, Inc.
Section of the FAR Affected: 14 CFR 25.853(a).
Description of Relief Sought/ Disposition: To exempt Franklin Products from the vertical burn test requirements of § 25.853(a) for the Franklin Products' seat cushion assemblies constructed with noncompliant water-based adhesives. *PARTIAL GRANT, 5/28/99, Exemption No. 6634A.*

Docket No.: 27953.
Petitioner: Aero Sports Connections, Inc.
Sections of the FAR Affected: 14 CFR 103.1(a) and (e)(1) through (e)(4)
Description of Relief Sought/ Disposition: To allow individuals authorized by ASC to give instruction in powered ultralights that have maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have poweroff stall speed that does not exceed 35 knots calibrated airspeed. *GRANT, 6/3/99, Exemption No. 6080C.*

Docket No.: 28709.
Petitioner: Mr. William L. Hale.
Section of the FAR Affected: 14 CFR 91.109(a) and (b)(3).
Description of Relief Sought/ Disposition: To permit Mr. Hale to conduct certain flight instruction and simulated instrument flights to meet recent instrument experience requirements in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *GRANT, 5/28/99, Exemption No. 6897.*

Docket No.: 28830.
Petitioner: EMBRAER Service Center TMA.
Section of the FAR Affected: 14 CFR 145.47(b).
Description of Relief Sought/ Disposition: To permit EMBRAER to use the calibration standards of the Instituto Nacional de Metrologia, Normalizaçã e Qualidade Industrial in lieu of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment. *GRANT, 4/12/99, Exemption No. 6616A.*

Docket No.: 28837.
Petitioner: TEMSCO Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 145.45(f).
Decription of Relief Sought/ Disposition: To permit TEMSCO to make available one copy of its Inspection Procedure Manual (IPM) to all of its supervisory and inspection personnel, rather than providing a copy of the IPM to each of these individuals. *GRANT, 4/12/99, Exemption No. 6623A.*

Docket No.: 29181.
Petitioner: Northwest Airlines, Inc.
Sections of the FAR Affected: 14 CFR 93.217.
Description of Relief Sought/ Disposition: To permit NWA to redesignate two international slots at Chicago O'Hare International Airport as domestic slots, which could then be sold or traded. *GRANT, 5/26/99, Exemption No. 6766.*

Docket No.: 29530.
Petitioner: Dornier Luftfahrt GmbH.
Sections of the FAR Affected: 14 CFR 25.1435(b)(1).
Description of Relief Sought/ Disposition: To permit type certification of the Dornier Model 328–300 by conducting a proof pressure test of the hydraulic system at 3580 psig (the system relief pressure) per the proposed § 24.1435(c)(3), and component testing at 1.5 times the operating pressure (450 psig) per the current § 25.1435(a)(2). *PARTIAL GRANT, 5/20/99, Exemption No. 6895.*

Docket No.: 29533.
Petitioner: Mr. Dan E. Chauvet.
Sections of the FAR Affected: 14 CFR 91.109(a) and (b)(3).
Description of Relief Sought/ Disposition: To permit Mr. Chauvet to conduct certain flight instruction and simulated instrument flights to meet recent instrument experience requirements in certain Beechcraft airplanes equipped with a functioning throwover control wheel in place of functioning duel controls. *GRANT, 5/20/99, Exemption No. 6896.*

Docket No.: 29559.
Petitioner: Mr. Eric Kindig dba EK Aviation
Sections of the FAR Affected: 14 CFR 135.251, 135.255, and 135.353.

Description of Relief Sought/ Disposition: To permit EK Aviation to conduct sightseeing rides on June 12, 1999, at the Sidney, Ohio and on July 4, 1999, at Urbana, Ohio, for the purpose of carrying passengers on local non-stop flights for compensation or hire. *GRANT, 5/10/99, Exemption No. 6898.*

Petition for Exemption

Docket No.: 28452.

Petitioner: Boeing Commercial Airplane Group.

Regulations Affected: 25.562(b)(2).

Description of Petition: To add Boeing Model 737–700C/–900 to Exemption No. 6425. This would permit exemption from the floor warpage testing requirements of § 25.562(b)(2), as amended by Amendment 25–64, for flight check seats.

[FR Doc. 99–15711 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Monterey County, California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Monterey County, California.

FOR FURTHER INFORMATION CONTACT: Robert F. Tally, Team Leader, Program Delivery Team-North, Carolina Division, Federal Highway Administration, 980 9th Street, Suite 400, Sacramento, CA 95814–2724, Telephone: (916) 498–5020.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an environmental impact statement (EIS) on a proposal to improve safety and reduce congestion on SR (State Route) 156 in Monterey County between Castroville Boulevard and SR 101. The existing two-lane conventional highway has an accident rate 35% higher than the average rate for comparable highways, and operates at LOS (Level of Service) E which is expected to decline to LOS F by 2020. A bottleneck condition at the SR 156/101 interchange contributes to safety problems in the corridor.

Four alternatives are being considered at this time: A No Action Alternative (Alternative 1) and three build alternatives. All build alternatives would convert the described section of SR 156 from a two-lane highway to a four-lane expressway and construct interchange improvements at SR 156/101. Alternative 2 would construct the additional two lanes directly south of, and on the same alignment as, existing SR 156. Alternative 3 would construct a portion of the additional two lanes on a split alignment south of existing SR 156. Alternative 4 would construct four new lanes south of the existing SR 156 alignment.

Letters describing the proposed action and soliciting comments were sent to the appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed or are known to have interest in this proposal. The Public Participation Program for this study includes community information meetings expected to begin in the summer of 1999, and a formal Public Hearing in early 2001.

To ensure that the full range of issues related to this proposed action is addressed, and all significant issues identified, comments and suggestions are invited from all interested parties. If you have any information regarding historic resources, endangered species, or other sensitive issues, which could be affected by this project, please notify this office. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: June 8, 1999.

Robert F. Tally,

Team Leader, Program Delivery Team-North, Sacramento, California.

[FR Doc. 99–15607 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Vernon County, Wisconsin

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of intent

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for capacity improvements to the USH 14/61 highway corridor between the cities of Viroqua and Westby in Vernon County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Jaclyn Lawton, Environmental Engineer, Federal Highway Administration, 567 D'Onofrio Drive, Madison, Wisconsin, 53719–2814: Telephone: (608) 829-7517. You may also contact Carol Cutshall, Director, Bureau of Environment, Wisconsin Department of Transportation, P.O. Box 7965, Madison, Wisconsin, 53707–7965: Telephone: (608) 266–9626.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, will prepare a Draft Environmental Impact Statement (EIS) on a proposal to provide additional transportation capacity on USH 14/61 between the cities of Viroqua and Westby, including possible community bypasses. The approximate 16-mile project begins south of Viroqua at the STH 27/82 intersection with USH 14/61, and ends north of Westby at the CTH GG intersection with USH 14/61. The proposal is being considered to address future transportation demand on USH 14/61, and to preserve land for a future transportation corridor. Alternatives under consideration include: (1) No build, (2) improvements to the existing highway, and (3) possible bypass corridors around Viroqua and Westby.

A project advisory committee comprised of federal and state agencies, local officials, environmental, and other community interests, will provide input during data gathering, development and refinement of alternatives, and long range corridor preservation. A series of public meetings will be held to solicit comments from citizens and interest groups who have previously expressed, or are known to have interest in the proposal. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing. Agencies having an interest in or jurisdiction regarding the proposed action will be contacted through interagency coordination meetings and mailings.

To ensure that the full range of issues related to this proposed action are addressed, and all substantive issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA or the Wisconsin

Department of Transportation at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: June 10, 1999.

William K. Fung,

Division Administrator, Wisconsin Division, FHWA.

[FR Doc. 99–15630 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Record Keeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on March 24, 1999 [64 FR 14303–14304].

DATES: Comments must be submitted on or before July 21, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Block at the National Highway Traffic Safety Administration, Office of Research and Traffic Records (NTS–31), 202–366–6401. 400 Seventh Street, SW, Room 6240, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: National Highway Traffic Safety Administration.

Title: National Survey of Pedestrian and Bicycle Attitudes, Knowledge, and Behavior.

OMB Number: 2127–NEW.

Type of Request: New information collection.

Abstract: NHTSA proposes to conduct a survey by telephone among a national probability sample of 4,200 adults, including older adults. Participation by respondents would be voluntary. The proposed survey would collect information on pedestrian and bicycling behavior, obstacles to walking and bicycling, use of bicycle helmets, training in bicycling safety, pedestrian and bicyclist safety education for children, knowledge of safety issues and rules of the road, assessment of existing community facilities for walking and bicycling, and other related issues.

In conducting the proposed survey, the interviewers would use computer-assisted telephone interviewing to reduce interview length and minimize recording errors. A Spanish-language translation and bilingual interviewers are proposed to minimize language barriers to participation. The proposed survey would be anonymous and confidential

Affected Public: Randomly selected members of the general public aged sixteen and older in telephone households.

Estimated Total Annual Burden: 1514.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, D.C. 20503, Attention: NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, D.C., on June 16, 1999.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 99–15707 Filed 6–18–99; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–525 (Sub–No. 1X)]

Pittsburgh Industrial Railroad, Inc.—Abandonment Exemption—in Allegheny County, PA

Pittsburgh Industrial Railroad, Inc. (PIRR) has filed a verified notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 1.15-mile line between milepost 5.35 and milepost 6.5, in Neville Township, Allegheny County, PA. The line traverses United States Postal Service Zip Code 15225.

PIRR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 21, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by July 1, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 12, 1999, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicant's representative: Karl Morrell, Esq., Ball Janik LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005. If the verified notice contains false or misleading

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

information, the exemption is void *ab initio.*

PIRR has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by June 28, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), PIRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by PIRR's filing of a notice of consummation by June 21, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 4, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–15525 Filed 6–18–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 7, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 21, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0001.

Form Number: IRS Form CT–1.

Type of Review: Extension.

Title: Employer's Annual Railroad Retirement Tax Return.

Description: Railroad employers are required to file an annual return to report employer and employee Railroad Retirement Tax Act (RRTA). Form CT–1 is used for this purpose. IRS uses the information insure that the employer has paid the correct tax.

Respondents: Business or others for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 2,387.

Estimated Burden Hours Per Respondent/Recordkeeper:

	CT–1 (part I)	CT–1 (part II)
Recordkeeping	10 hrs., 17 min	3 hrs., 7 min.
Learning about the law or the form	12 hrs., 12 min	6 min.
Preparing, copying, assembling, and sending the form to the IRS	6 hrs., 3 min	9 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: hours.

OMB Number: 1545–0014.

Form Number: IRS Form 637.

Type of Review: Extension.

Title: Application for Registration (For Certain Excise Tax Activities).

Description: Form 637 is used to apply for excise tax registration. The registration applies to a person required to be registered under Internal Revenue Code (IRC) section 4101 for purposes of the federal excise tax on taxable fuel imposed by IRC 4041 and 4081; and to certain manufacturers or sellers and purchasers that must register under IRC 4222 to be exempt from the excise tax on taxable articles. The data is used to determine if the applicant qualifies for exemption. Taxable fuel producers are required by IRC 4101 to register with the Service before incurring any tax liability.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 2,000

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—10 hrs., 17 min.

Learning about the law or the form—1 hr., 56 min

Preparing and sending the form to the IRS—1 hr., 41 min.

Frequency of Response: Other (one time only).

Estimated Total Reporting/Recordkeeping Burden: 27,780 hours.

OMB Number: 1545–0110.

Form Number: IRS Form 1099-DIV.

Type of Review: Extension.

Title: Dividends and Distributions.

Description: The form is used by the Internal Revenue Service to insure that dividends are properly reported as required by Code section 6042 and that liquidation and distributions are correctly reported as required by Code section 6043, and to determine whether payees are correctly reporting their income.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 140,560.

Estimated Burden Hours Per Respondent: 16 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 29,099,759 hours.

OMB Number: 1545–0256.

Form Number: IRS Forms 941c and 941cPR.

Type of Review: Extension.

Title: Supporting Statement To Correct Information (941c); and Planilla Para La Correccion de Informacion (941cPR).

Description: These forms are used by employers to correct previously reported FICA or income tax data. It may be used to support a credit or adjustment claimed on a current return for an error in a prior return period. The information is used to reconcile wages and taxes previously reported or used to support a claim for refund, credit, or adjustment of FICA or income tax.

Respondents: Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 958,050.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Hours per respondent
941c	9 hrs., 12 min.
941cPR	7 hrs., 44 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 8,728,727 hours.

OMB Number: 1545–0922.

Form Number: IRS Forms 8329 and 8330.

Type of Review: Extension.

Title: Lender's Information Return for Mortgage Credit Certificates (MCCs) (8329); Issuer's Quarterly Information Return for Mortgage Credit Certificates (MCCs) (8330).

Description: Form 8329 is used by lending institutions and Form 8330 is used by state and local governments to report on mortgage credit certificates (MCCs) authorized under Internal Revenue Code (IRC) section 25. IRS matches the information supplied by lenders and issuers to ensure that the credit is computed properly.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 10,500.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 8329	Form 8330
Recordkeeping	3 hrs., 35 min	4 hrs., 32 min.
Learning about the law or the form	1 hr. 0 min	1 hr., 17 min.
Preparing and sending the form to the IRS	1 hr., 6 min	1 hr., 25 min.

Frequency of Response: Quarterly.

Estimated Total Reporting/ Recordkeeping Burden: 71,400 hours.

OMB Number: 1545–1079.

Form Number: IRS Form 9041.

Type of Review: Extension.

Title: Application for Electronic/ Magnetic Media Filing of Business and Employee Benefit Plan Returns.

Description: For 9041 is filed by fiduciaries of estates and trusts, partnerships, and plan sponsors/ administrators as an application to file their returns electronically or on magnetic media; and by software developers, service bureaus and electronic transmitters to develop auxiliary services.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 3,000.

Estimated Burden Hours Per Respondent: 18 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 900 hours.

OMB Number: 1545–1110.

Form Number: IRS Form 940–EZ.

Type of Review: Extension.

Title: Employer's Annual Federal Unemployment (FUTA) Tax Return.

Description: Form 940-EZ is a simplified form that most employers with uncomplicated tax situations (e.g., only paying unemployment contributions to one state and paying them on time) can use to pay their FUTA tax. Most small businesses and household employers use the form.

Respondents: Business or other for-profit, Individuals or households, Farms.

Estimated Number of Respondents/ Recordkeepers: 4,089,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—6 hrs., 23 min.
Learning about the law or the form—58 min.
Preparing and sending the form to the IRS—59 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 32,075,163 hours.

OMB Number: 1545–1173.

Form Number: IRS Form 8815.

Type of Review: Revision.

Title: Exclusion of Interest From Certain U.S. Savings Bonds Issued After 1989.

Description: If an individual redeems series I or series EE U.S. Savings Bonds issued after 1989 and pays a qualified higher education expenses during the year, the interest on the bonds may be excludable from income. Form 8815 is used by the individual to figure the amount of savings bond interest that is excludable.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 25,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—53 min.
Learning about the law or the form—13 min.
Preparing the form—38 min.
Copying, assembling, and sending the form to the IRS—34 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 51,470 hours.

OMB Number: 1545–1407.

Form Number: IRS Form 8848.

Type of Review: Extension.

Title: Consent to Extend the Time To Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).

Description: Form 8848 is used by foreign corporations that have (a) completely terminated all of their U.S. trade or business within the meaning of Temporary Regulations section 1.884–2T(a) during the tax year or (b) transferred their U.S. assets to a domestic corporation in a transaction described in Code section 381(a), if the foreign corporation was engaged in a U.S. trade or business at that time.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 5,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—4 hrs., 4 min.
Learning about the law or the form—47 min.
Preparing and sending the form to the IRS—54 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 28,800 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–15595 Filed 6–18–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 10, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 21, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0068.
Form Number: IRS Form 2441.
Type of Review: Extension.
Title: Child and Dependent Care Expenses.
Description: Internal Revenue Code (IRC) section 21 allows a credit for certain child and dependent care expenses to be claimed on Form 1040 (reduced by employer-provided day care benefits excluded under section 129). Day care provider information must be reported to the IRS for both the credit and exclusion. Form 2441 is used to verify that the credit and exclusion are properly figured, and that provider information is reported.
Respondents: Individuals or households.
Estimated Number of Respondents/Recordkeepers: 6,519,859.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—40 min.
Learning about the law or the form—25 min.
Preparing the form—46 min.
Copying, assembling, and sending the form to the IRS—28 min.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 15,060,874 hours.

OMB Number: 1545–0351.
Form Number: IRS Form 3975.
Type of Review: Extension.
Title: Tax Professionals Annual Mailing List Application and Order Blank.
Description: Form 3975 allows a tax professional a systematic way to remain on the Tax Professionals Mailing File and to order copies of tax materials.
Respondents: Business or other for-profit.
Estimated Number of Respondents: 320,000.
Estimated Burden Hours Per Respondent: 3 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 16,000 hours.

OMB Number: 1545–1073.
Form Number: IRS Form 8801.
Type of Review: Extension.
Title: Credit For Prior Year Minimum Tax—Individuals, Estates and Trusts.
Description: Form 8801 is used by individuals, estates, and rusts to compute the minimum tax credit, if any, available from a tax year beginning after 1986 to be used in the current year or to be carried forward for use in a future year.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 38,744.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hrs., 4 min.
Learning about the law and the form—1 hr., 51 min.
Preparing the form—1 hr., 40 min.
Copying, assembling, and sending the form to the IRS—17 min.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 227,427 hours.

OMB Number: 1545–1490.
Regulation Project Number: FI–28–96 Final.
Type of Review: Extension.
Title: Arbitrage Restrictions on Tax-Exempt Bonds.
Description: The recordkeeping requirements are necessary for the Service to determine that an issuer of tax-exempt bonds has not paid more than fair market value for non-purpose investments under section 148 of the Internal Revenue Code.
Respondents: Not-for-profit institutions, State, Local or Tribal Government.
Estimated Number of Recordkeepers: 1,400.
Estimated Burden Hours Per Recordkeeper: 1 hour.
Estimated Total Recordkeeping Burden: 1,425 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 99–15596 Filed 6–18–99; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 14, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before July 21, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0227.
Form Number: IRS Form 6251.
Type of Review: Extension.
Title: Alternative Minimum Tax-Individuals.
Description: Form 6251 is used by individuals with adjustments, tax preference items, taxable income above certain exemption amount, or certain credits. Form 6251 computes the alternative minimum tax which is added to regular tax. The information is needed to ensure the taxpayer is complying with the law.
Respondents: Business or others for-profit.
Estimated Number of Respondents/Recordkeepers: 414,106.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—2 hrs., 31 min.
Learning about the law or the form—1 hr., 11 min..
Preparing the form—1 hr., 50 min.
Copying, assembling, and sending the form to the IRS—28 min.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 2,476,354 hours.

OMB Number: 1545–1128.
Form Number: IRS Form 8814.
Type of Review: Revision.
Title: Parents' Election To Report Child's Interest and Dividends.
Description: Form 8814 is used by parents who elect to report the interest and dividend income of their child under age 14 on their own tax return. If this election is made, the child is not required to file a return.
Respondents: Individuals or households.
Estimated Number of Respondents/Recordkeepers: 1,100,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—7 min.
Learning about the law or the form—10 min.
Preparing the form—24 min.
Copying, assembling, and sending the form to the IRS—17 min.
Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 1,419,000 hours.
Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 99–15597 Filed 6–18–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Discontinuance of Bisynchronous Communications Protocol in IRS E-Filing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This announcement serves as notice that the Internal Revenue Service plans to discontinue the use of the bisynchronous communication protocol for IRS e-filing of Forms 1040 series, including the stand-alone Electronic Tax Document System. This includes Forms 4868, Application for Automatic Extension of Time to File U.S. Individual Income Tax Return and Form 9465, Installment Agreement Request.

DATES: The effective date for this discontinuation is October 18, 1999 at the conclusion of the 1999 filing season.

ADDRESSES: Questions or concerns should be directed to Carolyn E. Davis, Senior Program Analyst at IRS, Electronic Tax Administration, OP:ETA:O:S, 5000 Ellin Road C4–187, Lanham, MD 20706.

FOR FURTHER INFORMATION CONTACT: Questions or concerns will also be taken over the telephone. Call 202–283–0589 (not a toll-free number) or via email to: carolyn.e.davis@m1.irs.gov.

SUPPLEMENTARY INFORMATION: If transmitters are using the XMODEM, YMODEM, or ZMODEM file transfer protocols, they are using asynchronous and not bisynchronous protocol, and therefore are not affected by this notice. In addition to offering asynchronous connectivity, the IRS also is capable of receiving data via TCP/IP on 56kbs and ISDN lines. Other high-speed alternatives are also being considered. Concurrent with this action, the IBM Series/1 minicomputers will be decommissioned at the same time. All of the above returns/forms will be transmitted to the Austin Service Center in Austin, TX and to the Tennessee Computing Center in Memphis, TN for the 2000 e-file season.

Approved:

Carol Stender-Larkin,

Acting National Director, Electronic Program Operations, Electronic Tax Administration.

[FR Doc. 99–15571 Filed 6–18–99; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 64, No. 118

Monday, June 21, 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 DEFENSE

Department of the Army

Proposed Collection: Comment Request

Correction

In notice document 99–14997, appearing on page 31846, in the issue of Monday, June 14, 1999, make the following corrections:

1. On page 31846, in the first column, in the 16th line, ''qualify,'' should read ''quality,''.

2. On page 31846, in the second column, under the heading **SUPPLEMENTARY INFORMATION**, in the 12th line, ''to'' should read ''the''.

[FR Doc. C9–14997 Filed 6-18-99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Department of the Army

Reserve Officers' Training Corps (ROTC) Program Subcommittee

Correction

In notice document 99–14776, beginning on page 31198, in the issue of Thursday, June 10, 1999, make the following correction:

On page 31198, in the third column, under the heading **AGENCY:**, ''DOT'' should read ''DOD''.

[FR Doc. C9–14776 Filed 6-18-99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[IND No. 1986-99; AG Order No. 2227-99]

RIN 1115-AE 26

Extension and Redesignation of the Province of Kosovo in the Republic of Serbia in the State of the Federal Republic of Yugoslavia (Serbia-Montenegro) Under Temporary Protected Status

Correction

In notice document 99–14507, beginning on page 30542 in the issue of Tuesday, June 8, 1999, make the following correction:

On page 30542, in the third column, in the penultimate line,''June 18, 1999'' should read, ''June 8, 1999.''

[FR Doc. C9–14507 Filed 6–18–99; 8:45 am]

BILLING CODE 1505–01–D

NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974; Publication of Revised System of Records Notice

Correction

In notice document 99–10748 beginning on page 23362 in the issue of Friday, April 30, 1999, make the following correction(s):

1. On page 23363, in the second column, in designated paragraph 4., in the first line, ''is'' should read ''to''.

2. On page 23363, in the second column, in designated paragraph 6., in the third line, ''of'' should read ''or''.

3. On page 23363, in the third column, in the 12th line from the bottom, ''Rentention'' should read ''Retention''.

[FR Doc. C9–10748 Filed 6–18–99; 8:45 am]

BILLING CODE 7545–01–F

federal register

Monday
June 21, 1999

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 11, 91, 121, 135, and 145
Part 145 Review: Repair Stations; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 91, 121, 135, and 145

[Docket No. FAA–1999–5836; Notice No.99–09]

RIN 2120–AC38

Part 145 Review: Repair Stations

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to update and revise the regulations for repair stations. This action is necessary because many portions of the current repair station regulations do not reflect changes in repair station business practices and aircraft maintenance practices, or advances in aircraft technology. The proposed revisions would reorganize the repair station rules to reduce duplication of regulatory language and eliminate obsolete information. The proposal also would establish new requirements that relate to repair station ratings and classes, manual requirements, recordkeeping, and personnel. In addition, the NPRM contains a proposal to ensure that the special issues associated with repair stations outside the United States are adequately addressed, and it invites public comments on this proposal and other measures to ensure proper safety oversight of these repair stations.

DATES: Comments must be received on or before October 19, 1999.

ADDRESSES: Comments on this document should be mailed or delivered, in duplicate, to: U.S. Department of Transportation Dockets, Docket No. [FAA–1999–5836], 400 Seventh Street SW., Room Plaza 401, Washington, DC 20590. Comments also may be sent electronically to the following Internet address: 9–NPRM–CMTS@faa.gov. Comments may be filed and examined in Room Plaza 401 between 10 a.m. and 5 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard E. Nowak, Aircraft Maintenance Division, Airworthiness Systems and Air Agency Branch (AFS–330), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–7228.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed action by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this document also are invited. Substantive comments should be accompanied by cost estimates. Comments must identify the regulatory docket or notice number and be submitted in duplicate to the DOT Rules Docket address specified above.

All comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

All comments received on or before the closing date will be considered by the Administrator before taking action on this proposed rulemaking. Comments filed late will be considered as far as possible without incurring expense or delay. The proposals in this document may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this document must include a pre-addressed, stamped postcard with those comments on which the following statement is made: ''Comments to Docket No. FAA–1999–5836.'' The postcard will be date stamped and mailed to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339), the Government Printing Office (GPO)'s electronic bulletin board service (telephone: (202) 512–1661), or, if applicable, the FAA's Aviation Rulemaking Advisory Committee bulletin board service (telephone: (800) 322–2722 or (202) 267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/nprm.htm or the GPO's web page at http://www.access.gpo.gov/nara access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the notice number or docket number of this NPRM.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Statement of the Problem

Aircraft, powerplants, maintenance, alteration concepts, and technology have progressed substantially in the past three decades. However, the current repair station regulations are based primarily on concepts that were developed during the infancy of the aviation industry. Very few substantive changes have been made to those repair station rules since they were recodified in the Federal Aviation Regulations (27 FR 6662, July 13, 1962).

