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Wednesday
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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

[INS No. 1796–96]

RIN 1115–AE53

Canadian Border Boat Landing Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: Immigration and Naturalization Service (Service) published an interim rule in the **Federal Register** on September 11, 1997, which amended the regulations to clarify and standardize procedures for the application, issuance, and use of Form I–68, Canadian Border Boat Landing Card. This rule adopts the interim rule as final with two minor changes. The first change clarifies that a Visa Waiver Pilot Program (VWPP) national participating in the I–68 program need not obtain or have a visa, provided that he or she is in possession of a valid unexpired I–94W and the Form I–68. This change is consistent with the requirements for entry into the United States by a VWPP participant. The second change provides that the Form I–68 is valid for 1 year regardless of the length of validity of an applicant's Form I–94 or I–94W.

DATES: This final rule is effective August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Jennifer Sava, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW, Room 4057, Washington, DC 20536, telephone (202) 307–1942.

SUPPLEMENTARY INFORMATION:

Background

In general, the Service regulations at 8 CFR 235.1(a) require that an application for entry into the United States must be made in person to an Immigration Officer at a U.S. port-of-entry (POE) at a time when the port is open for inspection. However, 8 CFR 235.1(e) provides an exception to this requirement by providing for participation in the Canadian Border Boat Landing Permit (I–68) program, which allows certain persons who enter the United States by small boat to be inspected once per year, and thereafter enter from time to time for recreational purposes without further inspection.

On August 7, 1995, the Service published a final rule in the **Federal Register** at 60 FR 