Portions of Title 14 Code of Federal Regulations (14 CFR) part 145 are no longer appropriate or have become increasingly difficult to administer. Other portions of the rule no longer make a significant contribution to aviation safety or do not warrant the associated administrative costs. The FAA and the aviation industry have had to change the character and method of operations to keep pace with state-of-the-art aviation maintenance practices. Also, the FAA has granted exemptions and created other special administrative procedures to handle situations not provided for adequately in the regulations. To ensure that the regulations are appropriate for today's repair station industry, the FAA has determined that part 145 should be completely revised.

History

In 1975, the FAA and industry participants in the FAA's First Biennial Operations Review recommended that specific and substantial requirements of part 145 be revised. Although minor amendments to part 145 were subsequently adopted, no major revision was made. However, a significant amendment to part 145 was adopted on November 22, 1988 (Amendment No. 145–21, 53 FR 47376), which expanded the scope of work that foreign repair stations (i.e., those U.S.-certificated repair stations located outside the United States) are authorized to perform, and permitted certain repair stations to contract maintenance functions to noncertificated repair organizations/facilities under specific conditions.

As part of a regulatory review of 14 CFR part 43; 14 CFR part 65, subpart E; and part 145, the FAA held several public meetings. These meetings provided a forum for the public to offer comments concerning the possible revision of the rules governing repair stations. More than 500 representatives of repair stations, airlines, unions, manufacturers, foreign governments, industry organizations, and individuals attended the meetings.

The goal of the meetings was to gather enough factual information from the public to determine whether the repair station regulations should be revised, and if so, to determine what revisions should be made.

In preparation for the meetings, the FAA identified several areas of the repair station rules as areas that might need revision. These areas were: organization and format; ratings and classes; operations and inspection procedures; manufacturers' maintenance facilities; contracting of maintenance by repair stations; repair station privileges; facility, housing, and equipment requirements; recordkeeping and report requirements; and management, inspection personnel, and repairmen qualifications. Participants discussed the issues at the FAA public meetings and submitted written comments to Docket No. 25965, which was established for this regulatory review. Responses from participants at the meetings and the comments received in the docket indicate a need to revise and update the repair station regulations.

During the review of the repair station rules, the FAA examined various documents and related rulemaking actions. These documents included FAA Order 8300.10, *Airworthiness Inspector's Handbook;* advisory circulars that relate to repair stations, such as AC No. 145–3, *Guide for Developing and Evaluating Repair Station Inspection Procedures Manuals;* AC No. 145–4, *Inspection, Retread, Repair and Alterations of Aircraft Tires;* AC No. 145–5, *Repair Station Internal Evaluation Programs;* and 145–6, *Repair Stations for Composite and Bonded Aircraft Structure;* and previous petitions for exemption from part 145. The FAA also reviewed Joint Aviation Requirement (JAR) 145: Approved Maintenance Organizations, established by the Joint Aviation Authorities (JAA), an organization of European Civil Aviation Authorities. This NPRM includes efforts toward harmonizing the U.S. repair station regulations with those of the JAA.

General Discussion of the Proposals

Based on the public meetings, comments to Docket No. 25965, and the FAA's review of related documents, the FAA is proposing to revise part 145 completely. The FAA has decided not to include part 43 or part 65, subpart E, in this notice, even though these parts were included in the original regulatory review. Notice No. 94–27, Revision of Certification Requirements: Mechanics and Repairmen (63 FR 37172, July 9, 1998), proposes revisions to part 65, subpart E. Any revisions to part 43 would be addressed in a separate rulemaking action.

The FAA also considered establishing regulations, which were discussed at the public meetings, that would permit certain repair stations to manage the maintenance program of an operator certificated under part 121 or part 135. However, the FAA decided not to address such regulations in this NPRM. Any proposal to permit certain repair stations to manage the maintenance program of a part 121 or part 135 operator would be addressed in a separate rulemaking action.

The FAA's discussion of the proposed revisions to part 145 is organized as follows: organization and format of part 145, manufacturers' maintenance facilities, deviation authority, ratings and classes, implementation of the proposed ratings and classes, manual requirements, quality assurance, capability list, contract maintenance, job functions, training, line station maintenance, and recordkeeping and reporting. Following these discussions is a section-by-section discussion comparing the proposed rule to the current rule.

Organization and Format

Currently, part 145 separates the requirements for domestic repair stations, foreign repair stations, and repair facilities with a limited rating for manufacturers. However, the FAA's analysis of current part 145 revealed that, with few exceptions, no basic distinction exists between the regulations governing operations of domestic repair stations and those governing operations of foreign repair stations. Therefore, the FAA proposes to remove the distinction between domestic and foreign repair stations, except for a few instances where differences exist. (The limited rating for manufacturers is discussed under ''Manufacturers Maintenance Facilities.'')

The FAA proposes to revise the organization and format of part 145 to combine current similar requirements of domestic and foreign repair stations under the same subpart and section. Proposed part 145 would separate requirements according to subject matter in the following way: General; Certification; Facilities, Equipment, Materials, and Housing; Personnel; Operating Rules; and Job Functions. The proposed reorganization would eliminate many of the redundancies found in the current rule.

Manufacturers' Maintenance Facilities

The limited rating for manufacturers was established in 1966 by Amendment No. 145–4 (31 FR 5248). The amendment enabled manufacturers to obtain a repair station certificate with a limited rating under part 145 so they could perform maintenance or preventive maintenance on articles manufactured by them without meeting certain repair station requirements that other nonmanufacturer organizations were required to meet. The amendment also broadened the manufacturers' rebuilding and alteration authority to include appliances and parts manufactured under an FAA Parts Manufacturer Approval. Facilities that obtain such a rating are referred to as manufacturers' maintenance facilities (MMFs).

Currently, the FAA issues repair station certificates with limited ratings for manufacturers to the holder or licensee of a Type Certificate, the holder of a Production Certificate, the holder of a Technical Standard Order authorization, or any person who meets the requirements of current 14 CFR 21.303 and who has the prescribed fabrication inspection system.

The FAA proposes to eliminate the limited ratings for manufacturers and require that these facilities obtain the appropriate repair station certificate. Although MMFs' systems for inspection, recordkeeping, and quality control vary considerably from those used by repair stations, MMF repair operations do not differ substantially from the operations of other certificated repair stations. Because maintenance practices and aircraft technologies have evolved since the establishment of limited ratings for manufacturers, the FAA has determined that all repair facilities' systems for inspection, recordkeeping, and quality control should be consistent, and that the issuance of limited ratings for manufacturers is no longer appropriate. In granting certification for a manufacturer's repair station, however, the FAA proposes that full consideration be given to the quality control system established by the manufacturer that the manufacturer uses to comply with the pertinent provisions

of 14 CFR part 21. The manufacturer's repair station must operate, however, in compliance with the maintenance rules set forth in parts 43 and 145.

Deviation Authority

The FAA proposes to include deviation authority to provide flexibility to operations subject to part 145 that may be safely or satisfactorily conducted as an alternative means of compliance with portions of part 145. The FAA envisions that limited deviation would be sought from only a few specific sections, and that Letters of Deviation Authority would likely be limited in scope.

Requests for deviation authority would be made in a form and manner acceptable to the Administrator, and the FAA would review the circumstances of each operator requesting a deviation, during the determination process. If a deviation were warranted, the FAA would require that operations be conducted subject to certain conditions and limitations. These would be placed in the Operations Specifications of an operator certificated under part 145. Consistency in granting deviation authority would be achieved by the provision that only the Associate Administrator for Regulation and Certification (AVR–1) could issue letters of deviation authority. The FAA is requesting public comments on the practicality of deviation authority in the proposed rule, as well as situations under which deviation authority may be appropriate.

In addition, the public also is invited to comment on alternative means of compliance for any section of the proposal. Where appropriate, alternative means of compliance will be incorporated in the final rule, if adopted.

Ratings and Classes

The FAA proposes to revise the ratings and classes that can be issued to certificated repair stations. Although the proposed ratings and classes are based on those discussed at the public meetings mentioned earlier, the FAA also considered basing the ratings and classes strictly on certification standards (i.e., 14 CFR parts 21, 23, 25, 27, 29, 33, and 35). The FAA requests that commenters specifically address whether the proposed system of ratings and classes should be prescribed in a separate new regulation. A comparison of the proposed ratings to the current ratings follows.

Current rating	Proposed fating
Airframe Rating	**Aircraft Rating**
Class 1: Composite construction of small aircraft	Class 6: Aircraft composed primarily of composite material, of 12,500 pounds maximum certificated takeoff weight or less.
Class 2: Composite construction of large aircraft	Class 7: Aircraft composed primarily of composite material, over 12,500 pounds maximum certificated takeoff weight.
Class 3: All-metal construction of small aircraft	Class 1: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) of 12,500 pounds maximum certificated take-off weight or less. Class 4: Rotorcraft (other than rotorcraft composed primarily of composite material) of 6,000 pounds maximum certificated takeoff weight or less. Class 5: Rotorcraft (other than rotorcraft composed primarily of composite material) over 6,000 pounds maximum certificated takeoff weight.
Class 4: All-metal construction of large aircraft	Class 2: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) over 12,500 pounds maximum certificated takeoff weight and up to, and including, 75,000 pounds maximum certificated takeoff weight. Class 3: Aircraft, by make and model, (other than rotorcraft and aircraft composed primarily of composite material) over 75,000 pounds maximum certificated takeoff weight.
Powerplant Rating	**Powerplant Rating**
Class 1: Reciprocating engines of 400 horsepower or less	Class 1: Reciprocating engines.
Class 2: Reciprocating engines of more than 400 horsepower	Class 1: Reciprocating engines.
Class 3: Turbine engines	Class 2: Turbopropeller and turboshaft engines. Class 3: Turbojet and turbofan engines.
Propeller Rating	**Propeller Rating**
Class 1: All fixed-pitch and ground-adjustable propellers of wood, metal, or composite construction.	Class 1: Fixed-pitch and ground-adjustable propellers.
Class 2: All other propellers, by make	Class 2: Variable-pitch propellers.
Radio Rating	**Avionics Rating**
Class 1: Communication equipment	Class 1: Communication equipment.
Class 2: Navigational equipment	Class 2: Navigational equipment.
Class 3: Radar equipment	Class 3: Pulsed equipment.
No Equivalent Current Rating	**Computer Systems Rating**
	Class 1: Aircraft computer systems. Class 2: Powerplant computer systems. Class 3: Avionics computer systems.

Current rating	Proposed fating
Instrument Rating	**Instrument Rating**
Class 1: Mechanical Class 2: Electrical Class 3: Gyroscopic Class 4: Electronic	Class 1: Mechanical. Class 2: Electrical. Class 3: Gyroscopic. Class 4: Electronic.
Accessory Rating	**Accessory Rating**
Class 1: Mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation, including aircraft wheel brakes, mechanically driven pumps, carburetors, aircraft wheel assemblies, shock absorber struts, and hydraulic servo units. Class 2: Electrical accessories that depend on electrical energy for their operation, and generators, including starters, voltage regulators, electric motors, or similar electrical accessories. Class 3: Electronic accessories that depend on an electron tube, transistor, or similar device, including supercharger, temperature, air conditioning controls, or similar electronic controls.	Class 1: Mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation. Class 2: Electrical accessories that depend on or produce electrical energy. Class 3: Electronic accessories that depend on transistors; lasers; fiber optics; solid-state, integrated circuits; vacuum tubes; or similar devices. Class 4: Auxiliary power units (APUs) that may be installed on aircraft as self-contained units to supplement the aircraft's engines as a source of hydraulic, pneumatic, or electrical power.
Limited Rating	**Limited Rating**
For airframes; engines; propellers; instruments; radio equipment; accessories; landing gear; components; floats; nondestructive inspection, testing, and processing; emergency equipment; rotor blades by make and model; aircraft fabric work; and other purposes.	For aircraft, airframes, powerplants, propellers, avionics, computer systems, instruments, and accessories by make and model.
Limited Rating for Specialized Service	**Specialized Service Rating**
For example, landing gear components; nondestructive inspection, testing, and processing; emergency equipment; aircraft fabric work; and any other specialized service the Administrator finds appropriate for this rating.	For any specialized service the Administrator finds appropriate for this rating.
Limited Rating for Manufacturers	**No Equivalent Rating in Proposed Rule**
To holder or licensee of Type Certificate or to holder of Production Certificate, Parts Manufacturer Approval, or Technical Standard Order.	

Aircraft Class Rating

Currently, the FAA issues an airframe rating with any of four separate class ratings to repair stations: Classes 1, 2, 3, and 4. Under the proposal, the FAA would eliminate the airframe rating and its associated class ratings and establish an aircraft rating with seven associated class ratings.

Under the current system, airframe class ratings are based on aircraft weight (large or small as defined in current 14 CFR 1.1) and construction (composite or all-metal). Many modern aircraft have an airframe that is constructed of metal and composite materials; the airframe structure is metal and certain portions, such as control surfaces and fairings, are manufactured from composite materials. The FAA proposes to continue to separate ratings based on weight and construction; however, to accurately reflect modern aircraft construction, aircraft ratings would be separated by whether the aircraft is constructed primarily of metal or composite material. Those aircraft on which significant amounts of the structure is constructed of composite materials, such as the fuselage, empennage, wings, or structure that the manufacturer has designated as a primary structure or principal structural element, would be considered primarily constructed of composite materials. Those aircraft with a metal structure and small composite pieces such as fairings, radomes, and so forth would be considered not composed primarily of composite materials. For repair stations that intend to perform work on aircraft that have significant structural components of both metal and composite material, certification under Class 2 and Class 7 may be necessary.

For repair stations that want to perform maintenance, preventive maintenance, or alterations on all aircraft, including rotorcraft that are primarily composed of composite materials, the FAA proposes to establish the Class 6 and Class 7 aircraft ratings. The Class 6 rating would be for small aircraft, and the Class 7 rating would be for large aircraft.

As noted above, current airframe ratings are based on aircraft weight. The current Class 2 and Class 4 airframe ratings apply to ''large'' aircraft (those of more than 12,500 pounds maximum certificated takeoff weight). Because today's large aircraft vary significantly in complexity, the FAA proposes to establish three aircraft class ratings to separate them: Classes 2, 3, and 7.

The proposed Class 2 and Class 7 aircraft ratings would apply to large aircraft, other than rotorcraft, based on the aircraft's construction (Class 2: not composed primarily of composite materials; or Class 7: composed primarily of composite materials). The proposed Class 3 aircraft rating would apply to aircraft (other than rotorcraft or aircraft composed primarily of composite material) over 75,000 pounds maximum certificated takeoff weight and would be granted only by make and

model. The FAA chose to establish the proposed Class 3 rating because these aircraft are usually more complex than other aircraft and are transport category airplanes.

Currently, a repair station with an airframe rating that wants to perform maintenance on powerplants must obtain a powerplant rating; however, a repair station that meets the requirements of the proposed aircraft rating would be permitted to perform maintenance, preventive maintenance, and alterations to each aircraft's associated powerplant(s) up to, but not including, an ''overhaul.'' Because overhauls require additional training, data, facilities, housing, and equipment, a repair station that wants to overhaul powerplants would continue to be required to obtain a powerplant rating with an appropriate class rating. Those repair stations that meet the requirements for performing maintenance, preventive maintenance, or alterations on airframes, but do not want to, or cannot, perform any work on powerplants, would be certificated with a limited rating for airframes.

Under the current rating system, separate class ratings do not exist for rotorcraft. However, a repair station that performs maintenance, preventive maintenance, or alterations on rotorcraft must meet certain requirements. The requirements to perform work on rotorcraft are unique enough to require separate class ratings for rotorcraft. Therefore, the FAA proposes to establish the Class 4 and Class 5 aircraft ratings for rotorcraft, excluding those composed primarily of composite material. (Composite rotorcraft would be included in either the proposed Class 6 or Class 7 rating.) The 6,000 pound division used in rotorcraft certification would be maintained as the dividing line between the proposed Class 4 and Class 5 aircraft ratings. Rotorcraft with a maximum certificated takeoff weight of 6,000 pounds or less are certificated under 14 CFR part 27, Airworthiness standards: normal category rotorcraft. Rotorcraft with a maximum certificated takeoff weight of greater than 6,000 pounds are certificated under 14 CFR part 29, Airworthiness standards: transport category rotorcraft. Transport category rotorcraft certificated under part 29 must meet more stringent certification requirements; therefore, repair stations that wish to perform work on these aircraft may require different tooling, equipment, personnel, and so forth from those repair stations performing work on normal category rotorcraft certificated under part 27.

The FAA considered establishing separate aircraft class ratings for free balloons, airships, and gliders. Many repair stations that perform maintenance, preventive maintenance, or alterations on these aircraft currently hold a limited rating. However, the FAA does not choose to establish separate aircraft class ratings for these aircraft because these aircraft are less common than airplanes and rotorcraft. As proposed, repair stations that want to perform work only on these aircraft would continue to apply for a limited rating.

Powerplant Rating

The current regulations define three classes that are associated with a powerplant rating: Class 1 Reciprocating engines of 400 horsepower or less, Class 2 Reciprocating engines of more than 400 horsepower, and Class 3 Turbine engines. The FAA proposes to revise the powerplant ratings by combining all reciprocating engine ratings into the same class and dividing the turbine engine rating into two ratings.

When the current powerplant ratings were established, reciprocating engines of more than 400 horsepower were common. Today, these reciprocating engines usually are found on older aircraft and are less common. Therefore, the FAA has determined that a separate class rating for reciprocating engines of more than 400 horsepower is no longer necessary.

Conversely, when the current powerplant ratings were established, turbine engines were just beginning to be used on civil aircraft. Today, turbine engines are the most commonly used engines on transport category aircraft. In addition, more types of turbine engines exist today with technological differences between each type. Therefore, establishing two turbine class ratings is appropriate. Because turbopropeller and turboshaft engines have many technological similarities, the Class 2 powerplant rating has been proposed for these engines. The proposed Class 3 powerplant rating would be used for turbojet and turbofan engines because of the technological similarities of these types of engines.

Propeller Rating

Under the current regulations, a repair station that holds a propeller rating with a Class 1 rating is permitted to perform maintenance, preventive maintenance, or alterations on all fixed-pitch and ground-adjustable propellers of wood, metal, or composite construction. A repair station that holds a propeller rating with a Class 2 rating is permitted to perform maintenance, preventive maintenance, or alterations on all other propellers, by make.

Because of advances in propeller construction technologies, the current propeller class ratings would be revised. Proposed § 145.59(c) would revise the current Class 1 rating by eliminating the references to the types of materials of which fixed-pitch and ground-adjustable propellers are constructed. The proposed Class 2 propeller rating would no longer require propellers to be designated by make and would permit a repair station to perform maintenance, preventive maintenance, or alterations on any variable-pitch propellers regardless of make.

Avionics Rating

The FAA proposes to replace the current radio rating with an avionics rating to address more appropriately today's avionics technology. The current radio class ratings are: Class 1 Communication equipment, Class 2 Navigation equipment, and Class 3 Radar equipment. The FAA proposes the following avionics class ratings: Class 1 Communication equipment, Class 2 Navigation equipment, and Class 3 Pulsed equipment.

The proposed Class 1 avionics rating would be unchanged from the current radio class rating (communication equipment) and would apply to radio transmitting equipment and receiving equipment used in aircraft to send or receive communications, regardless of carrier frequency or type of modulation used.

The proposed Class 2 avionics rating would apply to any system used in aircraft for en route or approach procedures, except navigation equipment operated on pulsed radio frequency principles. This proposed class differs from the current Class 2 radio rating, which includes equipment operated on pulsed radio principles. (Pulsed frequency equipment would be included in the proposed Class 3 avionics rating.) Under the proposal, a repair station with a Class 2 avionics rating would be permitted to perform maintenance on the following equipment: very high frequency omnirange (VOR), automatic direction finder (ADF), localizer, glide slope, marker beacon, loran C, omega, inertial navigation system, microwave landing system (MLS), global positioning system (GPS), and similar devices.

The FAA proposes to replace the current Class 3 radio rating for radar equipment with a Class 3 avionics rating for pulsed equipment. The proposed rating would include aircraft electronic systems operated on pulsed radio frequency principles. A repair station with a Class 3 avionics rating would be permitted to perform maintenance on

distance measuring equipment (DME), transponders, weather radar, radar altimeters, ground proximity warning systems (GPWS), and similar devices.

Computer Systems Rating

The FAA proposes to establish a new rating for computer systems to include technology that was not used in aircraft when the current rating system was instituted. Under the proposal, three classes for the computer rating would be established: Class 1 Aircraft computer systems such as flight management and flight control systems, Class 2 Powerplant computer systems such as fuel control and electronic engine control systems, and Class 3 Avionics computer systems such as traffic alert and collision avoidance systems (TCAS) and electronic flight instrument systems (EFIS).

Participants at the public meetings expressed concern that confusion could exist about whether accessories, instruments, and avionics equipment that may include a computer system would fall under the proposed computer rating. The FAA recognizes that maintenance, preventive maintenance, or alterations on such articles should not be performed under the proposed computer rating. The proposed computer rating would apply to self-contained, separate computer systems that can be removed as a unit from an aircraft for maintenance, preventive maintenance, or alteration. For example, a fuel control unit can be removed from an aircraft, but its internal computer system is a portion of the fuel control unit. In this case, the computer system is not a self-contained, separate system that can be removed as a unit from the aircraft. Under the proposed ratings, a repair station still would require an accessory rating to perform work on a fuel control unit. Possessing an accessory rating would include the capability to maintain the computer portion of the fuel control unit.

Instrument Rating

Currently, the class ratings associated with an instrument rating are: Class 1 Mechanical, Class 2 Electrical, Class 3 Gyroscopic, and Class 4 Electronic. The FAA proposes that these ratings be retained except for a change to the description of the Class 4 instrument rating. The description would be revised by adding references to lasers, fiber optics, and solid-state, integrated circuits.

Accessory Rating

Currently, there are three class ratings associated with accessories: Class 1 Mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation; Class 2 Electrical accessories that depend on electrical energy for their operation and generators; and Class 3 Electronic accessories that depend on the use of an electron tube, transistor, or similar devices. Under the proposal, these class ratings basically would remain unchanged; however, the current practice of including auxiliary power units (APUs) in the Class 1 rating would be discontinued. The proposal would establish a new accessory rating (Class 4) for APUs.

Because APUs were not widely used when current part 145 was established, no provisions for them were specifically included in the regulations. Repair stations that currently work on APUs perform that work under a Class 1 accessory rating for lack of a more appropriate rating under part 145. Because APUs are similar in many respects to aircraft engines, facilities wishing to approve them for return to service should meet specific requirements before receiving authorization to do so. Repair stations meeting these requirements would operate under the proposed Class 4 accessory rating.

The scope of work that currently may be performed by a repair station that holds an accessory rating with either a Class 2 or Class 3 rating would not be revised; however, the FAA proposes to revise the descriptions for each to include more modern accessories. A Class 2 rating would consist of electrical accessories that depend on or produce electrical energy, and a Class 3 rating would consist of electronic accessories that depend on the use of transistors; lasers; fiber optics; solid-state, integrated circuits; vacuum tubes; and other similar electronic devices.

Limited and Specialized Service Ratings

Currently, the FAA issues limited ratings to repair stations to perform maintenance, preventive maintenance, or alterations to airframes, engines, propellers, instruments, radio equipment, accessories, landing gear components, emergency equipment, rotor blades, and floats. In addition, limited ratings are issued to perform nondestructive testing, inspection and processing, aircraft fabric work, and for other purposes. The FAA proposes to revise this list by changing the term ''engines'' to ''powerplants'' and ''radio equipment'' to ''avionics equipment'', respectively; adding aircraft and computer systems; and deleting rotor blades, landing gear components, and floats. Current limited ratings for rotor blades, landing gear components, and floats would be included in the proposed limited rating for an airframe, because airframe as defined in current § 1.1 includes those items.

In addition, the FAA currently issues (as a subset of limited ratings) limited ratings for specialized services such as nondestructive inspection, testing, and processing; servicing of emergency equipment; aircraft fabric work; and any other purposes for which the Administrator finds the applicant's request appropriate. The FAA proposes to replace the current limited rating for a specialized service with the proposed specialized service rating.

The proposed specialized service rating would apply to specific equipment or processes. The rating would permit a repair station to perform maintenance, preventive maintenance, or alterations on items such as emergency equipment or audiovisual and nonessential equipment (e.g., in-flight telephones or television and movie equipment). This proposed rating also would permit a repair station to perform specific types of work, such as nondestructive inspection and testing, plating and machining, aircraft and engine welding, and oxygen equipment servicing.

Under this proposal, a holder of a specialized service rating would continue to be required to state in its Operations Specifications the specification or standards used for performing the specialized service. The specification could be a civilian or military specification that is currently used by industry and approved by the Administrator or a specification developed by the repair station and approved by the Administrator.

Implementation of the Proposed Ratings and Classes

The FAA proposes to establish a new § 145.61, ''Transition to new system of ratings.'' This proposed section would require all repair stations to meet the requirements in this proposal within specified periods of time. The transition process and the deadlines for compliance with the proposed regulation would be dictated by one of three possible cases as described below.

The first case involves a repair station (to include an MMF) that makes no changes to its certificates between the effective date of this rule, if adopted, and the proposed 2-year compliance date. Under proposed § 145.61(a), a repair station that takes no action to affect its certificate (such as adding or deleting a class rating) would be permitted to continue meeting only the requirements of current part 145 for up to 2 years. However, repair stations in

this situation would not be required to wait until the end of the 2-year period to make the transition to operations under the proposed rule. These repair stations would be encouraged to apply for their new certificate well before the end of the 2-year transition period to avoid any potential administrative delays.

The second case involves a repair station (to include an MMF) that wishes to make a change to its repair station certificate during the 2-year transition period. Proposed § 145.61(b) would require a repair station that desires to amend, revise, or add a rating to its certificate to obtain a completely new repair station certificate and meet all new applicable requirements as set forth in proposed part 145. The new repair station certificate would reflect each of the new ratings under which the repair station is authorized to either begin or continue exercising privileges. The following example illustrates this case: A repair station currently holds a repair station certificate with an airframe Class 3 rating and instrument Class 1 and 2 ratings, and decides to apply for an accessory Class 1 rating. At the time of its application, this repair station would be required to meet the new requirements and apply for all of the ratings for which it wishes to exercise privileges. Therefore, the repair station would apply for instrument Class 1 and 2 ratings, the accessory Class 1 rating, and the aircraft Class 1 rating. The repair station would not be permitted to continue to exercise the privileges of its old airframe Class 3 rating following the change to its certificate.

The third case involves a repair station (to include an MMF) that is sold, leased, or otherwise conveyed following the adoption of this proposal. Regardless of whether the repair station is operating under the old or new system of ratings and classes, at the time of such conveyance, the receiving entity would be required to meet proposed part 145 and apply for and receive a new repair station certificate. Transfers such as these would be conducted in the same manner as under the current rule, except the receiving entity would not be able to apply for a certificate under the old system of ratings and classes. As under the current rule, the conveying entity's repair station certificate would expire at the time of asset transfer.

The FAA recognizes the administrative burden of applying for a new repair station certificate as well as the complexity of the proposed transition to the new system of ratings and classes. The FAA also recognizes the potential burden on its own personnel and the potential administrative backlog if, in the interest of their own advertising efforts, many repair stations quickly attempt to transition to the new system. Therefore, the FAA is requesting public comments on alternative methods for achieving a smooth transition from the current system to the new system.

Establishment of the Repair Station Manual

Currently, a repair station must maintain an Inspection Procedures Manual (IPM) describing the repair station's inspection system. Repair stations also must meet requirements in part 145 that currently are not required to be documented in the IPM (e.g., recordkeeping and personnel). Because of the complexity of many repair stations' operations, the repair stations should document additional aspects of their operations and not limit the manual to a description of the inspection system.

The FAA proposes to eliminate the requirement that repair stations maintain an IPM and, as proposed in § 145.205, replace it with a requirement that repair stations maintain an approved repair station manual that covers all of the repair station's technical operations. The proposed manual would cover items currently described as acceptable in AC No. 145–3, *Guide for Developing and Evaluating Repair Station Inspection Procedures Manuals,* which are proposed as repair station manual requirements in this NPRM. The proposed manual would be required to include the repair station's procedures and policies that cover the operation of the repair station. All repair station personnel would be required to follow the manual while conducting operations. Repair stations with non-English speaking personnel may therefore have to translate all or certain portions of the proposed manual into the native language of personnel using the manual. Specific requirements for the repair station manual are described throughout the section-by-section discussion and listed in the proposed rule.

Current § 145.45(f) requires a repair station to provide each of its supervisory and inspection personnel with a copy of the IPM and to make the IPM available to its other personnel. The requirement for all repair stations' supervisory and inspection personnel to each have a copy of the manual is unnecessarily burdensome. The FAA has granted numerous exemptions from this requirement that allow repair stations to maintain a master copy of the IPM and one shop copy for use by all personnel. Proposed § 145.205(e) would require only that the proposed repair station manual be readily available to all repair station personnel. This provision would permit a repair station to have shop copies or electronic versions of the proposed manual and would reduce the burden of updating multiple copies of the manual.

Under proposed § 145.205(f), a repair station would be required to provide a current copy of the manual to the FAA certificate holding district office (CHDO). If a repair station uses a repair station manual that is in an electronic format, the repair station would be required to provide the FAA with either a current paper copy or the means (hardware, software, etc.) to access the current manual at the CHDO.

Quality Assurance

Current part 145 does not require a repair station to establish and use a quality assurance system that monitors the effectiveness of the certificate holders' procedures, training, and inspection; however, many repair stations and air carriers have implemented and use such quality assurance systems. In addition, the JAA requires each JAA-approved maintenance organization (which includes some U.S. repair stations) to establish an independent quality system that monitors compliance with and adequacy of the procedures used to ensure good maintenance practices and airworthy aircraft and aircraft components.

After reviewing the success of quality assurance and quality monitoring systems, the FAA has determined that quality assurance systems are necessary to ensure that maintenance, preventive maintenance, or alterations (including the maintenance and alterations performed by a repair station's contractors) are consistently performed in accordance with all applicable requirements. Thus, proposed § 145.201 would require that each repair station establish a quality assurance system acceptable to the Administrator. A description of the entire quality assurance system would be included in the proposed repair station manual. Guidance on the establishment of effective quality assurance systems would be provided in advisory material published concurrently with this rule, if adopted.

The size of an acceptable quality assurance system would be based on the repair station's size and type of operations. The FAA recognizes that many certificated repair stations have few employees. Consequently, the FAA would consider a repair station's size and complexity and the repair station's

designation of persons who perform quality assurance functions in reviewing a quality assurance system. For example, the FAA would permit smaller repair stations to assign individuals to quality assurance on a part-time basis.

Capability List

Currently, § 145.11(a)(4) requires that applicants for a propeller Class 2 rating or any accessory rating prepare a list, by type or make, as applicable, of each propeller or accessory for which the repair station seeks approval. Many repair stations use these lists and the limits of their Operations Specifications as marketing tools that describe their capabilities. One constraint related to this practice is that revisions to the current capability list require FAA approval, which makes timely revisions cumbersome in the dynamic aviation maintenance marketing environment.

The FAA proposes to revise part 145 to provide for a capability list for each repair station. The capability list would specify all articles on which the repair station is capable of performing work; the articles would be listed by make and model. The repair station's Operations Specifications would continue to prescribe the ratings and classes under which the repair station is approved to operate.

Under the proposal, prior to working on an article, a repair station would be required to conduct a self-evaluation, described in the quality assurance system in its repair station manual, to ensure that the repair station has the required facilities, equipment, materials, technical data, processes, housing, and trained personnel in place to properly perform the work on the article. Self-evaluations of this nature are consistent with other internal evaluation programs currently encouraged by the FAA.

After the self-evaluation, the article would be added to the repair station's capability list. Procedures would be defined in the repair station manual to require the repair station to inform the FAA CHDO of the revision to the capability list.

For example, if a repair station holds the proposed aircraft Class 1 rating and the repair station's Operations Specifications limit the repair station to performing work on reciprocating engine-powered aircraft, the repair station would not be able to add any turbine engine-powered aircraft to its capability list without an FAA-approved revision to its Operations Specifications. However, the repair station would be able to add other reciprocating engine-powered aircraft to its capability list after the capability list revision procedures in its repair station manual are followed.

Contract Maintenance

Notwithstanding concerns expressed by certain industry groups during the public meetings, contracting out maintenance under the current regulations has proven safe for more than 40 years. In an effort to harmonize part 145 with JAR 145, the FAA proposes to continue permitting repair stations to contract out maintenance and alteration of components of a type-certificated product as is permitted under current § 145.47. However, the proposal would permit any repair station to contract out such work on any article for which it is rated (other than a complete type-certificated product), provided certain conditions are met. Current § 145.47 includes equipment and material requirements and a description of contract maintenance requirements. Proposed § 145.213 would include these current contract maintenance requirements.

In addition, a list of those functions that a repair station would be permitted to contract to an outside facility would be required to be specified by the repair station in its manual under proposed § 145.207(h). Under that paragraph, the repair station would have to list the names of those facilities to which it contracts work, along with their certificates and ratings, if any. The repair station manual would have to include procedures for qualifying and surveilling the facilities. It would also have to include procedures to accept the maintenance, preventive maintenance, or alterations performed by a facility to which work was contracted.

The provisions of the repair station's quality control system specified in proposed § 145.201(a)(2) and § 145.209(c)(2) would require it to inspect articles and materials on which contract maintenance was performed. This mandatory inspection process would ensure that the requisite high level of safety is maintained when job functions are contracted either to certificated or noncertificated sources.

Current § 145.47(c) states that a repair station may contract maintenance and alteration of components of a type-certificated product to a noncertificated source provided: (1) The repair station is the manufacturer who originally manufactured the product for which it holds a U.S. type certificate; (2) the contracted component is included as part of the type-certificated product; (3) the component maintenance is done by the original component manufacturer or its manufacturing licensee; and (4) before the component is approved for return to service, the repair station ensures that it is being approved for return to service in accordance with the repair station's approved quality control system.

Under the proposal, contracting to noncertificated sources would not be restricted to type certificate holders. Proposed § 145.213 would permit a certificated repair station to contract maintenance or alteration of any article for which it is rated to a noncertificated person provided the job function is contracted in accordance with procedures set forth in the certificated repair station's approved repair station manual.

In addition, the certificated repair station would be required to supervise or otherwise remain directly in charge of a shop that performs maintenance, preventive maintenance, or alterations. The term ''directly in charge'' is defined in proposed § 145.3, Definition of terms, and specifies that a person who is directly in charge need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work. This definition is taken from 14 CFR 121.378(b). The certificated repair station would also be required to verify by test and/or inspection that the job function has been satisfactorily performed by the noncertificated person before the certificated repair station approves the article for return to service.

The proposed limits on contracting maintenance would be that contracting of complete, assembled, type-certificated products would not be permitted and a certificated repair station also would not be allowed to only provide approval for return to service for a product after contract maintenance is performed, thereby prohibiting ''paper only'' repair stations.

The proposed rule also would revise the list of certain job functions in appendix A to part 145 that can be contracted out by a certificated repair station. Current § 145.47 requires that an applicant for a repair station certificate must be equipped to perform the functions listed in appendix A to part 145 that are appropriate to the ratings sought. Current appendix A to part 145 describes the equipment and material requirements for each of the ratings and classes under which a repair station can receive approval to operate. Job functions marked with an asterisk (*) in the current appendix are those for which the repair station may obtain the services of a contractor in lieu of having the appropriate equipment and

materials on the premises for the specific job function. Under the proposal, § 145.111 would require that the repair station be equipped to perform the maintenance, preventive maintenance, or alterations appropriate to the rating(s) held as prescribed by proposed appendix A. Under the proposed rule, functions that could be contracted out by a repair station to another facility (items currently marked with an asterisk) would no longer be included in the appendix. The proposed appendix would reflect the revisions and modifications to repair station ratings and classes found in proposed § 145.59; however, all contracted maintenance functions would be required to be listed in the proposed repair station manual.

The FAA specifically solicits comments to provisions in this notice regarding contracting of work and especially to proposed provisions regarding the contracting of work to noncertificated sources where the certificated repair station has final approval for return to service authority.

Job Functions

The proposed appendix A, Job Functions, includes many significant revisions to current appendix A. In addition to removing those functions for which a contractor may be used, the FAA has excluded much of the advisory material in the proposed appendix. For example, the proposed appendix would retain ''Repair and replace alloy members and components,'' but this would not be followed by ''* * * such as tubes, channels, cowlings, fittings, attach angles, etc.'' The proposed appendix also would reduce current repetition by providing a list of functions that apply to all classes under a rating at the beginning of the rating's discussion. Therefore, subsequent class requirement discussions would state, ''In addition to having the capability to perform the appropriate functions as required for a Class 'X' rating, a repair station holding a Class 'Y' or Class 'Z' rating must have * * *.'' The proposed appendix also adds new job functions for turbine engines and nondestructive testing; however, the most significant revision is the removal of functions that can be contracted out to another facility. This proposed change takes an approach toward contracting out that is similar to the one being developed by the JAA. The FAA requests that, during the comment period, commenters specifically address the equipment and material requirements for the various repair station ratings as well as the deletion from appendix A of those functions that may be contracted out by a repair station. Based on such comments, the FAA may revise this notice to accommodate specific comments.

Training Program

Current §§ 121.375 and 135.433 require that each certificate holder, under part 121, and pursuant to § 135.411(a)(2), respectively, or person performing maintenance or preventive maintenance functions for these certificate holders, have a training program. This training program must ensure that each person who determines the adequacy of work performed is fully informed about procedures, techniques, and new equipment in use, and is able to perform all associated duties. Current § 145.2(a) requires that repair stations supporting operations under part 121 comply with the provisions of current § 121.375. Therefore, repair stations that now perform maintenance or preventive maintenance for part 121 operators are required to have a training program. In some cases, only a portion of a repair station's personnel accomplish work for part 121 operators. Consequently, only those individuals are included in the training program.

Under the proposal, § 145.159 would require that each repair station establish and maintain a documented training program for all employees who perform work under the repair station's ratings and classes. The proposed training program would enhance aviation safety by ensuring that each employee who works for the repair station is fully capable of performing that work, and it would ensure a level of safety equivalent to that of maintenance performed under part 121 or part 135. Because the FAA recognizes that repair stations vary in size, the repair station or any other organization such as a school or manufacturer could provide the training, provided the program is approved by the Administrator. The training program would be described in the repair station manual as set forth in proposed § 145.207(e).

The proposed training would be required to consist of initial and recurrent training for aviation maintenance personnel, be based on each individual's assignment, and ensure that each individual is capable of performing the assigned task. A person who is certificated or rated to perform particular duties, but is not currently assigned to perform those duties at the repair station, would not be required to participate in recurrent training for all of the tasks for which the person is certificated or rated until such time as that person is assigned to those duties.

Because repair stations' activities vary greatly, information about the specific training needed to satisfy the requirements of the proposed rule would be published in advisory material that would be issued with this rulemaking.

Line Station Maintenance

Current FAA policy permits an operator certificated under part 121 or part 135 to contract line maintenance to a repair station located in the United States. A certificated repair station with a limited rating for line maintenance may perform such line maintenance, provided that the repair station holds the appropriate ratings and the operator's particular aircraft are identified in that repair station's Operations Specifications.

Many repair stations located at airports have requested that they be permitted to perform line maintenance for part 121 or part 135 operators without meeting all of the requirements of part 145. Currently, to receive the appropriate ratings or have an operator's aircraft added to the repair station's Operations Specifications, the repair station must meet the current part 145 requirements that exceed those necessary to perform the line maintenance. Proposed § 145.7(e) would permit a repair station to perform line maintenance functions for an operator without meeting all of the part 145 requirements necessary to either obtain a rating or add an aircraft to the repair station's Operations Specifications. Repair stations could provide this service for operators certificated under part 121 or part 135 or for operators of U.S.-registered aircraft under part 129. Consistent with current practice, a repair station's Operations Specifications would state the job functions performed as line maintenance for each operator. The job functions would be based on the aircraft operator's manual or approved program. Also, the repair station would be required to have the necessary equipment, trained personnel, and technical data to perform the line maintenance.

Recordkeeping and Reporting Requirements

Currently, § 145.61 requires each repair station to maintain adequate records of all maintenance, preventive maintenance, or alterations performed. The records must include the name of the certificated mechanic or repairman who performed or supervised the work and the name of the individual who inspected the work. Repair stations are required to retain these records for at

least 2 years after the work is completed.

The FAA proposes to revise the current recordkeeping and reporting requirements. Proposed § 145.217 would require a repair station's records and reports to include the make, model, identification number, and serial number (when applicable) of the aircraft, airframe, aircraft engine, propeller, appliance, or component part of the article worked on, and a copy of the maintenance release. The repair station would be permitted to use as the maintenance release the record that it completes to comply with current §§ 43.9 and 43.11.

A repair station would continue to be required to retain records for 2 years. Records could be retained in the form of actual work documents or copies thereof, or by an automated data processing system acceptable to the Administrator.

The record retention period would be based on the date that article was approved for return to service as opposed to the date maintenance, preventive maintenance, or alteration was completed. In some instances, different work may have been completed on the same article on different dates before the article is approved for return to service. Therefore, the date an article is approved for return to service would be easier for a repair station to monitor.

Under current industry practice, the owner or operator of an aircraft, airframe, aircraft engine, propeller, appliance, component, or part on which work is performed receives the maintenance release. This practice would continue and be reflected in proposed § 145.217(b). The proposed rule specifies that the maintenance release would be required to be retrievable in English.

Repair Stations Located Outside the United States

As can be seen from the above discussion, the thrust of this proposal is to reduce the differences between the treatment of ''domestic'' and ''foreign'' repair stations. Many of the requirements that would be imposed in this rulemaking are designed to ensure that maintenance functions are performed safely. For example, as discussed below, supervisors of any maintenance function at a repair station, regardless of where it is located, would be required to have at least 18 months of practical experience in the maintenance function the individual is supervising.

Nevertheless, we are mindful of concerns by some that repair stations located outside the United States pose special issues with respect to oversight and safety. Therefore, the FAA is considering the establishment of further measures to ensure that the proposed repair station requirements are implemented safely and effectively. For example, the FAA is considering authorizing an advisory panel or some other partnership to provide feedback to the Administrator on the effects of our rules on the safe operation of repair stations. Such a panel would provide a forum in which industry and labor representatives could discuss concerns and relay information on the real world effects of the repair station rules, including identifying any deficiencies or inequities.

Comments are invited on this or any other idea to ensure the continuing safety and effectiveness of the proposed rule. The FAA will determine, at the time a Final Rule is adopted, whether an advisory panel, or some other plan recommended by commenters would be the best method of achieving this goal.

Section-by-Section Analysis

Special Federal Aviation Regulation No. 36

The proposal would revise paragraph 2(c) of this regulation by replacing the reference to current § 145.51 with a reference to proposed § 145.215(b)(2), and by replacing the references to ''domestic repair station certificate under 14 CFR part 145'' with ''repair station certificate under 14 CFR part 145 that is located in the United States''.

Section 11.101 OMB Control Numbers Assigned Pursuant to the Paperwork Reduction Act

This section would be revised by replacing the reference to current § 145.63 with a reference to proposed § 145.219.

Section 91.411 Altimeter System and Altitude Reporting Equipment Tests and Inspections

Paragraph (b)(2)(iii) would be revised by replacing ''limited rating'' with ''specialized service rating''. Paragraph (b)(2)(iv) would be revised by replacing ''airframe rating'' with ''aircraft rating''. Paragraph (b)(2)(v), which refers to a limited rating for manufacturers, would be deleted.

Section 91.413 ATC Transponder Tests and Inspections

Paragraphs (c)(1)(i) and (c)(1)(ii) would be revised by changing the term ''radio'' to ''avionics'' and by replacing the reference to ''Class III'' with ''Class 3'' in paragraph (c)(1)(i). Paragraph (c)(1)(iii) would be revised by replacing the reference to ''limited rating'' with ''specialized service rating''. Paragraph (c)(1)(iv), which refers to a limited rating for manufacturers, would be deleted.

Part 91, Appendix A Category II Operations: Manual, Instruments, Equipment, and Maintenance

Paragraph (4)(b)(1)(ii) would be revised by changing the term ''radio'' to ''avionics''. Paragraph 4(b)(1)(iii), which refers to ratings issued under subpart D of part 145 (limited ratings for manufacturers), would be deleted.

Section 121.378 Certificate Requirements

This section would be revised by replacing ''repair stations certificated under the provisions of subpart C of part 145'' in paragraph (a) with ''a certificated repair station that is located outside the United States'' and by changing the reference to ''alteration'', the singular, to ''alterations'', the plural.

Section 121.709 Airworthiness Release or Aircraft Log Entry

This section would be revised by replacing ''a repair station certificated under the provisions of subpart C of part 145'' in the concluding text of paragraph (b) with ''a certificated repair station that is located outside the United States''.

Section 135.435 Certificate Requirements

This section would be revised by replacing ''repair stations certificated under the provisions of subpart C of part 145'' in paragraph (a) with ''a certificated repair station that is located outside the United States''.

Section 135.443 Airworthiness Release or Aircraft Maintenance Log Entry

This section would be revised by replacing ''a repair station certificated under the provisions of subpart C of part 145'' in the concluding text of paragraph (b) with ''a certificated repair station that is located outside the United States''.

Subpart A General

Section 145.1 Applicability

The proposed section is based on current § 145.1 and describes the applicability of new part 145 with respect to obtaining repair station certificates and the general rules under which certificated repair stations must operate. Proposed § 145.1 would revise current § 145.1(a) by adding the term ''preventive maintenance'' and by changing the current reference pertaining to ''airframes, powerplants,

propellers, and appliances'' to ''any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof''. Current § 145.1(b) and (c) would be deleted because it addresses foreign repair stations and manufacturers' maintenance facilities, respectively. As noted previously, the FAA is proposing, for the most part, to remove the distinction between domestic and foreign repair stations and to eliminate the limited ratings for manufacturers. The proposed changes differ in scope from the applicability section of current part 43 (maintenance rules), in that repair station privileges would be expanded to include foreign-manufactured and -certificated equipment, as well as equipment that has been issued an experimental airworthiness certificate.

Section 145.2 Certificate Issued to a Person in a Country Outside the United States; Certificate Issued to a Person in a Country With Which the U.S. Has a Bilateral Aviation Safety Agreement

As of the issuance of this notice, the U.S. is in the process of signing bilateral aviation safety agreements (BASAs) with several foreign countries; those agreements cover multiple areas of FAA safety regulation, including maintenance to be performed on U.S. registered aircraft and parts thereof. Consistent with those agreements, the FAA will be establishing maintenance implementation procedures (MIPs) with the national (civil) aviation authorities (NAAs) of the respective countries. Each BASA and MIP will provide that the FAA may issue a part 145 certificate to an applicant located in the country with which the U.S. has the BASA, based on a certification from the NAA of that country that the applicant complies with part 145. Each MIP will provide the procedures whereby that certification can be made. New § 145.2(b) is proposed to incorporate that process into part 145; in this regard, it would parallel the process in 14 CFR 21.29 for the certification of aircraft and other type certificated products.

New § 145.2(a) would state, generally, that the FAA may issue a part 145 certificate to an applicant in a foreign country if the FAA finds that the applicant complies with part 145. While that general proposition obviously would not be a change from the existing rule, it is included to clarify that the certification by the foreign authority in proposed paragraph (b) is that the applicant complies with part 145. Thus, the certification in paragraph (b) could be based on a finding that the applicant complies with the repair station requirements of the foreign country, plus all additional requirements necessary to establish compliance with part 145.

Section 145.3 Definition of Terms

For purposes of this part, the proposed section would define: accountable manager, actual work documents, approve for return to service, approved data, article, certificated, CHDO, composite, computer system, consortium, directly in charge, facility, housing, maintenance release, overhauled, and signature.

Section 145.5 Certificate and Operations Specifications Requirements

The proposed section would retain the requirement found in current § 145.3 that no person may operate as a certificated repair station without, or in violation of, a repair station certificate. Specifically, it would state that a repair station may perform work only for which it is rated within the limitations of its Operations Specifications. Proposed paragraph (d) specifies the contents of the Operations Specifications that would be issued to each certificated repair station. The contents would include the repair station's certificate number; class ratings; limited ratings, to include makes, models, or parts; specialized service ratings, to include the specification used; the air carrier's geographic authorization, for repair stations located outside of the United States; and any other items the Administrator may require or allow to meet a particular situation.

Proposed § 145.5 would revise the requirement found in current § 145.19 that a repair station display its repair station certificate at a place normally accessible to the public and that is not obscured. The proposal would require only that a repair station have its certificate available, but not necessarily visible, for inspection by the public. A repair station would continue to be required to have its certificate available on the premises for inspection by the Administrator.

Section 145.7 Performance of Maintenance, Preventive Maintenance, Alterations, and Required Inspections for Certificate Holders Under Parts 121, 125, and 135, and for Foreign Air Carriers or Foreign Persons Operating a U.S.-Registered Aircraft in Common Carriage Under Part 129

The proposed section would combine the requirements of current §§ 145.2 and 145.73 and describe special conditions related to the issuance of a repair station certificate. Proposed paragraph (a)(1) would retain the current requirements for a repair station performing maintenance, preventive maintenance, or alterations for a part 121 operator having a continuous airworthiness maintenance program to conform with the provisions of those parts pertaining to such a program. The proposal, however, would revise the current rule by specifically listing those sections for which compliance is required. Proposed paragraph (a)(2) would revise the current rule by requiring a certificated repair station performing work for an air carrier or commercial operator having a continuous airworthiness maintenance program under part 135 to comply with the sections of that chapter pertaining to the performance of that work.

Proposed paragraph (b) would retain the current requirement that work performed by a repair station for an air carrier or commercial operator having a continuous airworthiness maintenance program be performed in accordance with the air carrier's or commercial operator's manual.

Proposed paragraph (c) retains the requirements of current § 145.2(b) relating to the performance of inspections on airplanes operated pursuant to part 125.

Proposed paragraph (d) would establish a new requirement that a repair station performing work for any person operating an aircraft pursuant to part 129 perform that work in accordance with a program approved by the Administrator.

Proposed paragraph (e) would establish new provisions that would permit a repair station located at a line station for an air carrier certificated under part 121 or part 135, or at a line station for a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage, to perform, under certain circumstances, line maintenance on any aircraft of that air carrier or person.

Section 145.9 Advertising

The proposed section includes the requirement of current § 145.3 prohibiting a repair station from advertising as a certificated repair station until the issuance of a certificate. It also includes the requirements of current § 145.25 specifying that the advertisement clearly state the repair station's certificate number. The proposed section also adds an additional requirement that prohibits a repair station from making false statements, either orally or in writing, designed to mislead any person.

Section 145.11 Deviation Authority

Current regulations pertaining to manufacturers and some classes of

operators permit them to apply for a deviation from particular requirements of the FAA regulations. Similar provisions do not currently exist for certificated repair stations. The proposed section would establish new procedures for repair stations similar to those used by manufacturers and operators to apply for deviation authority from the regulations. The proposed regulations permit a repair station to apply for a letter of deviation from any sections of part 145. Consistency in granting deviation authority would be enhanced by the provision that only the Associate Administrator for Aviation Standards could issue letters of deviation authority.

Subpart B Certification

Section 145.51 Application for Certificate

This proposed section is based on current §§ 145.11, 145.13, and 145.71. Proposed paragraph (a) is similar to current application requirements but separates the application requirements for the initial issuance of a certificate or rating from the requirements for a change or renewal of a certificate. Applicants for a change or renewal of a certificate would be required to provide only that information necessary to substantiate the change or renewal, and such applications would be addressed in proposed § 145.51(e).

Additionally, the proposal revises the list of items that an applicant would be required to submit to the FAA with the application. The proposal would require that the applicant submit a copy of the repair station's manual to the Administrator for approval. (Current § 145.11 refers to a repair station's IPM.) The proposal also would require that the applicant submit a list by type, make, or model, as appropriate, of the aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof for which an application is made. Current § 145.11 requires this information on applications only for a propeller rating (Class 2) or any accessory rating (Class 1, 2, or 3). Applicants also would be required to include a statement signed by the accountable manager (as defined in proposed § 145.3) that the procedures described in the repair station manual are in place and meet the requirements of the applicable regulations. A list of maintenance functions performed under contract by another repair facility would continue to be required and to be included in the proposed repair station manual. Provisions of current § 145.13, which require an applicant for a foreign repair station certificate to submit an organizational chart containing the names and titles of managing and supervisory personnel and a description of the repair station's facilities, would be expanded to apply to all applicants for a repair station certificate; however, submission of a suitably bound brochure and photographs of the facilities would no longer be required of any applicant. The proposal also would no longer require duplicate copies of all required information. For example, under the proposal, only one copy of the applicant's repair station manual would be required to be submitted.

Proposed paragraph (b) establishes a new requirement that the equipment, facilities, and housing required for the certificate and rating be in place at the time of certification by the Administrator.

Current §§ 121.153(c) and 135.25(d) permit operators to use foreign-registered civil aircraft. Current § 43.1(a) prescribes the rules under which these aircraft must be maintained. Proposed § 145.51(c) expands the scope of current § 145.71 by permitting an applicant located outside the United States to obtain a repair station certificate if it maintains foreign-registered aircraft operated under the provisions of part 121 or part 135, or aircraft engines, propellers, appliances, components, or parts thereof for use on such aircraft.

Proposed § 145.51(c)(2) retains the current requirement that the applicant for a repair station certificate located outside the United States provide evidence that the fee prescribed by the Administrator has been paid; however, the current reference to part 187 has been deleted. Proposed § 145.51(c)(3) would codify the FAA's existing practice of requiring that a repair station located outside the United States complete an application for a repair station certificate in English.

Under current regulations, a repair station that consists of numerous units and partners functioning as a single entity with regard to quality control and quality assurance (i.e., a consortium) is not permitted to operate under a single repair station certificate, unless it is granted an exemption from current § 145.35. Airbus Industrie (Airbus) is an example of such a consortium. Airbus holds an exemption from current § 145.35 to the extent necessary to permit the production units of the members and associated partners of the Airbus consortium to be collectively certificated as a U.S. foreign repair station to support maintenance of U.S.-registered A300, A310, A320, A321, A330, and A340 series aircraft. In its petition for exemption, Airbus contended that the exemption was necessary to permit it to function as an FAA-approved repair station without having a central maintenance facility. In granting the exemption, the FAA stated that a properly structured quality system, operating in a number of facilities under the direct responsibility of a central quality manager, using personnel that are properly trained, qualified, and authorized, and using a uniform system of documentation, can provide an acceptable substitute for the requirements of § 145.35. The exemption was predicated on each Airbus production unit demonstrating its compliance with the applicable housing and facility requirements of the regulations. To exercise its enforcement obligations, the FAA required that Airbus retain certificate responsibility for the implementation and revision (as necessary) of the manual and the quality control procedures used by the Airbus production units and partners. This was achieved through the certification of the Airbus consortium as a foreign repair station. The maintenance, preventive maintenance, and alteration that may be performed in accordance with the Airbus exemption is limited to that necessary to support the operation of U.S.-registered airplanes. To preclude the requirements to obtain an exemption for similar operations in the future, proposed § 145.51(d) would permit all consortiums that function as a single entity with regard to quality control and quality assurance functions, that hold an approved type certificate, and that perform maintenance, preventive maintenance, or alterations of that type-certificated product and components thereof to apply for a repair station certificate under this section.

Section 145.53 Issue of Certificate

The proposed section is based on current §§ 145.11(b) and 145.71, which address the issuance of a repair station certificate. The section retains current regulatory language with no substantive changes.

Section 145.55 Duration and Renewal of Certificate

This section is similar to current §§ 145.15 and 145.17 but deletes the current provision in § 145.17(b) that a certificate or rating for a repair station located outside of the United States expires at the end of 12 months after the date on which it was issued. Instead, the certificate or rating will expire after 24 months.

Proposed paragraphs (a) and (b) retain current certificate duration requirements. The conditions for a

return of a certificate are described in paragraph (c).

Proposed paragraph (d) modifies the current requirement for certificate renewal by specifying that a repair station located outside the United States must submit its request for renewal no later than 90 days before its current certificate expires. Current § 145.15(c) permits this application to be made within 30 days of the current certificate's expiration.

Section 145.57 Amendment to or Transfer of Certificate

This section is based on current § 145.15 and would continue to require that a repair station desiring to amend, revise, or add a new rating to its certificate apply on a form and in a manner prescribed by the Administrator. The current prohibition on the transfer of repair station certificate privileges upon conveyance of the repair station would be retained in proposed paragraph (b). Whereas current § 145.15(b) states that, in the event of a sale or transfer of a repair station's assets, the new owner must apply for an amended certificate, proposed § 145.57(b) clarifies the substance of the requirement by stating explicitly that the privileges of the certificate cannot be transferred if the repair station is sold, leased, or otherwise conveyed. Accordingly, to obtain a repair station certificate, a new owner or transferee of a repair station's assets would have to apply for a new certificate under the provision of proposed § 145.51.

Section 145.59 Ratings and Classes

The proposed section would completely revise the current system of ratings and classes specified in current §§ 145.31 and 145.33. This revised system of ratings and classes is described earlier in this document under the heading ''Ratings and classes.''

Section 145.61 Transition to New System of Ratings

The proposed section describes the FAA's procedure for phasing in the new system of ratings and classes specified in proposed § 145.59. The manner in which the transition to this new system would be accomplished is described earlier in this document under the heading ''Implementation of the proposed ratings and classes.''

Subpart C Facilities, Equipment, Materials, and Housing

Section 145.101 General

This section is based on current § 145.55 (Maintenance of personnel, facilities, equipment, and materials) with no substantive differences.

Section 145.103 Facility and Housing Requirements

Proposed § 145.103(a) is based on current § 145.35 and retains many of the general facility and housing requirements currently found in that section for an applicant of a repair station certificate. The proposal would revise the current rule by expanding the applicability of these requirements to all repair stations, as opposed to applicants for repair station certificates or ratings. Proposed paragraph (a) retains the requirements of current § 145.35. It eliminates the current specific requirement of § 145.35(b)(3) to segregate machines and equipment whenever fabric work is done in an area where there is grease and oil. This type of work is not performed as often as in the past, and more general requirements to have facilities for the proper protection of parts and subassemblies, and segregation of certain operations, are included in the proposal.

Proposed § 145.103(b) describes the facility and housing requirements currently found in § 145.37; however, it would establish new requirements for repair stations that perform maintenance, preventive maintenance, or alterations on articles constructed of composite materials and repair stations with the proposed computer systems rating.

Proposed § 145.103(b)(1) would require housing only for the largest type and model of aircraft on which a repair station performs maintenance, preventive maintenance, or alteration. For example, if a repair station with a proposed aircraft Class 3 rating is authorized to work only on Boeing 737s, that repair station would be required to provide housing for at least one Boeing 737, even though larger aircraft, such as a Boeing 747, could be included in an aircraft Class 3 rating.

Current § 145.37(b) addresses the use of permanent work docks and the performance of work outside, where permitted by climatic conditions. During preparation of this proposal, the FAA considered eliminating that portion of § 145.37(b) that specifically permits the use of permanent work docks. The FAA contends that the elimination of this provision would simplify the requirements for all repair stations and help achieve uniform interpretation of the regulations. The FAA also is concerned that some geographical areas exist that are not truly free of rain, sand, dust, or some other environmental element or are affected by high or low temperatures that could have an adverse effect on worker efficiency during the performance of maintenance by the repair station. Repair station work, such as the performance of a detailed visual inspection or certain nondestructive inspection, of an airframe must be accomplished in a environment free of adverse environmental conditions to ensure the work process is not negatively affected by such conditions. In the interest of safety, the FAA contends that the elimination of the work dock provisions would address current situations in which some repair facilities may not provide adequate protection from environmental elements for aircraft, equipment, or personnel as required by § 145.35(a).

However, the FAA notes that currently available data do not permit the FAA to determine the number of repair stations that would be affected or to quantify the potential costs to the repair station industry if the use of work docks were no longer permitted. Therefore, provisions permitting the use of work docks have been retained in this proposal.

During the comment period, the FAA requests that the public specifically address the potential costs that would be incurred by the repair station industry if provisions for permitting work outside were eliminated. In addition, the FAA is requesting that the comments submitted include a detailed discussion of the potential safety benefits that could be realized if such provisions were eliminated. Based on the input received and the data presented during the comment period, the FAA may eliminate the work dock provisions in the final rule.

Proposed § 145.103(b)(3) establishes new provisions that would require a repair station that performs maintenance, preventive maintenance, or alterations on any article of composite construction to meet acceptable process requirements. These process requirements would be based on the manufacturer's recommendations or other processes acceptable to the Administrator.

Proposed § 145.103 (b)(4) through (b)(7) revises current requirements so that they are applicable to the proposed system of certificates and ratings. Proposed § 145.103 (b)(4) and (b)(6) is based on current § 145.37 (c) and (e) with no substantive differences. Proposed § 145.103(b)(5) would require repair stations with a propeller rating to have suitable stands, racks, and fixtures, not only for the proper storage of the propellers, but also for the performance of work on these articles. Proposed § 145.103(b)(7) would establish

requirements for holders of an avionics, instrument, or computer system rating by requiring those holders to have a shop and assembly area that meets the standards for environmental control and protection from contaminants specified by the equipment or system manufacturer.

Proposed § 145.103(b)(8) specifically would establish a requirement for a repair station to meet any special facilities requirements determined by the manufacturer and approved by the Administrator for an article or system on which maintenance, preventive maintenance, or alteration is performed.

Currently, § 145.51(d) permits a repair station to maintain and alter any article for which it is rated at a place other than its fixed location if certain conditions are met. Proposed § 145.103(c) would specify that a repair station is permitted to perform certain job functions on an aircraft at a place other than its fixed location because of a special circumstance as determined by the Administrator (e.g., an aircraft on the ground at an isolated airport requiring repairs to allow it to be flown safely to the operator's main base, a repair station, or in preparation for a ferry flight). The proposed repair station manual would be required to describe the procedures for the performance of work at a place other than the repair station's fixed location.

Section 145.105 Change of Location, Housing, or Facilities

The proposed section is based on current § 145.21 and specifies the types of changes requiring approval by the Administrator. The proposal would include the current requirement that any change to the location or facilities of a repair station be approved in advance. The proposal would specifically indicate that no operation by a repair station at a new location be authorized until approved.

Section 145.107 Satellite Repair Stations

Under current § 145.51(d), a domestic repair station may maintain or alter any article for which it is rated at a place other than the repair station, provided certain conditions are met. This work is normally performed on a case-by-case or as-needed basis. Under the proposal, repair stations would be permitted to establish satellite repair stations to perform work on a permanent basis at a place other than the repair station's primary facility. Proposed § 145.107(a) would define ''satellite repair station'' and specify the requirements for the certification of these facilities. A satellite repair station would continue to be considered a separate repair station and would be required to meet the requirements (personnel, facilities, housing, etc.) for each rating it holds. A satellite repair station also would be required to prepare a manual consistent with the manual of the parent repair station. The manual would be required to be approved by the FAA CHDO. Proposed paragraph (b) would permit the cross-utilization of personnel and equipment from the parent repair station necessary to perform maintenance, preventive maintenance, or alterations. However, the FAA could specify when equipment and personnel could not be cross-utilized.

Additionally, proposed paragraphs (c) and (d) would codify the current practice that a repair station located within the United States would not be permitted to have a satellite repair station located outside the United States and that a repair station located outside the United States would not be permitted to have a satellite repair station located within the United States.

Section 145.109 Maintenance, Preventive Maintenance, and Alterations Conducted at Satellite Repair Stations

This proposed section would specify the conditions under which a repair station may perform work at a satellite repair station rather than at the repair station's primary facility and would establish inspection personnel requirements for the facility. The proposed section is based on § 141.91, which prescribes requirements for pilot school satellite bases.

Section 145.111 Equipment and Material Requirements

The proposed requirements are based on those requirements found in current §§ 145.47 and 145.49. The proposed section sets forth the requirements that would apply to all repair stations and those additional requirements that would apply to repair stations with specialized service ratings and those with ratings other than specialized service ratings. Additionally, the proposed regulation sets forth requirements for certificated repair stations, whereas the current regulation sets forth requirements for an applicant for a domestic repair station certificate.

The proposed section retains the requirements of current §§ 145.47(a) and (b), and 145.49(a); however, the proposal would require that tools used to accomplish work be those recommended by the manufacturer or equivalent to the manufacturer's recommendation and acceptable to the Administrator. The proposal also would require tools used for product acceptance and/or for making a finding of airworthiness be calibrated to a standard acceptable to the Administrator.

The proposal would delete the specific equipment requirements for an applicant for a rating for specialized services or techniques issued under the current regulation; however, under the proposed rule, a certificated repair station with a specialized service rating would be required to have the appropriate equipment, materials, and technical data prescribed and approved for performing work under that rating.

Subpart D Personnel

The FAA proposes to organize all part 145 repair station personnel requirements into a separate subpart of part 145. The proposed subpart would include current personnel requirements and new requirements relating to training, personnel records, designation of an accountable manager, and the recommendation of persons for certification as repairmen. Personnel requirements for repair stations located within and outside the United States would be standardized; however, repair stations located outside the United States would continue to be able to employ persons not certificated under part 65.

Section 145.151 Personnel Requirements

This proposed section for personnel requirements is based on current §§ 145.39 and 145.75 but does not include requirements for supervisory and inspection personnel. These requirements are found in proposed § 145.153.

Proposed § 145.151 would establish the same general personnel requirements for repair stations located within and outside the United States. It would ensure that personnel employed at any repair station, regardless of its location, are competent to perform assigned tasks.

Proposed § 141.51 would include a new requirement that each certificated repair station designate an individual as the accountable manager. The section would continue to require that a repair station have a sufficient number of personnel to perform the work for which it is rated. The proposed section would specify that it is applicable to all repair stations, whereas current equivalent sections apply to applicants for certificates. The proposal deletes language in current § 145.39(a) requiring officials of the station to consider carefully the justifications and abilities of their employees. This current provision is addressed by the proposed

training requirements. Language in current § 145.39(b) requiring an applicant to have enough properly qualified employees to keep up with the volume of work in progress is addressed in proposed § 145.151(a)(2).

Section 145.153 Supervisory and Inspection Personnel Requirements

This proposed section is based on the supervisory and inspection personnel requirements found in current §§ 145.39 and 145.75. The proposal would retain the requirements of these sections, codify minimum practical experience and training requirements for supervisory and inspection personnel employed at repair stations located outside the United States, and expand the Administrator's ability to determine the competence of all supervisory and inspection personnel.

Proposed paragraphs (a), (b), and (c) are based on current § 145.39(c). These sections would apply to all repair stations.

Proposed paragraph (d) is based on current § 145.39(d). It would contain identical requirements for supervisory and inspection personnel at repair stations located within and outside the United States, with the exception that personnel at repair stations located outside the United States would not be required to be certificated under part 65.

Proposed paragraph (d)(1) retains the current requirement that only those individuals who supervise a maintenance function in a repair station located in the United States be certificated as a mechanic or repairman under part 65. Although the FAA will not require the certification of supervisory personnel at repair stations outside the United States, proposed paragraphs (d)(2) and (d)(3) would apply the practical experience and training requirements currently found in § 145.39(d) to all supervisory personnel regardless of where they perform their duties. Proposed paragraph (d)(2) would require all individuals who supervise a maintenance function at a repair station to have at least 18 months of practical experience in the maintenance function the individual is supervising. Proposed paragraph (d)(3) would require all supervisory personnel to be adequately trained on the maintenance of the article on which work is performed and to be familiar with the procedures, practices, inspection methods, materials, tools, and equipment used in the maintenance, preventive maintenance, or alterations for which the repair station is rated.

The current prohibition found in § 145.39(d) on the use of experience gained as an apprentice or student mechanic has been deleted because the FAA has determined that such experience is acceptable. In addition, the current requirement that at least one of the persons directly in charge of the maintenance functions of a repair station with an airframe rating must have had experience in approving aircraft for return to service after 100-hour, annual, and progressive inspections has been broadened. Current language specifying inspection types has been replaced by a reference to the inspections required by current § 91.409.

Proposed paragraph (e) is based on current § 145.39(d) and would apply to all repair stations with no substantive changes.

Proposed § 145.153(f) imposes additional requirements on repair stations located outside the United States. These requirements are based on the requirements for supervisory and inspection personnel at foreign repair stations specified in current § 145.75. Repair stations located outside the United States would be required to possess a sufficient number of supervisors and inspectors who understand FAA regulations, FAA Airworthiness Directives, and the manufacturers' maintenance and service instructions for the articles on which the repair station performs work. These personnel would also be required to understand, read, and write the English language.

The changes proposed in paragraphs (d)(2) and (d)(3), together with the provisions of proposed paragraph (f), would ensure that repair stations located outside the United States possess a sufficient number of supervisory and inspection personnel who are as well qualified as their domestic counterparts certificated under part 65.

Current references to determining the abilities of supervisory personnel by either the repair station or the Administrator have been included and expanded on in proposed paragraph (g). Current § 145.39(c) provides that the Administrator may inspect the employment and experience records of all supervisory personnel and also may determine further the abilities of supervisors by administering a personal test; however, the current regulation does not provide for the evaluation of inspection personnel located at a repair station in the United States through use of a personal test. In addition to providing that the Administrator may review the employment and experience records of supervisors and inspection personnel, proposed § 145.153(g) would permit the Administrator to use oral or practical tests to evaluate the ability of supervisory and of inspection personnel to perform the tasks for which they are assigned. The procedures the FAA would use to evaluate the technical competency of all repair station personnel would ensure that they possess a uniform level of competency, regardless of individual certification requirements.

Section 145.155 Recommendation of Persons for Certification as Repairmen

The proposal is based on current § 145.41; however, the proposal would require a repair station to recommend a sufficient number of repairmen to meet all applicable requirements of this part if the repair station chooses to use repairmen to satisfy these requirements. The current rule requires only the recommendation of at least one repairman. The proposal would delete the provisions of current § 145.41(b), which require that each person recommended must be at or above the level of shop foreman or department head or be responsible for supervising the work performed by the repair station, and would permit a repair station to recommend any employee who meets the requirements of current § 65.101 for certification as a repairman. The FAA has decided that this proposal would recognize the level of professional expertise of maintenance personnel currently employed at repair stations. The proposal also would enable repair stations to be more flexible in their hiring and placement practices. This proposal is consistent with current § 65.101, which does not require that an individual be employed in a supervisory position at a repair station to meet the eligibility requirements for a repairman certificate.

Consistent with proposed § 145.153(g), proposed § 145.155(b) also would permit the Administrator to evaluate any repairman's ability by inspecting employment and experience records and/or by administering an oral or practical test.

Section 145.157 Records of Management, Supervisory, and Inspection Personnel

This proposed section is based on current § 145.43. The FAA would continue to require a repair station to retain a roster of supervisory (including management) personnel and inspection personnel. Proposed paragraph (a)(3) would establish a new requirement for a repair station to retain a roster of those certificated personnel authorized to sign a maintenance release for approval for return to service of an altered or repaired article.

The proposal would retain current requirements relating to the retention of information indicating compliance with experience requirements; however, the record of total years of experience for an individual would not need to pertain solely to the type of work the individual is performing but only to maintenance work in general. The proposal would modify the current rule by requiring that these rosters be kept current but would not list the specific instances under which they would be required to be modified. Although the proposal does not retain the language of current § 145.43(d), these records would continue to be subject to inspection by the Administrator, as proposed in § 145.221. Because records would be required to be maintained for all management personnel, the language of current § 145.43(e) has not been retained.

Section 145.159 Training Requirements

This section would create a new requirement for each certificated repair station to establish a training program approved by the Administrator that consists of initial and recurrent training for employees assigned to perform maintenance, preventive maintenance, or alteration job functions. The proposal would require that records of this training be documented by the repair station in a form acceptable to the Administrator and that these records be retained for the duration of each individual's employment.

Subpart E Operating Rules

Section 145.201 Quality Assurance and Quality Control Systems

This proposed section is based on certain requirements in current §§ 145.45, 145.57, and 145.105. Proposed § 145.201(a)(1) would set forth a new requirement for a repair station to establish a quality assurance system. Section 145.201(a)(2) would continue to require a repair station to have a quality control and inspection system but would expand the scope of these systems to include the quality control of any work performed by a contractor. The proposal also would require these systems to be described in the repair station's manual.

Proposed § 145.201(b) continues to require repair stations to perform maintenance and alterations in accordance with part 43, which includes the applicable provisions of an approved maintenance program. The proposal also expands the scope of current § 145.57 to include preventive maintenance.

Current § 145.57(a) requires that each repair station maintain, in current condition, all manufacturers' maintenance manuals, instructions, and service bulletins that relate to the articles that it maintains or alters. To standardize language relating to aviation maintenance, the FAA proposes in paragraph (c) to replace the term ''instructions'' with ''Instructions for Continued Airworthiness''. Also, the FAA has determined that, because Airworthiness Directives (ADs) disseminate critical information about aviation safety, repair stations should possess all ADs that apply to an article on which that repair station performs maintenance, preventive maintenance, or alterations. Therefore, in proposed § 145.201(c), the FAA would require that each repair station maintain and keep current all ADs, Instructions for Continued Airworthiness, and service bulletins that relate to articles that it includes on its capability list.

Current § 145.57(a) requires a repair station to retain current manufacturer's service manuals for each article that it maintains or alters. The FAA has received petitions for rulemaking requesting that the FAA permit repair stations to have a manufacturer's customized aircraft maintenance manuals only when necessary, instead of continuously maintaining such manuals. The FAA recognizes that difficulties with this requirement frequently occur because manufacturers are reluctant to release proprietary information or are unwilling to provide maintenance manuals for their products when a repair station is not a party to a licensing agreement. Therefore, repair stations are able to receive the manufacturer's maintenance manual for a particular aircraft or article only when the aircraft or article is delivered to the repair station for maintenance. During certification, repair stations would be required to have standard maintenance manuals for the equipment on which they intend to perform maintenance, preventive maintenance, or alterations; however, the FAA proposes in § 145.201(d) to require repair stations to possess article-specific manufacturers' maintenance manuals only when required.

Section 145.203 Capability List

This new section would require repair stations to prepare and retain a current capability list that would contain a list of the articles on which it performs maintenance, preventive maintenance, or alterations. The proposal would require that these articles be identified by make and model, part number, or other nomenclature designated by the article's manufacturer. Before revising the capabilities list, a repair station would be required to complete a self-evaluation to ensure that it meets all of the requirements for the proposed operations.

Section 145.205 Repair Station Manual

The proposed section would establish a new requirement for a repair station to maintain and use a current approved repair station manual that would set forth the procedures and policies for the repair station's operation. It also would set forth requirements specifying the availability of the repair station manual to repair station personnel. Repair stations would be required to provide the CHDO with a current copy of the manual. Repair stations that provide electronic versions of their manual would be required to provide the FAA with the means to access the manual at the CHDO. In addition, except for revisions to the capability list, each revision to the repair station manual must be submitted to the Administrator for approval.

Section 145.207 Repair Station Manual Contents

This section would outline the minimum requirements for the proposed repair station manual. The information specified includes the majority of those items now described as acceptable by AC No. 145–3 for inclusion in the current IPM. The proposed manual would be required to include an organizational chart of management personnel, a roster of inspection personnel, a description of the facility's operations, an explanation of its quality assurance system, a description of its training program, procedures for performing work at a location other than the facility, procedures for self-evaluations, maintenance functions contracted to an outside certificated facility or noncertificated person, procedures for conducting work under § 145.7, a description of the facility's recordkeeping system, the repair station's capability list, procedures for updating the capability list, manual revision procedures, procedures for changes in location and facilities of the repair station, and other information required by the Administrator.

Section 145.209 Quality Control System and Procedures

This proposed section is based on current § 145.45. The proposal retains the basic requirements of that section and modifies certain provisions relating to the use of inspection devices and the

conduct of inspection procedures. It modifies the current rule by requiring inspection personnel to be skilled in operating inspection equipment and to be able to interpret defects indicated by the equipment at times when not just magnetic, fluorescent, or other mechanical inspection devices are used, but when any inspection device is used.

The proposed section would require that a repair station establish specific procedures for the inspection of incoming raw materials and articles, as well as inspection procedures for articles on which contract maintenance or alterations are performed. Current § 145.45(f) requires that an applicant for a repair station certificate provide a manual containing inspection procedures. The manual must explain in detail the repair station's inspection system, including the continuity of inspection responsibility. Although the proposed manual requirements are included in proposed § 145.207, proposed § 145.209(e) includes the inspection continuity requirements by requiring (under the quality control system and procedures) that the repair station ensure the continuity of inspection responsibility for the facility. The repair station's inspection system and procedures are part of its quality assurance system that would be described in the proposed repair station manual.

Section 145.211 Inspection of Maintenance, Preventive Maintenance, or Alterations Performed

This proposed section on inspection of maintenance, preventive maintenance, or alteration is based on current § 145.59 with no substantive differences, but it has been expanded to address repair stations located outside of the United States. It includes current restrictions placed on repair stations located outside the United States and on the supervisory and inspection personnel employed by these repair stations.

Section 145.213 Contract Maintenance

The proposed section is based on current § 145.47(c) and establishes new requirements for a repair station when contracting for services. These new requirements are described in detail under the heading ''Contract Maintenance.''

Section 145.215 Privileges and Limitations of Certificate

The proposed section is based on current § 145.51 and generally retains the requirements of the current rule, except as noted. Proposed § 145.215(a) modifies current § 145.51 (a) and (b) to include references to preventive maintenance and to describe more accurately the articles on which work can be performed. The proposed section also would permit a repair station to arrange for the maintenance, preventive maintenance, or alteration of any article for which it is rated at another organization under its quality control system. The proposal deletes the current references to the performance of 100-hour, annual, or progressive inspections found in current § 145.51(c). This language has been removed because inspection is included in the current § 1.1 definition of maintenance. Because the current general airframe rating would be eliminated under the proposal (limited ratings would still remain available), a repair station with an aircraft rating would be permitted to perform a 100-hour, annual, or progressive inspection and approve an aircraft for return to service.

In addition, because the applicability section of the proposed rule would permit a repair station to perform maintenance, preventive maintenance, or alterations on any type of article, § 145.215(b)(3) would describe the method and technical data requirements for major repairs or major alterations performed on experimental aircraft.

Section 145.217 Recordkeeping

This proposed section is based on current §§ 145.61 and 145.79. Proposed paragraph (a)(1) modifies the current rule by requiring all repair stations to retain detailed records showing the make, model, identification number, and serial number (when applicable) of the article on which work was performed. The current 2-year record retention requirement would be retained in paragraph (a)(2); however, the proposal would specify that the period from which this time would be measured would commence on the date on which the article was approved for return to service, instead of the date on which the work was performed. Proposed paragraph (a)(3) would require these records to include a copy of the maintenance release. Proposed paragraph (a)(4) would permit these records to be retained as actual work documents or copies thereof, or through the use of an automated data processing system protected from unauthorized use and access. Proposed paragraph (b) would require that the repair station provide a copy of an article's maintenance release, which must be retrievable in English, to the owner or operator. Under the proposed rule, the repair station could use as the maintenance release the record that it completes to comply with §§ 43.9 and 43.11 of this chapter.

Similar to current requirements of §§ 91.417(c), 121.380(c), and 135.439(c), proposed § 145.217(c) would require that a repair station make available to the Administrator or any authorized representative of the National Transportation Safety Board (NTSB) all maintenance records required to be kept by proposed § 145.217. The proposed paragraph specifies that the records would be required to be provided in English. The records would be required to be provided either in paper format or, if in other than paper format, with the means necessary to create a paper copy of the record.

Proposed paragraph (d) would specify those recordkeeping requirements that apply to repair stations located outside the United States.

Section 145.219 Reports of Defects or Unairworthy Conditions

Under current § 145.63 or § 145.79, repair stations are required to submit reports of defects or unairworthy conditions to the FAA. The FAA proposes to standardize the type of data reported under the service difficulty reporting (SDR) system by specifically listing in proposed § 145.219(b) the information required when a repair station submits a report. The required information would be consistent with the type of service difficulty information that air carriers operating under parts 121 and 135 are required to submit. To avoid a duplication of reporting requirements, the repair station still would not be required to submit this information to the FAA if the information has been provided as a result of other regulatory requirements.

Current § 145.63(b) states that in cases where filing a report of defects or unairworthy conditions might prejudice the repair station, the repair station shall refer the matter to the FAA for a determination as to whether a report is necessary. Because such a condition does not appear in other parts of the regulations requiring such reports, the FAA proposes to eliminate this condition from the proposed rule.

Section 145.221 FAA Inspections

This proposed section is based on current § 145.23 but is expanded so that the FAA would be able to inspect repair stations' contract maintenance providers. The proposal also would require that arrangements for contractors' services include provisions for inspection of the contractor by the FAA. The proposed rule would remove the statement found in the current rule specifying that after an inspection the

repair station is notified in writing of any defects found during the inspection. This is common FAA practice and need not be specified in regulatory language.

Appendix A Job Functions

Appendix A would continue to set forth the job functions and the equipment requirements for repair stations except for those job functions that are contracted out. The proposed appendix A is updated and revised in accordance with the proposed ratings and classes for repair stations. The deletion of those functions that may be contracted out to another facility is described in detail above under the heading ''Job Functions.''

Paperwork Reduction Act

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 Office of Management and Budget (OMB) control number. Information collection requirements in this proposed rule previously have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96–511) and have been assigned OMB Control Numbers 2120–0003 and 2120–0010.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this proposal: (1) would generate benefits that justify its costs and is a significant regulatory action as defined by Executive Order 12866 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because there has been considerable public interest in this subject; (2) would not have a significant impact on a substantial number of small entities; and (3) would not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Costs

The estimated net cost of compliance after subtracting cost savings with the proposed amendment would be approximately $33.3 million (net of cost savings) in 1996 dollars, discounted at 7 percent, over 11 years. The most costly requirement, which is in § 145.201, relates to operations and inspection procedures for quality assurance and quality control systems and would result in repair stations incurring discounted costs of $80.9 million. The most cost-saving requirement, which is in § 145.201, relates to a reduction in the number of manuals that a repair station would be required to maintain and would result in repair stations saving about $76.1 million discounted.

Benefits

The estimated quantifiable safety benefits of the proposed amendment are approximately $54.9 million in 1996 dollars, discounted at 7 percent, over 11 years. On an annual basis, an average of 6.9 total accidents would be avoided, preventing 2.2 fatalities, 1.7 serious injuries, and 2.7 minor injuries. The avoidance of 6.9 accidents would avert at a minimum the destruction of at least 4.7 general aviation aircraft and would avert substantial damage to 1.4 general aviation aircraft. Property damage to other types of aircraft would also be averted.

International Trade Impact Statement

This proposed rule would not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries and the import of foreign goods and services into the United States. The proposal affects repair stations located both within and outside the United States. There are approximately 522 repair stations listed in AC No. 140–7I that are located outside the United States; they would be required to comply with each of the provisions applicable to repair stations located within the United States. However, repair stations located outside the United States would continue to be permitted to employ individuals not certificated under part 65.

The proposal is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States. Furthermore, the proposal is consistent with the terms of several trade agreements to which the United States is a signatory, such as the Trade Agreements Act of 1979 (19 U.S.C. 2501 *et seq.*), incorporating the Agreement on Trade in Civil Aircraft (31 U.S.C. 619) and the Agreement on Technical Barriers to Trade (Standards) (19 U.S.C. 2531). Aircraft repair and maintenance services are subject to general obligations and specific U.S. market access commitments under the General Agreement on Trade in Services (GATS) administered by the World Trade Organization (WTO). The proposed rule is fully consistent with United States' obligations and commitments under this treaty. The proposed revision to part 145 also is consistent with 49 U.S.C. 40105, formerly § 1102(a) of the Federal Aviation Act of 1958, as amended, which requires the FAA to exercise and perform its powers and duties consistently with any obligation assumed by the United States in any agreement that may be in force between the United States and any foreign country or countries.

Unfunded Mandates Reform Act Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), codified in 2 U.S.C. 1501–1571, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This proposed rule does not meet the cost thresholds described above. Furthermore, this proposed rule would not impose a significant cost on small

governments and would not uniquely affect those small governments. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation. To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The initial determination is that the annual costs associated with compliance with the proposed revision of part 145 would be less than $5,000 per repair station and each affected manufacturer. For the type of business entities covered by this proposed rule, these annual costs are negligible. Therefore, the FAA certifies that the proposed revision of part 145, would not have a significant economic impact, negative or positive, on the repair stations or MMFs considered to be small entities under the rule.

Federalism Implications

The regulations proposed herein would 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 proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

International Compatibility

In keeping with the U.S. obligation under the Convention of International Civil Aviation, it is the FAA's policy to comply with the Standards and Recommended Practices of the International Civil Aviation Organization to the maximum extent practicable. For this notice, the FAA has determined that this proposal, if adopted, would not present any differences.

This proposed rule would provide nearly uniform requirements by the FAA and the JAA for maintenance facilities that perform maintenance, preventive maintenance, and alterations on aircraft, airframes, aircraft engines, propellers, appliances, components, and parts. Exceptions to these nearly uniform requirements are the FAA's requirements for major repairs and major alterations to be performed in accordance with technical data approved by the FAA, and the JAA's requirements for each approved maintenance organization to designate an accountable manager.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the proposed rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) and Public Law 94–163, as amended (42 U.S.C. 6362). It has been determined that it is not a major regulatory action under the provisions of the EPCA.

Cross Reference

To illustrate how the current regulations have been revised, and to identify how the proposed rule relates to the current rule, the following cross-reference tables are provided.

CROSS-REFERENCE TABLE

Old section	New section(s)
145.1	145.1
145.2	145.7
145.3	145.5 and 145.9
145.11	145.51 and 145.53
145.13	145.51
145.15	145.57 and 145.105
145.17	145.55
145.19	145.5
145.21	145.105
145.23	145.221
145.25	145.9
145.31	145.59
145.33	145.59
145.35	145.103
145.37	145.103
145.39	145.151 and 145.153
145.41	145.155
145.43	145.157
145.45	145.201, 145.207, and 145.209
145.47	145.111 and 145.213
145.49	145.111
145.51	145.107 and 145.215

CROSS-REFERENCE TABLE—Continued

Old section	New section(s)
145.53	145.5 and 145.215
145.55	145.101
145.57	145.103 and 145.201
145.59	145.211
145.61	145.217
145.63	145.219
145.71	145.51
145.73	145.5 and 145.215
145.75	145.151 and 145.153
145.77	Deleted
145.79	145.217 and 145.219
145.101	Deleted
145.103	Deleted
145.105	145.201
Appendix A	Appendix A.

CROSS-REFERENCE TABLE

New section	Old section(s)
145.1	145.1
145.2	New
145.3	New
145.5	145.3, 145.19, and 145.53
145.7	145.2
145.9	145.3 and 145.25
145.11	New
145.51	145.11, 145.13, and 145.71
145.53	145.11 and 145.71
145.55	145.15 and 145.17
145.57	145.15
145.59	145.31 and 145.33
145.61	New
145.101	145.55
145.103	145.35, 145.37, and 145.57
145.105	145.21
145.107	145.51
145.109	New
145.111	145.47 and 145.49
145.151	145.39 and 145.75
145.153	145.39 and 145.75
145.155	145.41
145.157	145.43
145.159	New
145.201	145.45, 145.57, and 145.105
145.203	New
145.205	New
145.207	145.45
145.209	145.45
145.211	145.59
145.213	145.47
145.215	145.51 and 145.73
145.217	145.61 and 145.79
145.219	145.63 and 145.79
145.221	145.23
Appendix A	Appendix A

List of Subjects

14 CFR Part 11

Aircraft, Airmen, Aviation safety, Safety.

14 CFR Part 91

Aircraft, Airworthiness directives and standards, Aviation safety, Safety.

14 CFR Part 121

Aircraft, Airmen, Airplanes, Airworthiness directives and standards, Aviation safety, Safety.

14 CFR Part 135

Aircraft, Airplanes, Airworthiness, Airmen, Helicopters, Aviation safety, Safety.

14 CFR Part 145

Air carriers, Air transportation, Aircraft, Aviation safety, Recordkeeping and reporting, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 11, 91, 121, 135, and 145 of the Federal Aviation

Regulations (14 CFR parts 11, 91, 121, 135, and 145) as follows:

PART 11—GENERAL RULEMAKING PROCEDURES

1. The authority citation for part 11 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701, 44702, 44711, 46102.

§ 11.101 [Amended]

2. Section § 11.101(b) is amended by replacing the reference to § 145.63 in the chart with a reference to § 145.219.

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506, 46507, 47122, 47508, 47528, 47531.

4. Section 91.411 is amended by revising paragraphs (b)(2)(iii) and (b)(2)(iv) and by removing paragraph (b)(2)(v) to read as follows:

§ 91.411 Altimeter system and altitude reporting equipment tests and inspections.

* * * * *

(b) * * *

(2) * * *

(iii) A specialized service rating appropriate to the test to be performed; or

(iv) An aircraft rating appropriate to the airplane or helicopter to be tested; or

* * * * *

5. Section 91.413 is amended by revising paragraphs (c)(1)(i), (c)(1)(ii), and (c)(1)(iii) and by removing paragraph (c)(1)(iv) to read as follows:

§ 91.413 ATC transponder tests and inspections.

* * * * *

(c) * * *

(1) * * *

(i) An avionics rating, Class 3;

(ii) A limited avionics rating appropriate to the make and model transponder to be tested;

(iii) A specialized service rating appropriate to the test to be performed; or

* * * * *

6. Appendix A to part 91 is amended by revising section 4 paragraph (b)(1)(ii) and by removing section 4 paragraph (b)(1)(iii) to read as follows:

Appendix A to Part 91 Category II Operations: Manual, Instruments, Equipment, and Maintenance

* * * * *

(4) * * *

(b) * * *

(1) * * *

(ii) An avionics rating.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

7. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701, 44702, 44705, 44709, 44711, 44713, 44716, 44717, 44722, 44901, 44903, 44904, 44912, 46105.

8. Special Federal Aviation Regulation No. 36 is amended by revising paragraph (2)(c) to read as follows:

SFAR No. 36

* * * * *

(2) * * *

(c) Contrary provisions of § 145.215(b)(2) of the Federal Aviation Regulations notwithstanding, the holder of a repair station certificate under 14 CFR part 145 that is located in the United States may perform a major repair on an article for which it is rated using technical data not approved by the Administrator and approve that article for return to service, if authorized in accordance with this Special Federal Aviation Regulation. If the certificate holder holds a rating limited to a component of a product or article, the holder may not, by virtue of this Special Federal Aviation Regulation, approve that product or article for return to service.

* * * * *

9. Section 121.378 is amended by revising paragraph (a) to read as follows:

§ 121.378 Certificate requirements.

(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by a certificated repair station that is located outside the United States, each person who is directly in charge of maintenance, preventive maintenance, or alterations, and each person performing required inspections must hold an appropriate airman certificate.

* * * * *

10. Section 121.709 is amended by removing the concluding text of paragraph (b); redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and adding a new paragraph (c) to read as follows:

§ 121.709 Airworthiness release or aircraft log entry.

* * * * *

(c) Notwithstanding paragraph (b)(3) of this section, after maintenance, preventive maintenance, or alterations performed by a repair station that is located outside the United States, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

* * * * *

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

11. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44705, 44709, 44711, 44713, 44715, 44717, 44722.

12. Section 135.435 is amended by revising paragraph (a) to read as follows:

§ 135.435 Certificate requirements.

(a) Except for maintenance, preventive maintenance, alterations, and required inspections performed by a certificated repair station that is located outside the United States, each person who is directly in charge of maintenance, preventive maintenance, or alterations, and each person performing required inspections must hold an appropriate airman certificate.

* * * * *

13. Section 135.443 is amended by redesignating paragraph (c) as paragraph (d) and revising it; and redesignating the concluding text of paragraph (b) as paragraph (c) and revising it to read as follows:

§ 135.443 Airworthiness release or aircraft maintenance log entry.

* * * * *

(c) Notwithstanding paragraph (b)(3) of this section, after maintenance, preventive maintenance, or alterations performed by a repair station that is located outside the United States, the airworthiness release or log entry required by paragraph (a) of this section may be signed by a person authorized by that repair station.

(d) Instead of restating each of the conditions of the certification required by paragraphs (b) and (c) of this section, the certificate holder may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

14. Part 145 is revised to read as follows:

PART 145—REPAIR STATIONS

Special Federal Aviation Regulations

SFAR No. 36 [Note]

Subpart A—General

Sec.
145.1 Applicability.
145.2 Certificate issued to a person in a country outside the United States; certificate issued to a person in a country with which the U.S. has a bilateral aviation safety agreement.
145.3 Definition of terms.
145.5 Certificate and operations specifications requirements.
145.7 Performance of maintenance, preventive maintenance, alterations, and required inspections for certificate holders under parts 121, 125, and 135; and for foreign air carriers or foreign persons operating a U.S.-registered aircraft in common carriage under part 129.
145.9 Advertising.
145.11 Deviation authority.

Subpart B—Certification

145.51 Application for certificate.
145.53 Issue of certificate.
145.55 Duration and renewal of certificate.
145.57 Amendment to or transfer of certificate.
145.59 Ratings and classes.
145.61 Transition to new system of ratings.

Subpart C—Facilities, Equipment, Materials, and Housing

145.101 General.
145.103 Facility and housing requirements.
145.105 Change of location, housing, or facilities.
145.107 Satellite repair stations.
145.109 Maintenance, preventive maintenance, and alterations performed at satellite repair stations.
145.111 Equipment and material requirements.

Subpart D—Personnel

145.151 Personnel requirements.
145.153 Supervisory and inspection personnel requirements.
145.155 Recommendation of persons for certification as repairmen.
145.157 Records of management, supervisory, and inspection personnel.
145.159 Training requirements.

Subpart E—Operating Rules

145.201 Quality assurance and quality control systems.
145.203 Capability list.
145.205 Repair station manual.
145.207 Repair station manual contents.
145.209 Quality control system and procedures.
145.211 Inspection of maintenance, preventive maintenance, or alterations performed.
145.213 Contract maintenance.
145.215 Privileges and limitations of certificate.
145.217 Recordkeeping.
145.219 Reports of defects or unairworthy conditions.
145.221 FAA inspections.

Appendix A to Part 145—Job Functions

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44707, 44717.

Special Federal Aviation Regulation SFAR No. 36

Editorial Note: For the text of SFAR No. 36, see part 121 of this chapter.

Subpart A—General

§ 145.1 Applicability.

This part prescribes the rules governing the certification of, and associated ratings and general operating rules for, repair stations that perform maintenance, preventive maintenance, or alteration of any aircraft, airframe, aircraft engine, propeller, appliance, or component part thereof.

§ 145.2 Certificate issued to a person in a country outside the United States; certificate issued to a person in a country with which the U.S. has a bilateral aviation safety agreement.

(a) The Administrator may issue a repair station certificate to a person in a country outside the U.S., if the Administrator finds that the person complies with the requirements of this part.

(b) If the person is located in a country with which the U.S. has a bilateral aviation safety agreement, the Administrator may base the finding that the person complies with this part on a certification from the civil aviation authority of that country; such certification must be made in accordance with implementation procedures signed by the Administrator or the Administrator's designee.

§ 145.3 Definition of terms.

For the purposes of this part, the following definitions apply:

(a) *Accountable manager* means the manager who has the corporate authority for ensuring that all maintenance, preventive maintenance, and alteration is carried out to the standards required by the Administrator.

(b) *Actual work documents* means records that provide a detailed description of the maintenance, preventive maintenance, and alteration steps and procedures actually accomplished on a particular aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof, and that are signed by the individual performing or approving the work.

(c) *Approve for return to service* means certification by a certificated repair station representative that the maintenance, preventive maintenance, or alteration performed on an aircraft, airframe, aircraft engine, propeller, appliance, or component part thereof was accomplished using the methods, techniques, and practices prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by its manufacturer, or by using other methods, techniques, and practices acceptable to the Administrator.

(d) *Approved data* means technical information approved by the Administrator.

(e) *Article* means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, module, component, unit, product, or part.

(f) *Certificated* means certificated by the Administrator.

(g) *Certificate holding district office* means the Flight Standards District Office that has responsibility for administering the certificate and is charged with the overall inspection of the certificate holder's operation.

(h) *Composite* means structural materials made of substances, including, but not limited to, wood, metal, ceramic, plastic, fiber-reinforced materials, graphite, boron, or epoxy, with built-in strengthening agents that may be in the form of filaments, foils, powders, or flakes of a different material.

(i) *Computer system* means any electronic or automated system capable of receiving, storing, and processing external data, and transmitting and presenting such data in a usable form for the accomplishment of a specific function.

(j) *Consortium* means the holder of a type certificate that forms a combination or group of separate certificated repair stations to perform maintenance, preventive maintenance, or alterations of that type-certificated product and components thereof, and functions under a single unified quality control and quality assurance system.

(k) *Directly in charge.* A person who is directly in charge is assigned to a position in which he or she is responsible for the work of a shop that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness. A person who is directly in charge need not physically observe and direct each worker constantly but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

(l) *Facility* means a physical plant, including land, buildings, and equipment, that provides the means for the performance of maintenance, preventive maintenance, or alteration of any article.

(m) *Housing* means buildings, hangars, and other structures to accommodate the necessary equipment and materials of a repair station that

(1) Provide working space for the performance of the maintenance, preventive maintenance, or alterations for which the repair station is certificated and rated; and

(2) Provide structures for the proper protection of aircraft, airframes, aircraft engines, appliances, components, parts, and subassemblies thereof during disassembly, cleaning, inspection, repair, alteration, assembly, and testing; and for the proper storage, segregation, and protection of materials, parts, and supplies.

(n) *Maintenance release* means a repair station document signed by an authorized repair station representative that states that the article worked on is approved for return to service for the maintenance, preventive maintenance, or alterations performed.

(o) *Overhauled.* An article can be properly described as ''overhauled'' if, by using methods, techniques, and practices acceptable to the Administrator, the article has been disassembled, cleaned, inspected, repaired as necessary, and reassembled, and it has been tested in accordance with approved standards and technical data or in accordance with current standards and technical data acceptable to the Administrator that have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under 14 CFR 21.305 of this chapter.

(p) *Signature* means an individual's unique identification used as a means of authenticating a maintenance record entry or maintenance record. A signature may be handwritten, electronic, or any other form acceptable to the Administrator.

§ 145.5 Certificate and operations specifications requirements.

(a) No person may operate as a certificated repair station without, or in violation of, a repair station certificate or Operations Specifications issued under this part.

(b) A certificated repair station may perform maintenance, preventive maintenance, or alterations on an aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof only for which it is rated and within the limitations placed in its Operations Specifications.

(c) The certificate issued to each certificated repair station must be available on the premises for inspection by the public and the Administrator.

(d) Operations Specifications issued to each certificated repair station contain the following:

(1) The repair station certificate number;

(2) Class ratings;

(3) Limited ratings, to include makes, models, or parts;

(4) Specialized service ratings, to include the specification used;

(5) The air carrier's geographic authorization for repair stations located outside of the United States; and

(6) Any other items the Administrator may require or allow to meet a particular situation.

§ 145.7 Performance of maintenance, preventive maintenance, alterations, and required inspections for certificate holders under parts 121, 125, and 135; and for foreign air carriers or foreign persons operating a U.S.-registered aircraft in common carriage under part 129.

(a) Each certificated repair station that performs maintenance, preventive maintenance, or alterations for an air carrier or commercial operator having a continuous airworthiness maintenance program under part 121 or part 135 of this chapter must, as applicable, comply with

(1) Sections 121.361, 121.365, 121.367, 121.371, 121.375, 121.377, 121.378, and 121.380 of this chapter as the part 121 certificate holder is required to comply; or

(2) Sections 135.2, 135.411, 135.419, 135.421, 135.423, 135.425, 135.429, 135.433, 135.435, and 135.439 of this chapter as the part 135 certificate holder is required to comply.

(b) Each certificated repair station that performs maintenance, preventive maintenance, or alterations under paragraph (a) of this section must perform that work in accordance with the applicable portions of the air carrier's or commercial operator's manual.

(c) Each certificated repair station that performs inspections on airplanes under part 125 of this chapter must perform those inspections in accordance with the approved inspection program for the operator of the airplane.

(d) Each certificated repair station that performs maintenance, preventive maintenance, or alterations for a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage under part 129 of this chapter must perform that work in accordance with a program approved by the Administrator.

(e) Notwithstanding the facility and housing requirements of § 145.103, the Administrator may grant approval for a certificated repair station that is located at a line station for an air carrier certificated under part 121 or part 135 of this chapter, or at a line station for a foreign air carrier or foreign person operating a U.S.-registered aircraft in common carriage under part 129 of this chapter to perform line maintenance on any aircraft of that air carrier or person, provided

(1) The repair station performs such line maintenance in accordance with the operator's manual or approved program;

(2) The repair station has the necessary equipment, trained personnel, and technical data to perform such line maintenance; and

(3) The repair station's Operations Specifications includes an authorization to perform line maintenance.

§ 145.9 Advertising.

(a) No repair facility may advertise as a certificated repair station until a repair station certificate has been issued to that facility.

(b) No certificated repair station may make any statement, either in writing or orally, about itself that is false or is designed to mislead any person.

(c) Whenever the advertising of a repair station indicates that it is certificated, the advertisement must clearly state the repair station's certificate number.

§ 145.11 Deviation authority.

(a) The Administrator may, upon consideration of the circumstances of a particular repair station, issue a deviation providing relief from specified sections of this part, provided the Administrator finds that the circumstances presented warrant the deviation and that a level of safety will be maintained equal to that provided by the rule from which the deviation is sought. This deviation authority will be issued as a Letter of Deviation Authority.

(b) A Letter of Deviation Authority may be terminated or amended at any time by the Administrator.

(c) A request for deviation authority must be made in a form and manner acceptable to the Administrator and submitted to the FAA, Associate Administrator for Regulation and Certification, 800 Independence Avenue SW., Washington, DC 20591, at least 60 days before the date the deviation from specified sections in this part is necessary for the intended maintenance, preventive maintenance, or alteration. A request for deviation authority must contain a complete statement of the circumstances and justification for the

deviation requested, and show that a level of safety will be maintained equal to that provided by the rule from which the deviation is sought.

Subpart B—Certification

§ 145.51 Application for certificate.

(a) An application for a repair station certificate and rating must be made on a form and in a manner prescribed by the Administrator, and must include

(1) A copy of the applicant's repair station manual required by § 145.205 for approval by the Administrator;

(2) A list by type, make, or model, as appropriate, of the aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof, for which application is made;

(3) A statement signed by the accountable manager confirming that the procedures described in the repair station manual are in place and meet the requirements of the applicable Federal Aviation Regulations;

(4) An organizational chart of the repair station and a list of the names and titles of managing and supervisory personnel;

(5) A description of the applicant's facilities, including the physical address; and

(6) A list of the maintenance functions to be performed for the repair station, under contract, by another repair organization/facility under § 145.213.

(b) The equipment, personnel, technical data, and housing and facilities required for the certificate and rating for which the repair station has applied, or for an additional rating, must be in place for inspection at the time of certification by the Administrator.

(c) In addition to meeting the other applicable requirements for a repair station certificate and rating, an applicant for a repair station certificate and rating that is located outside the United States must meet the requirements of this paragraph.

(1) The applicant must show that the repair station certificate and/or rating is necessary for maintaining or altering:

(i) U.S.-registered aircraft, and aircraft engines, propellers, appliances, components, or parts thereof for use on U.S.-registered aircraft; or

(ii) Foreign-registered aircraft operated under the provisions of part 121 or part 135 of this chapter, and aircraft engines, propellers, appliances, components, or parts thereof for use on these aircraft.

(2) The applicant must furnish evidence that the fee prescribed by the Administrator has been paid.

(3) The applicant must submit the documentation required by this section in English.

(d) An applicant for a repair station certificate operated by a consortium, which functions as a single organization with regard to quality control and quality assurance, holds an approved type certificate, and performs maintenance, preventive maintenance, and alterations of that type-certificated product and components thereof, must have the consortium's quality control and quality assurance systems in place at each of its facilities.

(e) An application for an additional rating or renewal of a repair station certificate must be made on a form and in a manner prescribed by the Administrator. The application need include only that information necessary to substantiate the change or renewal of the certificate.

§ 145.53 Issue of certificate.

An organization is entitled to a repair station certificate with appropriate ratings prescribing such Operations Specifications and limitations as are necessary in the interest of safety when the Administrator determines that the organization meets the applicable requirements of this part.

§ 145.55 Duration and renewal of certificate.

(a) A certificate or rating issued to a repair station located in the United States is effective from the date of issue until the repair station surrenders it or the Administrator suspends or revokes it.

(b) A certificate or rating issued to a repair station located outside the United States is effective from the date of issue until

(1) The last day of the 24th month after the date of issue,

(2) The repair station surrenders the certificate, or

(3) The Administrator suspends or revokes the certificate.

(c) The holder of a certificate that expires or is surrendered, suspended, or revoked by the Administrator must return it to the Administrator.

(d) A certificated repair station located outside the United States that applies for a renewal of its repair station certificate must:

(1) Submit its request for renewal no later than 90 days before the repair station's current certificate expires. If a request for renewal is not made within this period, the repair station must follow the application procedure prescribed by the Administrator.

(2) Send its request for renewal to the FAA office that has jurisdiction over the station.

§ 145.57 Amendment to or transfer of certificate.

(a) If a repair station desires to amend, revise, or add a rating to its certificate, it must apply for a change in its repair station certificate on a form and in a manner prescribed by the Administrator.

(b) The privileges of a repair station certificate cannot be transferred if the repair station is sold, leased, or otherwise conveyed.

§ 145.59 Ratings and classes.

(a) *Aircraft ratings.* An aircraft rating on a repair station certificate permits that repair station to perform maintenance, preventive maintenance, or alterations on an aircraft, including work on the powerplant(s) of that aircraft up to, but not including, overhaul as that term is defined in § 145.3 under the following classes:

(1) Class 1: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) of 12,500 pounds maximum certificated takeoff weight or less.

(2) Class 2: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) over 12,500 pounds maximum certificated takeoff weight and up to and including 75,000 pounds maximum certificated takeoff weight.

(3) Class 3: Aircraft (other than rotorcraft and aircraft composed primarily of composite material) over 75,000 pounds maximum certificated takeoff weight.

(4) Class 4: Rotorcraft (other than rotorcraft composed primarily of composite material) of 6,000 pounds maximum certificated takeoff weight or less.

(5) Class 5: Rotorcraft (other than rotorcraft composed primarily of composite material) over 6,000 pounds maximum certificated takeoff weight.

(6) Class 6: Aircraft composed primarily of composite material of 12,500 pounds maximum certificated takeoff weight or less.

(7) Class 7: Aircraft composed primarily of composite material over 12,500 pounds maximum certificated takeoff weight.

(b) *Powerplant ratings.* A powerplant rating on a repair station certificate permits that repair station to perform maintenance, preventive maintenance, or alterations of powerplants under the following classes:

(1) Class 1: Reciprocating engines.

(2) Class 2: Turbopropeller and turboshaft engines.

(3) Class 3: Turbojet and turbofan engines.

(c) *Propeller ratings.* A propeller rating on a repair station certificate

permits that repair station to perform maintenance, preventive maintenance, or alterations of propellers under the following classes:

(1) Class 1: Fixed-pitch and ground-adjustable propellers.

(2) Class 2: Variable-pitch propellers.

(d) *Avionics ratings.* An avionics rating on a repair station certificate permits that repair station to perform maintenance, preventive maintenance, or alterations of avionics equipment under the following classes:

(1) Class 1: Communication equipment. Any radio transmitting or receiving equipment, or both, used in aircraft to send or receive communications, regardless of carrier frequency or type of modulation used.

(2) Class 2: Navigational equipment. Any system used in aircraft for navigation except equipment operated on pulsed radio frequency principles.

(3) Class 3: Pulsed equipment. Any aircraft electronic system operated on pulsed radio frequency principles.

(e) *Computer systems ratings.* A computer systems rating on a repair station certificate permits that repair station to perform maintenance, preventive maintenance, or alterations of digital computer systems and components thereof, that have the function of receiving external data, processing such data, and transmitting and presenting the processed data under the following classes:

(1) Class 1: Aircraft computer systems: Flight management, flight control, and similar systems.

(2) Class 2: Powerplant computer systems:

Fuel control, electronic engine control, and similar systems.

(3) Class 3: Avionics computer systems: Electronic flight instrument, navigation management, and similar systems.

(f) *Instrument ratings.* An instrument rating on a repair station certificate permits that repair station to perform maintenance, preventive maintenance, or alterations of instruments under the following classes:

(1) Class 1: Mechanical: Any diaphragm, bourdon tube, aneroid, or optical or mechanically driven centrifugal instrument.

(2) Class 2: Electrical: Any self-synchronous and electrical indicating instruments and systems.

(3) Class 3: Gyroscopic: Any instrument or system using gyroscopic principles and motivated by air pressure or electrical energy.

(4) Class 4: Electronic: Any instrument whose operation depends on transistors; lasers; fiber optics; solid-state, integrated circuits; vacuum tubes; or similar devices.

(g) *Accessory ratings.* An accessory rating on a repair station certificate permits that repair station to perform maintenance, preventive maintenance, or alterations of accessory equipment under the following classes:

(1) Class 1: Mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation.

(2) Class 2: Electrical accessories that depend on or produce electrical energy.

(3) Class 3: Electronic accessories that depend on the use of transistors; lasers; fiber optics; solid-state, integrated circuits; vacuum tubes; or similar devices.

(4) Class 4: Auxiliary power units (APUs) that may be installed on an aircraft as self-contained units to supplement the aircraft's engines as a source of hydraulic, pneumatic, or electrical power.

(h) *Limited ratings.* Whenever deemed appropriate by the Administrator, a repair station may be issued a limited rating for the performance of maintenance, preventive maintenance, or alterations of a particular make and model, or part thereof, of any of the following articles:

(1) Aircraft,
(2) Airframes,
(3) Powerplants,
(4) Propellers,
(5) Avionics equipment,
(6) Computer systems,
(7) Instruments, and
(8) Accessories.

(i) *Specialized service ratings.* A specialized service rating may be issued to a repair station to perform specific maintenance or processes. The Operations Specifications of the repair station must identify the specification used in performing that specialized service.

The specification may be

(1) A civil or military specification that is currently used by industry and approved by the Administrator; or

(2) A specification developed by the repair station and approved by the Administrator.

§ 145.61 Transition to new system of ratings.

(a) Except as provided in paragraph (b) of this section, a certificated repair station with a certificate issued before [*effective date of the final rule*], may exercise the privileges of that certificate until [*2 years after the effective date of the final rule*].

(b) A certificated repair station with a certificate issued before [*effective date of the final rule*] that makes an application to change any portion of that certificate under § 145.57 must meet all the applicable requirements of this part and apply for and receive approval for each rating under which the repair station desires to exercise privileges.

Subpart C—Facilities, Equipment, Materials, and Housing

§ 145.101 General.

A certificated repair station must provide personnel, facilities, equipment, and materials in quantity and quality that meet the standards required for the issuance of the certificate and ratings that the repair station holds.

§ 145.103 Facility and housing requirements.

(a) Each certificated repair station must provide suitable facilities and housing so that the maintenance, preventive maintenance, or alteration being performed is protected from weather elements, dust, and heat; such facilities must include the following:

(1) Housing for the repair station's necessary equipment and material.

(2) Space for the maintenance, preventive maintenance, or alterations that the repair station performs under its rating.

(3) Facilities for properly storing, segregating, and protecting materials, parts, and supplies.

(4) Facilities for properly protecting parts and subassemblies during disassembly, cleaning, inspection, repair, alteration, and assembly.

(5) Shop space where machine tools and equipment are kept and where the largest amount of bench work is done. The shop space need not be partitioned, but machines and equipment must be segregated whenever

(i) Machine or woodwork is performed near an assembly area where chips or other material might inadvertently fall into assembled or partially assembled work;

(ii) Unpartitioned cleaning units for parts are near other operations;

(iii) Painting or spraying is performed in an area arranged so that paint or paint dust could fall on assembled or partially assembled work;

(iv) Paint spraying, cleaning, or machine operations are performed near testing operations so that the precision of test equipment might be affected; or

(v) Determined necessary by the Administrator.

(6) Assembly space in an enclosed structure where the largest amount of assembly work is done. The assembly space must be large enough for the largest article on which work is to be performed.

(7) Storage facilities used exclusively for properly storing and protecting parts

and raw materials, separated from shop and working space so that

(i) Only acceptable parts and supplies are used; and

(ii) Parts being assembled or disassembled or awaiting assembly or disassembly will be stored and protected so as to minimize the possibility of damage.

(8) Ventilation for the repair shop and the assembly and storage areas so that the physical capability of workers is not impaired.

(9) Lighting for work being performed that does not adversely affect the quality of work.

(10) Control of the temperature of the shop and assembly area so that the quality of work is not affected. Whenever special maintenance operations are being performed, the temperature and humidity control must be adequate to ensure the airworthiness of the article being maintained.

(b) A certificated repair station must meet the additional special facility and housing requirements of this paragraph that apply to each rating held by that repair station.

(1) Except as provided in paragraph (b)(2) of this section, a repair station with an aircraft rating must provide suitable, permanent housing to enclose the largest type and model of aircraft for which it is rated.

(2) If a repair station is located where climatic conditions allow the repair station to perform maintenance, preventive maintenance, or alterations on aircraft outside, the repair station may use permanent work docks if they meet the requirements of § 145.103(a). These permanent work docks must be acceptable to the Administrator.

(3) A repair station that performs maintenance, preventive maintenance, or alterations on any article of composite construction must meet acceptable process requirements.

(4) A repair station with either a powerplant or accessory rating must

(i) Provide suitable trays, racks, or stands to separate complete engine or accessory assemblies from each other during assembly and disassembly; and

(ii) Ensure that parts are protected to prevent contaminants from entering into or falling on such parts either before or during assembly.

(5) A repair station with a propeller rating must provide suitable stands, racks, or other fixtures to perform the maintenance, preventive maintenance, or alteration, and to store propellers properly.

(6) A repair station with an avionics rating must provide suitable storage facilities to ensure that parts and units that might deteriorate from dampness or moisture are protected.

(7) A repair station with an avionics, instrument, or computer system rating must provide a facility that meets the standards for environmental control and protection from contaminants specified by the equipment or system manufacturer.

(8) A repair station must meet any special facilities requirements determined by the manufacturer and approved by the Administrator for an article or system on which maintenance, preventive maintenance, or alteration is performed.

(c) A certificated repair station may temporarily transport material, equipment, and technical personnel that are necessary to perform maintenance, preventive maintenance, alteration, or a certain specialized service on an aircraft at a place other than that repair station's fixed location, if the following requirements are met:

(1) The work is necessary due to a special circumstance, for example, aircraft on ground, or preparation for a ferry flight, as determined by the Administrator; and

(2) The repair station's manual includes the manner and procedures for accomplishing maintenance, preventive maintenance, alteration, or a specialized service at a place other than the repair station's fixed location.

§ 145.105 Change of location, housing, or facilities.

(a) A certificated repair station may not make any change in its location or any change, deletion, or addition to its housing or facilities, whether the change is a new location, is a substantial rearrangement of space within the present location, or involves moving any of the housing or facilities that are required by § 145.103, unless the change is approved by the Administrator.

(b) The Administrator may prescribe the conditions, including any limitations, under which a certificated repair station may operate while it is changing its location, housing, or facilities.

(c) A certificated repair station may not operate at a new location until approved by the Administrator.

§ 145.107 Satellite repair stations.

(a) A satellite repair station is a repair station with its certificate issued by the Administrator that operates under the managerial control of a parent certificated repair station. A satellite repair station must

(1) Meet the requirements for each rating held by the satellite repair station; and

(2) Prepare a repair station manual required by § 145.205 that is:

(i) Consistent with the parent certificated repair station's manual; and

(ii) Approved by the FAA certificate holding district office.

(b) Unless the Administrator indicates otherwise, personnel and equipment from a certificated repair station and from each of the repair station's independent satellite repair stations may be cross-utilized by the parent repair station or by any of its satellite repair stations.

(c) A repair station located within the United States may not have a satellite repair station located outside the United States.

(d) A repair station located outside of the United States may not have a satellite repair station located within the United States.

§ 145.109 Maintenance, preventive maintenance, and alterations performed at satellite repair stations.

The holder of a repair station certificate may perform maintenance, preventive maintenance, or alterations at a satellite repair station if a chief inspector or assistant chief inspector is designated for each satellite repair station. That inspector must be available at the satellite repair station or, if away from the premises, by telephone, radio, or other electronic means.

§ 145.111 Equipment and material requirements.

(a) Except when work is being performed at an authorized satellite facility, a certificated repair station must have, located on the premises and under its full control, the equipment and material necessary to perform the maintenance, preventive maintenance, or alterations appropriate to the rating held by the repair station as set forth in appendix A to this part. Such equipment and material must be acceptable to the Administrator.

(b) A certificated repair station must ensure that all inspection and test equipment used for product acceptance and/or for making a finding of airworthiness is tested at regular intervals to ensure correct calibration to a standard acceptable to the Administrator.

(c) Each certificated repair station performing work under a rating other than a specialized service rating must have suitable tools and equipment for the functions set forth in appendix A to this part, as appropriate, for each rating held by the repair station. Repair stations with limited ratings and specialized service ratings must be equipped to perform the functions

applicable to the make and model of the article on which maintenance, preventive maintenance, or alteration is performed. The tools and equipment must be those recommended by the manufacturer of the article on which the repair station performs maintenance, preventive maintenance, or alteration, or tools and equipment that are equivalent to the manufacturer's recommendation and acceptable to the Administrator.

(d) A certificated repair station performing work under a specialized service rating must have the appropriate technical data prescribed by the specification or manufacturer for performing the maintenance or alterations permitted by the specialized service rating. Such data must be approved by the Administrator.

Subpart D—Personnel

§ 145.151 Personnel requirements.

(a) Each certificated repair station must:

(1) Designate an individual as the accountable manager;

(2) Have a sufficient number of personnel to plan and perform the maintenance, preventive maintenance, or alterations for which the repair station is rated; and

(3) Determine the abilities of its noncertificated employees to perform maintenance operations, based on practical tests or employment records.

(b) Each certificated repair station is responsible for ensuring the satisfactory performance of work by its maintenance employees.

(c) Each certificated repair station must have a sufficient number of employees who have detailed knowledge of the particular maintenance function or technique for which the repair station is rated, based on satisfactory training or applicable technical experience with the article or technique involved.

§ 145.153 Supervisory and inspection personnel requirements.

(a) Each certificated repair station must provide a sufficient number of trained personnel who can supervise and inspect the maintenance, preventive maintenance, or alterations for which the station is rated.

(b) Each supervisor must have direct supervision over working groups but does not need to be experienced in supervision at the management level.

(c) Whenever apprentices or students are used in working groups, the repair station must provide at least 1 supervisor for each 10 apprentices or students, unless the apprentices or students are integrated into groups of experienced workers.

(d) Each individual who is supervising a maintenance function in a repair station must:

(1) Be appropriately certificated as a mechanic or repairman under part 65 of this chapter when supervising a maintenance function in a repair station located within the United States;

(2) Have had at least 18 months of practical experience in the maintenance function that the individual is supervising; and

(3) Be adequately trained on maintenance of the article upon which work is performed and be familiar with the procedures, practices, inspection methods, materials, tools, and equipment used in the maintenance, preventive maintenance, or alterations for which the repair station is rated.

(e) At least one of the individuals in charge of maintenance functions for a repair station with an aircraft rating must have experience in the methods and procedures prescribed by the Administrator for approving aircraft for return to service after inspections required by § 91.409 of this chapter.

(f) A certificated repair station that is located outside the United States must have a sufficient number of supervisors and inspectors who understand the regulations in this chapter, the FAA Airworthiness Directives, and the manufacturers' maintenance and service instructions for the articles on which the repair station performs maintenance, preventive maintenance, or alterations. These supervisors and inspectors:

(1) Are not required to have U.S. airman certificates issued under this chapter;

(2) Are not considered to be airmen within the meaning of Title 49, United States Code, with respect to work performed in connection with their employment by such a repair station; and

(3) Must understand, read, and write the English language.

(g) The Administrator may evaluate the ability of any certificated repair station supervisory or inspection personnel to meet the requirements of this section by

(1) Inspecting that person's employment and experience records;

(2) Conducting an oral or practical test; or

(3) Any other method the Administrator elects.

§ 145.155 Recommendation of persons for certification as repairmen.

(a) An applicant for a repair station certificate or for an additional rating on a current and valid repair station certificate who chooses to use repairmen to satisfy the personnel requirements of this part must:

(1) Recommend at least the required number of individuals for certification as repairmen to meet the applicable requirements;

(2) Certify that each person recommended is employed by the repair station and meets the requirements of § 65.101 of this chapter; and

(3) Certify that each person recommended has the necessary training and practical experience to perform the repair station work functions for which repairman certification is required.

(b) The Administrator may evaluate any repairman's ability to meet this section's requirements by:

(1) Inspecting that person's employment and experience records;

(2) Conducting an oral or practical test; or

(3) Any other method the Administrator elects.

§ 145.157 Records of management, supervisory, and inspection personnel.

(a) Each certificated repair station must maintain the following:

(1) A roster of management and supervisory personnel, including the names of the repair station officials who are responsible for its management and the names of its technical supervisors;

(2) A roster with the names of all inspection personnel, including the chief inspector;

(3) A roster of personnel authorized to sign a maintenance release for approving an altered or repaired article for return to service;

(4) A summary of the employment of each individual whose name is on the management, supervisory, and inspection personnel roster. The summary must contain enough information on each individual listed on the roster to show compliance with the experience requirements of this part, including:

(i) Present title;

(ii) Total years of experience in type of maintenance work;

(iii) Past employment record with names of places and periods of employment by month and year;

(iv) Scope of present employment; and

(v) If applicable, the type of mechanic or repairman certificate held and the ratings on that certificate.

(b) The rosters required by this section must be kept current and reflect changes caused by termination, reassignment, change in duties or scope of assignment, or addition of personnel.

§ 145.159 Training requirements.

(a) Each certificated repair station must have an employee training program that consists of initial and recurrent training and is approved by the Administrator.

(b) The training program must ensure that each employee assigned to perform maintenance, preventive maintenance, or alterations, and each employee assigned to perform inspection functions is capable of performing the assigned task.

(c) Each certificated repair station must document in a form acceptable to the Administrator programs pertaining to individual employee training. Individual training records for those employees who require training under the requirements in paragraph (b) of this section must be retained for the duration of each individual's employment.

Subpart E—Operating Rules

§ 145.201 Quality assurance and quality control systems.

(a) Each certificated repair station must:

(1) Establish and maintain a quality assurance system acceptable to the Administrator;

(2) Establish and maintain a quality control and inspection system that ensures the airworthiness of the articles on which the repair station or any of its contractors performs maintenance, preventive maintenance, or alterations; and

(3) Describe the systems required by this paragraph in the repair station's manual.

(b) Each certificated repair station must maintain and keep current Airworthiness Directives, Instructions for Continued Airworthiness, and service bulletins that relate to the articles on which that repair station performs maintenance, preventive maintenance, or alterations.

(c) Each certificated repair station must possess all current manufacturers' maintenance manuals relating to an article when that repair station performs maintenance or alteration on the article.

§ 145.203 Capability list.

(a) Each certificated repair station must prepare and retain a current capability list acceptable to the Administrator. The repair station may not perform maintenance, preventive maintenance, or alterations on an article until the article has been listed on the capability list in accordance with this section and § 145.207(g).

(b) The capability list must identify each article by make and model, part number, or other nomenclature designated by the article's manufacturer.

(c) An article may be listed on the capability list only if the article is within the scope of the ratings and classes of the repair station's certificate, and only after the repair station has performed a self-evaluation in accordance with § 145.207(g). The repair station must perform the self-evaluation described in this paragraph to determine that the repair station has all of the facilities, equipment, material, technical data, processes, housing, and trained personnel in place to perform the work on the article as required by part 145. If the repair station makes that determination, it may list the article on the capability list.

(d) The document of the evaluation described in paragraph (c) of this section must be signed by the accountable manager and must be retained on file by the repair station.

(e) Upon listing an additional article on its capability list, the repair station must send a copy of the list to its certificate holding district office.

§ 145.205 Repair station manual.

(a) Each certificated repair station must prepare, keep current, and follow an approved repair station manual for the ratings authorized that is consistent with the size and complexity of the repair station.

(b) The certificated repair station manual must:

(1) Set forth the procedures and policies approved by the Administrator for the repair station's operation in accordance with the requirements of this part; and

(2) Be followed by the repair station's personnel while conducting station operations.

(c) Each certificated repair station must maintain at least one copy of its current manual at its facility.

(d) A copy of the repair station's current manual must be made readily available to repair station personnel required by subpart D of this part.

(e) The repair station must provide to the certificate holding district office:

(1) A current paper copy of the repair station manual; or

(2) A current electronic copy of the repair station manual that is accompanied by the means to access the electronic copy.

(f) Except for changes to the capability list, each revision to the repair station manual must be submitted to the Administrator for approval.

§ 145.207 Repair station manual contents.

Each certificated repair station's manual must include the following:

(a) An organizational chart containing the name of each management employee who is authorized to act for the repair station, the employee's assigned area of responsibility, and the employee's duties, responsibilities, and authority;

(b) A roster of authorized inspection personnel who may approve an article for return to service;

(c) A description of the certificated repair station's operations, including a description of the facilities, equipment, material, and housing as required by subpart C of this part;

(d) An explanation of the certificated repair station's quality assurance system, including:

(1) The quality control system;

(2) References, where applicable, to the manufacturer's inspection standards for a particular article, including reference to any data specified by that manufacturer;

(3) A sample copy of the inspection forms and instructions for completing such forms or a reference to a separate forms manual;

(4) Procedures for updating the capability list required by § 145.203, including notification of the certificate holding district office; and

(5) Procedures for the implementation of corrective actions for any discrepancies found by the quality assurance system;

(e) A description of the training program required by § 145.159;

(f) Procedures to govern maintenance, preventive maintenance, or alterations performed in accordance with § 145.103(c);

(g) Procedures for self-evaluations, including methods and frequency of such evaluations, and procedures for reporting results to the accountable manager for review and action;

(h) A list of the maintenance functions contracted to an outside facility with:

(1) The name of the facility;

(2) The type of certificate and ratings, if any, held by such facility; and

(3) Procedures for qualifying and surveilling the facility and for accepting maintenance, preventive maintenance, or alterations performed by the facility;

(i) Procedures for maintenance, preventive maintenance, or alterations performed under § 145.7;

(j) A description of the required records and the recordkeeping system used to obtain, store, and retrieve the required records;

(k) The repair station's capability list;

(l) Procedures necessary for revising the repair station's manual to include the names of persons authorized to approve such revisions before submitting the revision to the Administrator for approval;

(m) The date of the latest revision on each page;

(n) A list of effective pages;

(o) A table of contents and list of revisions to the repair station manual with the date of each revision; and

(p) The procedures for changes in location and facilities of the repair station.

§ 145.209 Quality control system and procedures.

(a) The inspection personnel for each certificated repair station must be thoroughly familiar with all inspection methods, techniques, and equipment used to determine the airworthiness of an article on which the repair station performs maintenance, preventive maintenance, or alterations.

(b) A certificated repair station's inspection personnel must:

(1) Maintain proficiency with the inspection aids used;

(2) Have available and understand FAA Airworthiness Directives, service bulletins, and current specifications involving inspection tolerances, limitations, and procedures established by the manufacturer for the article the individual inspects; and

(3) In cases where maintenance inspection equipment is used, be skilled in operating that equipment and be able to interpret defects indicated by that equipment.

(c) Each certificated repair station must provide a satisfactory method of inspecting incoming articles and materials. This system must provide for:

(1) Inspection of raw materials and articles to ensure acceptable quality and, where applicable, conformity with type design data;

(2) Inspection of those articles on which contract maintenance or alterations were performed as provided for in § 145.213 to ensure that before such an article is placed in stock or installed in an aircraft or part thereof, the article is in a good state of preservation, is free from apparent defects or damage, is in conformity with type design data, and is in condition for safe operation;

(3) A preliminary inspection system for all articles on which the repair station performs maintenance, preventive maintenance, or alterations to determine the state of preservation, locate defects, and to ensure that any required records are present; and

(4) Entering the results of each inspection on the appropriate form as set forth in the repair station's manual.

(d) Each certificated repair station must provide a system so that any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof that has been involved in an accident is inspected thoroughly for hidden damage before maintenance, preventive maintenance, or alteration is performed. The repair station must enter the results of this inspection on the inspection form required by paragraph (c)(4) of this section.

(e) Each certificated repair station must ensure the continuity of inspection responsibility for its facility.

§ 145.211 Inspection of maintenance, preventive maintenance, or alterations performed.

(a) A certificated repair station must inspect each aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof upon which it has performed maintenance, preventive maintenance, or alterations as described in paragraphs (b) and (c) of this section before approving that article for return to service.

(b) Each repair station must certify on an article's maintenance release that the article is airworthy with respect to the maintenance, preventive maintenance, or alterations performed after:

(1) The repair station performs work on the article; and

(2) A qualified inspector inspects the article on which the repair station has performed work and determines it to be airworthy.

(c) For the purposes of paragraphs (a) and (b) of this section, the qualified inspector must:

(1) Be a certificated repair station designated employee who has shown by experience an understanding of the inspection methods, techniques, and equipment used to determine the airworthiness of the article concerned;

(2) Be proficient in using the various types of maintenance and visual inspection aids appropriate for the article being inspected; and

(3) If the certificated repair station is located outside the United States, the inspector must meet the requirements of § 145.153(f).

(d) Except for individuals employed by a repair station located outside the United States, only a certificated employee is authorized to sign off on final inspections and maintenance releases for the repair station.

§ 145.213 Contract maintenance.

(a) A certificated repair station may not contract a job function to another certificated repair station unless:

(1) The contracting repair station meets the quality control and inspection system requirements of 145.201(a)(2) and 145.209(c)(2), and

(2) The contracting repair station's approved repair station manual contains the information and procedures specified in 145.207(h).

(b) A certificated repair station may not contract a job function to a noncertificated person unless:

(1) The certificated repair station meets the quality control and inspection system requirements of 145.201(a)(2) and 145.209(c)(2);

(2) The certificated repair station's approved repair station manual contains the information and procedures specified in 145.207(h);

(3) The certificated repair station supervises or otherwise remains directly in charge of the job function; and

(4) The certificated repair station verifies, by test and/or inspection, that the job function has been satisfactorily performed by the noncertificated person prior to approving the article for return to service.

(c) A certificated repair station may not contract the maintenance, preventive maintenance, or alteration of a complete type-certificated product, and it may not provide only approval for return to service of any article following contract maintenance.

§ 145.215 Privileges and limitations of certificate.

(a) A certificated repair station may:

(1) Perform maintenance, preventive maintenance, or alterations only on any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof for which it is rated;

(2) Arrange for the maintenance, preventive maintenance, or alteration of any article for which it is rated at another organization only if that organization is under the quality control system of the repair station, as prescribed by § 145.201(a); and

(3) Approve for return to service only an article or component of an article for which it is rated after maintenance, preventive maintenance, or alteration has been performed.

(b) A certificated repair station may not approve for return to service:

(1) Any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof unless the maintenance, preventive maintenance, or alteration was performed in accordance with approved technical data or data acceptable to the Administrator;

(2) Any aircraft, airframe, aircraft engine, propeller, or appliance after a major repair or a major alteration unless the major repair or major alteration was performed in accordance with approved technical data; and

(3) Any experimental aircraft after a major repair or major alteration unless the major repair or major alteration was

performed in accordance with methods and technical data acceptable to the Administrator.

§ 145.217 Recordkeeping.

(a) Each certificated repair station located inside the United States must retain adequate records and reports of maintenance, preventive maintenance, and alterations performed on any aircraft, airframe, aircraft engine, propeller, appliance, or component part. The records and reports retained by a repair station must:

(1) Be sufficiently detailed to show the make, model, identification number, and serial number (when applicable) of the article involved;

(2) Be retained for a minimum of 2 years from the date on which the article was approved for return to service;

(3) Include a copy of the maintenance release; and

(4) Be kept in the form of the actual work documents, or copies thereof, or by means of an automated data processing system that is protected from unauthorized use and access and that is acceptable to the Administrator.

(b) Each certificated repair station must give a copy of the maintenance release to the owner or operator of the article on which maintenance, preventive maintenance, or alteration was performed. The maintenance release given to the owner or operator must be retrievable in English. The repair station may use as the maintenance release the record that it completes to comply with §§ 43.9 and 43.11 of this chapter.

(c) Each certificated repair station must make all maintenance records required to be kept by this section available for inspection by the Administrator or any authorized representative of the National Transportation Safety Board. The record must be provided in English, either in paper format or, if provided in other than paper format, with the means necessary to create a paper copy of the record.

(d) Certificated repair stations located outside the United States must:

(1) Retain such records and reports as described in paragraph (a)(1) through (4) of this section for at least 2 years with respect to—

(i) U.S.-registered aircraft and aircraft engines, propellers, appliances, or component parts for use on U.S.-registered aircraft; and

(ii) Foreign-registered aircraft operated under the provisions of part 121 or part 135 of this chapter and aircraft engines, propellers, appliances, or component parts for use on these foreign-registered aircraft; and

(2) Meet the requirements of Appendixes A and B to part 43 of this chapter, in the case of major repairs or major alterations.

§ 145.219 Reports of defects or unairworthy conditions.

(a) Each certificated repair station must meet the requirements of paragraph (b) of this section within 72 hours after discovering any serious defect in, or other recurring unairworthy condition of, any aircraft, airframe, aircraft engine, propeller, appliance, or component part on which the repair station performs maintenance, preventive maintenance, or alterations under this part.

(b) Each repair station must report the defect or unairworthy condition it discovers to the Administrator on a form and in a manner prescribed by the Administrator. The report must include as much of the following information as is available:

(1) Type, make, and model of the aircraft, airframe, aircraft engine, propeller, appliance, or component part;

(2) Name and address of the operator;

(3) Date of the discovery of the serious defect or other recurring unairworthy condition;

(4) Nature of the failure, malfunction, or defect;

(5) Identification of the article or system involved, including available information on type designation of the article and time since last overhaul;

(6) Apparent cause of the failure, malfunction, or defect (e.g., wear, crack, design deficiency, or personnel error); and

(7) Other pertinent information that is necessary for more complete identification, determination of seriousness, or corrective action.

(c) The holder of a repair station certificate who is also the holder of a part 121, 125, or 135 Certificate, Type Certificate (including a Supplemental Type Certificate), Parts Manufacturer Approval (PMA), or Technical Standard Order (TSO) authorization, or who is the licensee of a Type Certificate holder, does not need to report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported under §§ 21.3, 121.703, 125.409, or 135.415 of this chapter.

§ 145.221 FAA inspections.

Each certificated repair station must allow the Administrator to inspect that repair station and any of its contract maintenance facilities at any time to determine compliance with this chapter. Arrangements for maintenance, preventive maintenance, or alterations by a contractor must include provisions for inspections of the contractor by the Administrator.

Appendix A to Part 145—Job Functions

Except for job functions that are contracted out, each certificated repair station must provide equipment and material so that the job functions listed in this appendix, as appropriate to the class or limited rating held or applied for, can be performed as required. The job functions are as follows:

(a) For an aircraft rating:

(1) Classes 1, 2, 3, 4, and 5:

(i) Metal skin and structural components:

(A) Repair and replace steel tubes and fittings using the proper welding techniques, when appropriate.

(B) Apply anticorrosion treatment to the interior and exterior of parts.

(C) Perform simple machine operations.

(D) Fabricate steel fittings.

(E) Repair and replace metal skin.

(F) Repair and replace alloy members and components.

(G) Assemble and align components using jigs or fixtures.

(H) Make up forming blocks or dies.

(I) Repair or replace ribs.

(ii) Wood structure:

(A) Splice wood spars.

(B) Repair ribs and spars.

(C) Align interior of wings.

(D) Repair or replace plywood skin.

(E) Apply treatment against wood decay.

(iii) Fabric covering:

Repair fabric surfaces.

(iv) Aircraft control systems:

(A) Repair and replace control cables.

(B) Rig complete control system.

(C) Replace and repair all control system components.

(D) Remove and install control system units and components.

(v) Aircraft systems:

(A) Replace and repair landing gear hinge-point components and attachments.

(B) Maintain elastic shock absorber units.

(C) Conduct landing gear retraction cycle tests.

(D) Maintain electrical position-indicating and -warning systems.

(E) Repair and fabricate fuel, pneumatic, hydraulic, and oil lines.

(F) Diagnose electrical and electronic malfunctions.

(G) Repair or replace electrical wiring and electronic data transmission lines.

(H) Install electrical and electronic equipment.

(I) Perform bench check of electrical and electronic components. (This check is not to be confused with the more complex functional test after overhaul.)

(vi) Assembly operations:

(A) Assemble aircraft components or parts, such as landing gear, wings, and controls.

(B) Rig and align aircraft components, including the complete aircraft and control system.

(C) Install powerplants.

(D) Install instruments and accessories.

(E) Assemble and install cowlings, fairings, and panels.

(F) Maintain and install windshields and windows.

(G) Jack or hoist complete aircraft.

(H) Balance flight control surfaces.

(vii) Nondestructive inspection and testing using dye penetrants and magnetic, ultrasonic, radiographic, fluorescent, or holographic inspection techniques.

(viii) Inspection of metal structures:

Inspect metal structures using appropriate inspection equipment to perform the inspections required on an aircraft under this chapter.

(2) Classes 6 and 7:

(i) In addition to having the capability to perform the appropriate functions set forth for Class 1, 2, 3, 4, or 5 aircraft ratings, a repair station holding a Class 6 or Class 7 aircraft rating for composite aircraft must have the following equipment:

(A) Autoclave capable of providing positive pressure and temperature consistent with materials used.

(B) Air circulating oven with vacuum capability.

(C) Storage equipment such as freezer, refrigerator, and temperature-control cabinets or other definitive storage areas.

(D) Honeycomb core cutters.

(E) Nondestructive inspection equipment such as x-ray, ultrasonic, or other types of acoustic test equipment as recommended by the manufacturer.

(F) Cutting tools, such as diamond or carbide saws or router bits, suitable for cutting and trimming composite structures.

(G) Scales adequate to ensure proper proportioning by weight of epoxy adhesive and resins.

(H) Mechanical pressure equipment such as vacuum bagging or sand bags, as appropriate.

(I) Thermocouple probes necessary to monitor cure temperatures.

(J) Hardness testing equipment using heat guns that are thermostatically controlled for curing repairs.

(ii) Appropriate inspection equipment to perform inspection of composite structures as recommended by the manufacturer and as required for inspection of an aircraft under this chapter.

(b) Powerplant rating:

(1) Class 1:

(i) Maintain and alter powerplants, including replacement of parts:

(A) Perform chemical and mechanical cleaning.

(B) Perform disassembly operations.

(C) Replace bushings, bearings, pins, and inserts.

(D) Perform heating operations that may involve the use of recommended techniques that require controlled heating facilities.

(E) Perform chilling or shrinking operations.

(F) Remove and replace studs.

(G) Inscribe or affix identification information.

(H) Paint powerplants and components.

(I) Apply anticorrosion treatment for parts.

(ii) Inspect all parts, using appropriate inspection aids:

(A) Determine precise clearances and tolerances of all parts.

(B) Inspect alignment of connecting rods, crankshafts, and impeller shafts.

(C) Inspect valve springs.

(iii) Accomplish routine machine work:

(A) Ream inserts, bushings, bearings, and other similar components.

(B) Reface valves.

(iv) Accomplish assembly operations:

(A) Perform valve-and ignition-timing operations.

(B) Fabricate and test ignition harnesses.

(C) Fabricate and test rigid and flexible fluid lines.

(D) Prepare engines for long-or short-term storage.

(E) Hoist engines by mechanical means.

(2) Classes 2 and 3:

(i) In addition to having the capability to perform the appropriate functions as required for a Class 1 powerplant rating, a repair station holding a Class 2 or a Class 3 powerplant rating must have the following equipment:

(A) Testing equipment.

(B) Surface treatment antigallant equipment.

(ii) Functional and equipment requirements recommended by the manufacturer; and

(iii) Appropriate inspection equipment.

(c) Propeller rating:

(1) Class 1:

(i) Remove and install propellers.

(ii) Maintain and alter propellers, including installation and replacement of parts:

(A) Replace blade tipping.

(B) Refinish wood propellers.

(C) Make wood inlays.

(D) Refinish plastic blades.

(E) Straighten bent blades within repairable tolerances.

(F) Modify blade diameter and profile.

(G) Polish and buff.

(H) Perform painting operations.

(iii) Inspect components using appropriate inspection aids:

(A) Inspect propellers for conformity with manufacturer's drawings and specifications.

(B) Inspect hubs and blades for failures and defects using all visual aids, including the etching of parts.

(C) Inspect hubs for wear of splines or keyways or any other defect.

(iv) Balance propellers:

(A) Test for proper track on aircraft.

(B) Test for horizontal and vertical unbalance using precision equipment.

(2) Class 2:

(i) Remove and install aircraft propellers, which may include installation and replacement of parts.

(A) Perform all functions listed under Class 1 propellers when applicable to the make and model propeller in this class.

(B) Properly lubricate moving parts.

(C) Assemble complete propeller and subassemblies using special tools when required.

(ii) Inspect components using appropriate inspection aids for those functions listed for Class 1 propellers under paragraph (c)(1)(iii) of this appendix when applicable to the make and model of the propeller being worked on.

(iii) Repair or replace components or parts:

(A) Replace blades, hubs, or any of their components.

(B) Repair or replace anti-icing devices.

(C) Remove nicks or scratches from metal blades.

(D) Repair or replace electrical propeller components.

(iv) Balance propellers, including those functions listed for Class 1 propellers under paragraph (c)(1)(iv) of this appendix when applicable to the make and model of the propeller being worked on.

(v) Test propeller pitch-changing mechanism:

(A) Test hydraulically operated propellers and components.

(B) Test electrically operated propellers and components.

(d) Avionics rating:

(1) Classes 1, 2, and 3:

(i) Perform physical inspection of avionics systems and components by visual and mechanical methods.

(ii) Perform electrical inspection of avionics systems and components by means of appropriate electrical and/or electronic test instruments.

(iii) Check aircraft wiring, antennas, connectors, relays, and other associated avionics components to detect installation faults.

(iv) Check engine ignition systems and aircraft accessories to determine sources of electrical interference.

(v) Check aircraft power supplies for adequacy and proper functioning.

(vi) Remove, repair, and replace aircraft antennas.

(vii) Measure transmission-line attenuation.

(viii) Measure audio and radio frequencies to appropriate tolerances and perform calibration necessary for proper operation, as appropriate.

(ix) Measure avionics component values such as inductance, capacitance, and resistance.

(x) Determine wave forms and phase in avionics equipment when applicable.

(xi) Determine proper aircraft avionics antenna, lead-in, and transmission-line characteristics and determine proper locations for type of avionics equipment to which the antenna is connected.

(xii) Determine the operational condition of avionics equipment installed in aircraft by using appropriate portable test apparatus.

(xiii) Test all types of transistors; solid-state, integrated circuits; or similar devices in equipment appropriate to the class rating.

(2) Class 1:

In addition to having the capability to perform the job functions listed in paragraph (d)(1):

(i) Test and repair headsets, speakers, and microphones.

(ii) Measure radio transmitter power output.

(iii) Measure modulation values, noise, and distortion in communication equipment.

(3) Class 2:

In addition to having the capability to perform the job functions listed in paragraph (d)(1):

(i) Test and repair headsets.

(ii) Test speakers.

(iii) Measure loop antenna sensitivity by appropriate methods.

(iv) Calibrate to approved performance standards any radio navigational equipment, en route and approach aids, or similar equipment, as appropriate to this rating.

(4) Class 3:

(i) In addition to having the capability to perform the job functions listed in paragraph (d)(1):

(ii) Measure transmitter power output.

(e) Computer systems rating:

(1) Classes 1, 2, and 3:

(i) Maintain computer systems in accordance with manufacturer's specifications, test requirements, and recommendations.

(ii) Remove, maintain, and replace computer systems in aircraft.

(iii) Inspect, test, and calibrate computer system equipment, including software.

(2) [Reserved].

(f) Instrument rating:

(1) Class 1:

(i) Diagnose instrument malfunctions of the following instruments:

(A) Rate-of-climb indicators.

(B) Altimeters.

(C) Airspeed indicators.

(D) Vacuum indicators.

(E) Oil pressure gauges.

(F) Fuel pressure gauges.

(G) Hydraulic pressure gauges.

(H) Deicing pressure gauges.

(I) Pitot-static tube.

(J) Direct indicating compasses.

(K) Accelerometer.

(L) Direct indicating tachometers.

(M) Direct reading fuel quantity gauges.

(ii) Inspect, test, and calibrate the instruments listed under paragraph (f)(1)(i) of this appendix on and off the aircraft, as appropriate.

(2) Class 2:

(i) Diagnose instrument malfunctions of the following instruments:

(A) Tachometers.

(B) Synchroscope.

(C) Electric temperature indicators.

(D) Electric resistance-type indicators.

(E) Moving magnet-type indicators.

(F) Resistance-type fuel indicators.

(G) Warning units (oil and fuel).

(H) Selsyn systems and indicators.

(I) Self-synchronous systems and indicators.

(J) Remote indicating compasses.

(K) Quantity indicators.

(L) Avionics indicators.

(M) Ammeters.

(N) Voltmeters.

(O) Frequency meters.

(ii) Inspect, test, and calibrate instruments listed under paragraph (f)(2)(i) of this appendix on and off the aircraft, as appropriate.

(3) Class 3:

(i) Diagnose instrument malfunctions of the following instruments:

(A) Turn and bank indicators.

(B) Directional gyros.

(C) Horizon gyros.

(ii) Inspect, test, and calibrate instruments listed under paragraph (f)(3)(i) of this appendix on and off the aircraft, as appropriate.

(4) Class 4:

(i) Diagnose instrument malfunctions of the following instruments:

(A) Capacitance-type quantity gauge.

(B) Laser gyros.

(C) Other electronic instruments.

(ii) Inspect, test, and calibrate instruments listed under paragraph (f)(4)(i) of this appendix on and off the aircraft, as appropriate.

(g) Accessory rating:

(1) Classes 1, 2, 3, and 4:

(i) Perform the following functions in accordance with the manufacturers specifications and recommendations:

(A) Diagnose accessory malfunctions.

(B) Maintain and alter accessories, including installing and replacing parts.

(C) Inspect, test, and calibrate accessories on and off the aircraft, as appropriate.

(ii) [Reserved].

(2) [Reserved].

Issued in Washington, DC, on June 11, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

[FR Doc. 99–15383 Filed 6–16–99; 8:45 am]

BILLING CODE 4910–13–P

Reader Aids

Federal Register

Vol. 64, No. 118

Monday, June 21, 1999

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail to

listproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, JUNE

29207–29536 1
29537–29776 2
29777–29944 3
29945–30212 4
30213–30378 7
30379–30860 8
30861–31104 9
31105–31484 10
31485–31686 11
31687–31962 14
31963–32178 15
32179–32386 16
32387–32794 17
32795–33004 18
33005–33174 21

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7103 (See Proc. 7202) 29773
7201 29769
7202 29773
7203 32379
7204 32381

Executive Orders:
12759 (revoked by EO 13123) 30851
12845 (revoked by EO 13123) 30851
12902 (revoked by EO 13123) 30851
13123 30851
13124 31103
13125 31105
13126 32383
13073 (amended by EO 13127) 13127 32793

Administrative Orders:
Memorandums:
May 26, 1999 29539
June 10, 1999 32795
Presidential Determinations:
No. 99–25 of May 24, 1999 29537
No. 99–26 of May 24, 1999 31109
No. 99–27 of May 24, 1999 31111
No. 99–28 of May 24, 1999 31113

5 CFR

213 31485
353 31485
870 31485
890 31485
1620 31052
1650 31052
1651 31052
1690 31052
2430 30861

Proposed Rules:
630 31735

7 CFR

2 32797
37 30861
301 .....29207, 29541, 30213, 31963, 31964
407 30214
930 .....30229, 33005
989 30233
1205 30236
1780 29945
1940 32370
2003 32387
3565 32370
3570 32387

Proposed Rules:
246 32308
301 30250
319 31512
916 30252
917 30252
981 31153
1065 30256
1216 31736
1230 31158
1306 33027
1307 33027
1309 33027
1310 33027
1550 32156

8 CFR

214 .....29208, 30103, 32146

Proposed Rules:
214 32149

9 CFR

91 29947
93 31966

Proposed Rules:
3 30257
317 29702
318 29602
381 29602

10 CFR

2 .....29212, 29213
170 31448
171 31448
1703 31115

Proposed Rules:
2 29246
50 31737
850 29811

11 CFR

9034 32394

Proposed Rules:
110 31159

12 CFR

4 29214
331 30869
707 33009
902 30880
903 30880

Proposed Rules:
1 31749
5 31749
7 31749
24 31160
1750 .....31756, 32828

13 CFR

301 32974

Proposed Rules:
121 29813

14 CFR

14 32926
17 32926
39 ....29777, 29788, 29781, 29783, 30379, 30382, 31488, 31490, 31491, 31687, 31689, 31967, 32398, 32399, 32797, 33010
71 ....29785, 30241, 30888, 31115, 31116, 31117, 31118, 31119, 31120, 32179, 32401, 32402, 32924, 33010, 33011, 33012, 33013, 33014
95 30890
97 ....30892, 30895, 30896
121 32176
135 32176
401 29786
411 29786
413 29786
415 29786
417 29786

Proposed Rules:

11 33142
23 29247
25 32978
39 ....29602, 29607, 29814, 29965, 29966, 29969, 29972, 31518, 31520, 31523, 31687, 31689
71 ....29817, 30259, 30260, 30261, 30928, 31525, 31526, 31527, 32828
91 33142
108 31686
121 33142
135 33142
145 33142

15 CFR

774 30103

Proposed Rules:

922 ....30929, 31528

16 CFR

4 32179
245 30898
305 32403
1700 32799

Proposed Rules:

23 30448

17 CFR

5 ....29217, 30384
10 30902
30 30103
240 ....29550, 31493, 32924

Proposed Rules:

1 32829
30 32829
240 29608

18 CFR

385 31493

Proposed Rules:

35 31390
385 ....29614, 33034

19 CFR

Proposed Rules:

4 29975
159 29975
351 29818

20 CFR

404 ....29786, 33015
416 31969
422 33015

21 CFR

172 29949
173 29224
74 32803
175 29553
178 30386
520 ....30386, 31497, 32180
556 31497
900 32404

Proposed Rules:

1 32442
111 32830
884 31164
900 32443

22 CFR

Ch. VII 32805

23 CFR

180 29742

Proposed Rules:

668 30263

24 CFR

203 29758

Proposed Rules:

Ch. IX 30450
245 32782
990 30451

25 CFR

Proposed Rules:

151 30929

26 CFR

1 ....29788, 32181
31 32408

Proposed Rules:

1 ....31770, 32205, 32305
301 31529

28 CFR

92 ....32806, 33016
345 32168
540 32170

Proposed Rules:

543 32172

29 CFR

2509 33000
2704 31895
4044 31975

Proposed Rules:

1910 32447
2510 30452

30 CFR

Ch. II 30267
914 31691
938 30387

Proposed Rules:

917 29247
925 32449
943 29249

31 CFR

Proposed Rules:

10 31994

32 CFR

171 29227
706 31037

Proposed Rules:

199 32451
884 29252

33 CFR

100 ....30388, 30389, 30390, 31977, 31978, 31979, 31980, 32409
110 29554
117 ....29558, 29559, 29561, 30390, 31981
162 ....29554, 32103
165 ....29554, 29561, 30242, 30243, 31982, 31984, 32181, 32183, 32184, 32185
169 ....29229, 31037

Proposed Rules:

100 30273
155 31994
165 ....30274, 32209
167 32451

34 CFR

5b 31066

Proposed Rules:

99 29532
685 32358

36 CFR

Proposed Rules:

1190 31995
1191 31995
1228 30276

37 CFR

201 29518
202 ....29518, 29522
203 29518
204 29518
211 29518

38 CFR

Ch. I 30244
3 ....30244, 30391, 30392, 32807
4 ....30392, 32410
21 31693

39 CFR

111 31121

Proposed Rules:

265 30929

40 CFR

9 ....29490, 31358, 31693
52 ....29235, 29563, 29567, 29570, 29573, 29790, 29793, 29958, 30394, 30396, 30399, 31498, 32187, 32346, 32353, 32411, 32415, 32418, 32422, 32809, 32810, 33018, 33021
59 32103
62 ....29796, 29961, 32425, 32427, 32430
63 ....29420, 29490, 30194, 30406, 31358, 31695, 31895, 31898, 32610
70 32433
80 30904
81 30911
82 ....29240, 30410
85 30415
136 30417
180 ....29581, 29589, 31124, 31129, 31501, 31505, 32189, 33022
185 29589
186 29589
239 30434
244 32436
261 31986
723 31987
745 31092

Proposed Rules:

52 ....29255, 29615, 29616, 29821, 29976, 30276, 30453, 31168, 31529, 32352, 32355, 32457, 32458, 32464, 32831
62 ....29822, 29976, 32464, 32465
63 ....30453, 30456
70 32465
80 ....30930, 32209
81 ....29822, 30937
82 31772
86 32209
141 30464
176 29823
180 ....30939, 31040
185 30939
186 30939
239 30465
261 31170
300 ....32466, 32468
799 31074

41 CFR

101–35 32196
101–47 31731
301–11 32812

42 CFR

416 32198

Proposed Rules:

5 29831
51c 29831
412 31995
413 31995
483 31995
485 31995

43 CFR

Proposed Rules:

2800 32106
2880 32106
3100 29256
3110 29256
3120 29256
3130 29256
3140 29256
3150 29256
3160 29256
3170 29256
3180 29256

44 CFR

15 31136
65 32816
67 32817

Proposed Rules:

67 32831

46 CFR

8 30437
16 31989
31 30437
71 30437
91 30437
107 30437
551 30245

47 CFR

0 31139
36 30917
51 ....29598, 32206
54 30440
73 ....31140, 31141, 31142, 31143, 31511, 32441, 32821, 32822, 32823
76 29598

Proposed Rules:

1 30288
20 31530
22 30288
24 30288
26 30288
27 30288
36 ....30949, 31780
52 32471
54 31780
69 31780
73 ....29977, 29978, 29979, 29980, 30288, 30289, 30290, 30291, 30292, 30293, 30294, 30295, 30296, 31171, 31172, 31173, 31174, 31175, 31176, 31532
74 30288
80 30288
87 30288
90 ....30288, 31532
95 30288
97 30288
101 30288

48 CFR

Ch. 1 ....32740, 32748, 32749
1 ....32741, 32748
4 32741
9 32748
11 32741
12 ....32742, 32748
13 32741
14 32741
15 32741
16 32746
19 ....32742, 32748
22 32748
31 32748
36 32746
37 32741
39 32747
42 32748
52 ....30103, 32741, 32742, 32748
53 32748
203 32305
207 31732
209 31732
803 30442
852 30442
1537 30443
1552 30442

Proposed Rules:

52 ....32738, 32742
808 29981
812 29981
813 29981
852 29981
853 29981
1815 30468

49 CFR

1 29601
80 29742
261 29742
640 29742

Proposed Rules:

40 29831
71 33035
192 29834
195 29834
571 ....29616, 29617, 31533

50 CFR

13 32706
17 32706
20 ....29799, 32778
21 ....32766, 32778
23 31989
222 29805
223 29805
230 31037
285 ....29806, 30925, 31992
600 31895
622 30445
635 ....29806, 30248, 31992
648 ....31144, 32824, 32825
660 ....29808, 31895, 33026
679 ....29809, 30926, 30927, 31151, 31733, 32207

Proposed Rules:

17 29983
20 ....32752, 32758
216 31806
223 ....33037, 33040
224 ....33037, 33040
226 29618
600 30956
622 ....29622, 31536, 33041
635 29984
648 ....29257, 30956, 32021
660 ....29834, 32210

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JUNE 21, 1999

ENVIRONMENTAL PROTECTION AGENCY

Air programs:
- Accidental release prevention—
  - Flammable hydrocarbon fuels; stay of effectiveness; published 5-28-99
  - Worst-case release scenario analysis for flammable substances; published 5-26-99
- Ambient air quality standards, national—
  - Fine particulate matter; reference method revisions; published 4-22-99

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
- Kentucky; published 4-20-99

Air quality implementation plans; approval and promulgation; various States:
- California; published 4-20-99
- Ohio; published 4-20-99
- Oregon; effective date corrected; published 6-21-99
- Tennessee; published 4-20-99
- Texas; published 4-20-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Hydrogen peroxide; published 6-21-99

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:
- Nevada; published 5-17-99

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:
- Guatemala, El Salvador, and former Soviet bloc countries; suspension of deportation and special rule cancellation of removal for certain nationals; published 5-21-99

JUSTICE DEPARTMENT

Police Corps eligibility and selection criteria:
- Educational expenses; timing of reimbursements; published 6-21-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Cessna; published 6-3-99

Commercial space transportation:
- Licensing regulations; published 4-21-99
  - Correction; published 6-3-99

COMMENTS DUE NEXT WEEK

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Pacific halibut and red king crab; comments due by 6-28-99; published 6-3-99
- Northeastern United States fisheries—
  - Atlantic bluefish; comments due by 6-29-99; published 4-30-99

Ocean and coastal resource management:
- Marine sanctuaries—
  - Gulf of Farallones National Marine Sanctuary, CA; motorized personal watercraft operation; comments due by 7-1-99; published 6-9-99

DEFENSE DEPARTMENT

Acquisition regulations:
- Foreign military sales customer observation of negotiations; comments due by 6-28-99; published 4-28-99
- Uniform procurement instrument identification; comments due by 6-28-99; published 4-28-99

Privacy Act; implementation; comments due by 6-28-99; published 4-28-99

ENVIRONMENTAL PROTECTION AGENCY

Air programs:
- Accidental release prevention—
  - Flammable hydrocarbon fuel exemption; comments due by 6-28-99; published 5-28-99
- Fuels and fuel additives—
  - Diesel fuel quality control; comments due by 6-28-99; published 5-13-99
- Outer Continental Shelf regulations—
  - California; consistency update; comments due by 6-28-99; published 5-27-99

Air quality implementation plans; approval and promulgation; various States:
- Massachusetts and Rhode Island; comments due by 7-2-99; published 6-2-99
- Missouri; comments due by 6-28-99; published 5-28-99
- New Mexico; comments due by 7-1-99; published 6-1-99
- Rhode Island; comments due by 7-2-99; published 6-2-99

Hazardous waste:
- State underground storage tank program approvals—
  - Tennessee; comments due by 6-28-99; published 5-28-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Bifenthrin; comments due by 6-28-99; published 4-28-99
- Sulfosate; comments due by 6-28-99; published 4-28-99

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services, etc.:
- Agency competitive bidding authority; comments due by 7-2-99; published 5-3-99

Common carrier services:
- Federal-State Joint Board on Universal Service—
  - Access charge reform; comments due by 7-2-99; published 6-9-99
  - Non-rural local exchange carriers; high cost support; forward-looking mechanism; comments due by 7-2-99; published 6-14-99

Radio stations; table of assignments:
- Arizona; comments due by 6-28-99; published 5-17-99
- Colorado; comments due by 6-28-99; published 5-17-99
- Hawaii; comments due by 6-28-99; published 5-17-99
- Mississippi; comments due by 6-28-99; published 5-17-99
- Various States; comments due by 6-28-99; published 5-17-99

FEDERAL RESERVE SYSTEM

Extensions of credit to Federal Reserve banks (Regulation A):
- Century date change period (Y2K); special lending program to extend credit to eligible institutions to accommodate liquidity needs; comments due by 7-2-99; published 5-27-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare program:
- Ambulatory surgical centers; ratesetting methodology update, payment rates, payment policies and covered procedures list; comments due by 6-30-99; published 3-12-99
- Hospital outpatient services prospective payment system; comment period extension; comments due by 6-30-99; published 3-12-99

Women's Health and Cancer Rights Act of 1998; implementation:
- Breast reconstruction and related services after mastectomy; coverage; comments due by 6-28-99; published 5-28-99

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low income housing:
- Housing assistance payments (Section 8)—
  - Admission and occupancy requirements; changes; comments due by 6-29-99; published 4-30-99
  - Homeownership program; comments due by 6-29-99; published 4-30-99

Mortgage and loan insurance programs:
- Single family mortgage insurance—
  - Floodplain requirements applicable to new construction; clarification; comments due by 6-29-99; published 4-30-99

INTERIOR DEPARTMENT

Fish and Wildlife Service

Migratory bird hunting:

Seasons, limits, and shooting hours; establishment, etc.; comments due by 7-2-99; published 6-17-99

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Kentucky; comments due by 7-1-99; published 6-1-99

Texas; comments due by 7-1-99; published 6-1-99

West Virginia; comments due by 6-28-99; published 5-27-99

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:

Documentary requirements: Nonimmigrants; waivers; admission of certain inadmissible aliens; parole; comments due by 6-29-99; published 4-30-99

LABOR DEPARTMENT

Pension and Welfare Benefits Administration

Women's Health and Cancer Rights Act of 1998; implementation:

Breast reconstruction and related services after mastectomy; coverage; comments due by 6-28-99; published 5-28-99

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records management:

Agency records centers; storage standard update; comments due by 6-29-99; published 4-30-99

Federal records storage; creation, maintenance, and disposition; comments due by 6-29-99; published 4-30-99

INTERIOR DEPARTMENT

National Indian Gaming Commission

Indian Gaming Regulatory Act:

Gaming facilities operated on Indian lands; construction and maintenance to protect environment and public health and safety; comments due by 6-28-99; published 4-27-99

NUCLEAR REGULATORY COMMISSION

Practice rules:

Domestic licensing proceedings—

Federally recognized Indian tribal governments; participation eligibility; comments due by 7-1-99; published 6-1-99

Federally recognized Indian tribal governments; participation eligibility; comments due by 7-1-99; published 6-1-99

Production and utilization facilities; domestic licensing:

Nuclear power plants—

Components; construction, inservice inspection, and inservice testing; industry codes and standards; comments due by 6-28-99; published 4-27-99

Radioactive wastes, high-level; disposal in geologic repositories:

Yucca Mountain, NV; comments due by 6-30-99; published 5-5-99

PENSION BENEFIT GUARANTY CORPORATION

Premium payments:

Self-correction of premium underpayments; comments due by 6-28-99; published 4-27-99

SECURITIES AND EXCHANGE COMMISSION

Practice and procedure:

Recordkeeping requirements for transfer agents; use of electronic media to produce and preserve records; comments due by 7-2-99; published 6-2-99

Securities:

Securities offerings, regulatory structure; modernization and clarification; comments due by 6-30-99; published 3-30-99

STATE DEPARTMENT

Consular services; fee schedule:

Changes; comments due by 6-28-99; published 5-28-99

TRANSPORTATION DEPARTMENT

Coast Guard

Boating safety:

Passenger Safety Act of 1998—

Uninspected passenger vessels safety; comments due by 6-30-99; published 4-1-99

Drawbridge operations:

Washington; comments due by 6-28-99; published 4-27-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 7-2-99; published 6-2-99

Bell; comments due by 6-28-99; published 4-29-99

Boeing; comments due by 6-28-99; published 6-2-99

Eurocopter France; comments due by 6-28-99; published 4-28-99

Learjet; comments due by 7-1-99; published 5-17-99

McDonnell Douglas; comments due by 6-28-99; published 4-27-99

Airworthiness standards:

Soloy Corp. model pathfinder 21 airplane; comments due by 7-1-99; published 6-1-99

Special conditions—

Boeing model 767-300 airplanes; comments due by 6-28-99; published 5-13-99

Dormier model 328-300 airplanes; comments due by 6-28-99; published 5-13-99

Airwortiness standards:

Special conditions—

McDonnell Douglas Corp. model MD-17 series; comments due by 7-2-99; published 5-18-99

Class B and Class D airspace; comments due by 6-30-99; published 5-17-99

Class E airspace; comments due by 6-28-99; published 5-7-99

TRANSPORTATION DEPARTMENT

Federal Transit Administration

School bus operations: tripper service; definition; comments due by 7-2-99; published 5-3-99

TRANSPORTATION DEPARTMENT

Maritime Administration

U.S.-flag commercial vessels:

U.S.-flag vessels of 100 feet or greater; eligibility to obtain commercial fisheries documents; comments due by 7-1-99; published 5-6-99

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials:

Hazardous materials transportation—

Registration and fee assessment program; comments due by 7-2-99; published 5-25-99

Pipeline safety:

Hazardous liquid transportation—

Gas and hazardous liquid pipelines; corrosion control; comments due by 6-30-99; published 4-7-99

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Rail carriers:

Waybill data; confidentiality; comments due by 7-1-99; published 5-17-99

TREASURY DEPARTMENT

Customs Service

Customs brokers:

Licensing and conduct; comments due by 6-28-99; published 4-27-99

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 ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1379/P.L. 106–35

Western Hemisphere Drug Elimination Technical Corrections Act (June 15, 1999; 113 Stat. 126)

Last List June 10, 1999

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To

subscribe, send E-mail to **listproc@lucky.fed.gov** with the text message:

subscribe PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new public laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1999
3 (1997 Compilation and Parts 100 and 101)	(869–038–00002–4)	20.00	[1] Jan. 1, 1999
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1999
5 Parts:			
1–699	(869–038–00004–1)	37.00	Jan. 1, 1999
700–1199	(869–038–00005–9)	27.00	Jan. 1, 1999
1200–End, 6 (6 Reserved)	(869–038–00006–7)	44.00	Jan. 1, 1999
7 Parts:			
1–26	(869–038–00007–5)	25.00	Jan. 1, 1999
27–52	(869–038–00008–3)	32.00	Jan. 1, 1999
53–209	(869–038–00009–1)	20.00	Jan. 1, 1999
210–299	(869–038–00010–5)	47.00	Jan. 1, 1999
300–399	(869–038–00011–3)	25.00	Jan. 1, 1999
400–699	(869–038–00012–1)	37.00	Jan. 1, 1999
700–899	(869–038–00013–0)	32.00	Jan. 1, 1999
900–999	(869–038–00014–8)	41.00	Jan. 1, 1999
1000–1199	(869–038–00015–6)	46.00	Jan. 1, 1999
1200–1599	(869–038–00016–4)	34.00	Jan. 1, 1999
1600–1899	(869–038–00017–2)	55.00	Jan. 1, 1999
1900–1939	(869–038–00018–1)	19.00	Jan. 1, 1999
1940–1949	(869–038–00019–9)	34.00	Jan. 1, 1999
1950–1999	(869–038–00020–2)	41.00	Jan. 1, 1999
2000–End	(869–038–00021–1)	27.00	Jan. 1, 1999
8	(869–038–00022–9)	36.00	Jan. 1, 1999
9 Parts:			
1–199	(869–038–00023–7)	42.00	Jan. 1, 1999
200–End	(869–038–00024–5)	37.00	Jan. 1, 1999
10 Parts:			
1–50	(869–038–00025–3)	42.00	Jan. 1, 1999
51–199	(869–038–00026–1)	34.00	Jan. 1, 1999
200–499	(869–038–00027–0)	33.00	Jan. 1, 1999
500–End	(869–038–00028–8)	43.00	Jan. 1, 1999
11	(869–038–0002–6)	20.00	Jan. 1, 1999
12 Parts:			
1–199	(869–038–00030–0)	17.00	Jan. 1, 1999
200–219	(869–038–00031–8)	20.00	Jan. 1, 1999
220–299	(869–038–00032–6)	40.00	Jan. 1, 1999
300–499	(869–038–00033–4)	25.00	Jan. 1, 1999
500–599	(869–038–00034–2)	24.00	Jan. 1, 1999
600–End	(869–038–00035–1)	45.00	Jan. 1, 1999
13	(869–038–00036–9)	25.00	Jan. 1, 1999
14 Parts:			
1–59	(869–038–00037–7)	50.00	Jan. 1, 1999
60–139	(869–038–00038–5)	42.00	Jan. 1, 1999
140–199	(869–038–00039–3)	17.00	Jan. 1, 1999
200–1199	(869–038–00040–7)	28.00	Jan. 1, 1999
1200–End	(869–038–00041–5)	24.00	Jan. 1, 1999
15 Parts:			
0–299	(869–038–00042–3)	25.00	Jan. 1, 1999
300–799	(869–038–00043–1)	36.00	Jan. 1, 1999
800–End	(869–038–00044–0)	24.00	Jan. 1, 1999
16 Parts:			
0–999	(869–038–00045–8)	32.00	Jan. 1, 1999
1000–End	(869–038–00046–6)	37.00	Jan. 1, 1999
17 Parts:			
1–199	(869–038–00048–2)	29.00	Apr. 1, 1999
200–239	(869–038–00049–1)	34.00	Apr. 1, 1999
240–End	(869–034–00050–9)	40.00	Apr. 1, 1998
18 Parts:			
1–399	(869–038–00051–2)	48.00	Apr. 1, 1999
400–End	(869–034–00052–5)	13.00	Apr. 1, 1998
19 Parts:			
1–140	(869–034–00053–3)	34.00	Apr. 1, 1998
*141–199	(869–038–00054–7)	36.00	Apr. 1, 1999
200–End	(869–034–00055–0)	15.00	Apr. 1, 1998
20 Parts:			
1–399	(869–0348–00056–8)	29.00	Apr. 1, 1998
400–499	(869–038–00057–1)	51.00	Apr. 1, 1999
500–End	(869–038–00058–0)	44.00	[7] Apr. 1, 1999
21 Parts:			
1–99	(869–034–00059–2)	21.00	Apr. 1, 1998
100–169	(869–034–00060–6)	27.00	Apr. 1, 1998
170–199	(869–034–00061–4)	28.00	Apr. 1, 1998
200–299	(869–034–00062–2)	9.00	Apr. 1, 1998
300–499	(869–034–00063–1)	50.00	Apr. 1, 1998
500–599	(869–034–00064–9)	28.00	Apr. 1, 1998
600–799	(869–034–00065–7)	9.00	Apr. 1, 1998
800–1299	(869–034–00066–5)	32.00	Apr. 1, 1998
1300–End	(869–038–00067–9)	14.00	Apr. 1, 1999
22 Parts:			
1–299	(869–038–00068–7)	44.00	Apr. 1, 1999
300–End	(869–034–00069–0)	31.00	Apr. 1, 1998
23	(869–034–00070–3)	25.00	Apr. 1, 1998
24 Parts:			
0–199	(869–034–00071–1)	32.00	Apr. 1, 1998
200–499	(869–034–00072–0)	28.00	Apr. 1, 1998
500–699	(869–038–00073–3)	18.00	Apr. 1, 1999
*700–1699	(869–038–00074–1)	40.00	Apr. 1, 1999
1700–End	(869–034–00075–4)	17.00	Apr. 1, 1998
25	(869–034–00076–2)	42.00	Apr. 1, 1998
26 Parts:			
§§ 1.0-1–1.60	(869–034–00077–1)	26.00	Apr. 1, 1998
§§ 1.61–1.169	(869–034–00078–9)	48.00	Apr. 1, 1998
§§ 1.170–1.300	(869–034–00079–7)	31.00	Apr. 1, 1998
§§ 1.301–1.400	(869–034–00080–1)	23.00	Apr. 1, 1998
§§ 1.401–1.440	(869–034–00081–9)	39.00	Apr. 1, 1998
§§ 1.441-1.500	(869-034-00082-7)	29.00	Apr. 1, 1998
§§ 1.501–1.640	(869–038–00083–1)	27.00	[7] Apr. 1, 1999
§§ 1.641–1.850	(869–034–00084–3)	32.00	Apr. 1, 1998
§§ 1.851–1.907	(869–034–00085–1)	36.00	Apr. 1, 1998
§§ 1.908–1.1000	(869–034–00086–0)	35.00	Apr. 1, 1998
§§ 1.1001–1.1400	(869–038–00087–3)	40.00	Apr. 1, 1999
§§ 1.1401–End	(869–034–00088–6)	51.00	Apr. 1, 1998
2–29	(869–034–00089–4)	36.00	Apr. 1, 1998
30–39	(869–034–00090–8)	25.00	Apr. 1, 1998
40–49	(869–034–00091–6)	16.00	Apr. 1, 1998
50–299	(869–034–00092–4)	19.00	Apr. 1, 1998
*300–499	(869–038–00093–8)	37.00	Apr. 1, 1999
500–599	(869–034–00094–1)	10.00	Apr. 1, 1998
600–End	(869–034–00095–9)	9.00	Apr. 1, 1998
27 Parts:			
1–199	(869–034–00096–7)	49.00	Apr. 1, 1998

Title	Stock Number	Price	Revision Date
200–End	(869–034–00097–5)	17.00	[6] Apr. 1, 1998
28 Parts:			
0-42	(869–034–00098–3)	36.00	July 1, 1998
43-end	(869-034-00099-1)	30.00	July 1, 1998
29 Parts:			
0–99	(869–034–00100–9)	26.00	July 1, 1998
100–499	(869–034–00101–7)	12.00	July 1, 1998
500–899	(869–034–00102–5)	40.00	July 1, 1998
900–1899	(869–034–00103–3)	20.00	July 1, 1998
1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–1)	44.00	July 1, 1998
1910 (§§ 1910.1000 to end)	(869–034–00105–0)	27.00	July 1, 1998
1911–1925	(869–034–00106–8)	17.00	July 1, 1998
1926	(869–034–00107–6)	30.00	July 1, 1998
1927–End	(869–034–00108–4)	41.00	July 1, 1998
30 Parts:			
1–199	(869–034–00109–2)	33.00	July 1, 1998
200–699	(869–034–00110–6)	29.00	July 1, 1998
700–End	(869–034–00111–4)	33.00	July 1, 1998
31 Parts:			
0–199	(869–034–00112–2)	20.00	July 1, 1998
200–End	(869–034–00113–1)	46.00	July 1, 1998
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–034–00114–9)	47.00	July 1, 1998
191–399	(869–034–00115–7)	51.00	July 1, 1998
400–629	(869–034–00116–5)	33.00	July 1, 1998
630–699	(869–034–00117–3)	22.00	[4] July 1, 1998
700–799	(869–034–00118–1)	26.00	July 1, 1998
800–End	(869–034–00119–0)	27.00	July 1, 1998
33 Parts:			
1–124	(869–034–00120–3)	29.00	July 1, 1998
125–199	(869–034–00121–1)	38.00	July 1, 1998
200–End	(869–034–00122–0)	30.00	July 1, 1998
34 Parts:			
1–299	(869–034–00123–8)	27.00	July 1, 1998
300–399	(869–034–00124–6)	25.00	July 1, 1998
400–End	(869–034–00125–4)	44.00	July 1, 1998
35	(869–034–00126–2)	14.00	July 1, 1998
36 Parts			
1–199	(869–034–00127–1)	20.00	July 1, 1998
200–299	(869–034–00128–9)	21.00	July 1, 1998
300–End	(869–034–00129–7)	35.00	July 1, 1998
37	(869–034–00130–1)	27.00	July 1, 1998
38 Parts:			
0–17	(869–034–00131–9)	34.00	July 1, 1998
18–End	(869–034–00132–7)	39.00	July 1, 1998
39	(869–034–00133–5)	23.00	July 1, 1998
40 Parts:			
1–49	(869–034–00134–3)	31.00	July 1, 1998
50–51	(869–034–00135–1)	24.00	July 1, 1998
52 (52.01–52.1018)	(869–034–00136–0)	28.00	July 1, 1998
52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
60	(869–034–00139–4)	53.00	July 1, 1998
61–62	(869–034–00140–8)	18.00	July 1, 1998
63	(869–034–00141–6)	57.00	July 1, 1998
64–71	(869–034–00142–4)	11.00	July 1, 1998
72–80	(869–034–00143–2)	36.00	July 1, 1998
81–85	(869–034–00144–1)	31.00	July 1, 1998
86	(869–034–00144–9)	53.00	July 1, 1998
87-135	(869–034–00146–7)	47.00	July 1, 1998
136–149	(869–034–00147–5)	37.00	July 1, 1998
150–189	(869–034–00148–3)	34.00	July 1, 1998
190–259	(869–034–00149–1)	23.00	July 1, 1998
260–265	(869–034–00150–9)	29.00	July 1, 1998
266–299	(869–034–00151–3)	33.00	July 1, 1998
300–399	(869–034–00152–1)	26.00	July 1, 1998
400–424	(869–034–00153–0)	33.00	July 1, 1998
425–699	(869–034–00154–8)	42.00	July 1, 1998
700–789	(869–034–00155–6)	41.00	July 1, 1998
790–End	(869–034–00156–4)	22.00	July 1, 1998
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–034–00157–2)	13.00	July 1, 1998
101	(869–034–00158–1)	37.00	July 1, 1998
102–200	(869–034–00158–9)	15.00	July 1, 1998
201–End	(869–034–00160–2)	13.00	July 1, 1998
42 Parts:			
1–399	(869–034–00161–1)	34.00	Oct. 1, 1998
400–429	(869–034–00162–9)	41.00	Oct. 1, 1998
430–End	(869–034–00163–7)	51.00	Oct. 1, 1998
43 Parts:			
1–999	(869–034–00164–5)	30.00	Oct. 1, 1998
1000–end	(869–034–00165–3)	48.00	Oct. 1, 1998
44	(869–034–00166–1)	48.00	Oct. 1, 1998
45 Parts:			
1–199	(869–034–00167–0)	30.00	Oct. 1, 1998
200–499	(869–034–00168–8)	18.00	Oct. 1, 1998
500–1199	(869–034–00169–6)	29.00	Oct. 1, 1998
1200–End	(869–034–00170–0)	39.00	Oct. 1, 1998
46 Parts:			
1–40	(869–034–00171–8)	26.00	Oct. 1, 1998
41–69	(869–034–00172–6)	21.00	Oct. 1, 1998
70–89	(869–034–00173–4)	8.00	Oct. 1, 1998
90–139	(869–034–00174–2)	26.00	Oct. 1, 1998
140–155	(869–034–00175–1)	14.00	Oct. 1, 1998
156–165	(869–034–00176–9)	19.00	Oct. 1, 1998
166–199	(869–034–00177–7)	25.00	Oct. 1, 1998
200–499	(869–034–00178–5)	22.00	Oct. 1, 1998
500–End	(869–034–00179–3)	16.00	Oct. 1, 1998
47 Parts:			
0–19	(869–034–00180–7)	36.00	Oct. 1, 1998
20–39	(869–034–00181–5)	27.00	Oct. 1, 1998
40–69	(869–034–00182–3)	24.00	Oct. 1, 1998
70–79	(869–034–00183–1)	37.00	Oct. 1, 1998
80–End	(869–034–00184–0)	40.00	Oct. 1, 1998
48 Chapters:			
1 (Parts 1–51)	(869–034–00185–8)	51.00	Oct. 1, 1998
1 (Parts 52–99)	(869–034–00186–6)	29.00	Oct. 1, 1998
2 (Parts 201–299)	(869–034–00187–4)	34.00	Oct. 1, 1998
3–6	(869–034–00188–2)	29.00	Oct. 1, 1998
7–14	(869–034–00189–1)	32.00	Oct. 1, 1998
15–28	(869–034–00190–4)	33.00	Oct. 1, 1998
29–End	(869–034–00191–2)	24.00	Oct. 1, 1998
49 Parts:			
1–99	(869–034–00192–1)	31.00	Oct. 1, 1998
100–185	(869–034–00193–9)	50.00	Oct. 1, 1998
186–199	(869–034–00194–7)	11.00	Oct. 1, 1998
200–399	(869–034–00195–5)	46.00	Oct. 1, 1998
400–999	(869–034–00196–3)	54.00	Oct. 1, 1998
1000–1199	(869–034–00197–1)	17.00	Oct. 1, 1998
1200–End	(869–034–00198–0)	13.00	Oct. 1, 1998
50 Parts:			
1–199	(869–034–00199–8)	42.00	Oct. 1, 1998
200–599	(869–034–00200–5)	22.00	Oct. 1, 1998
600–End	(869–034–00201–3)	33.00	Oct. 1, 1998

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–034–00049–6)	46.00	Jan. 1, 1998
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period July 1, 1997 to June 30, 1998. The volume issued July 1, 1997, should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 1998 through December 31, 1998. The CFR volume issued as of January 1, 1997 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 1997, through April 1, 1998. The CFR volume issued as of April 1, 1997, should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 1998, through April 1, 1999. The CFR volume issued as of April 1, 1998, should be retained.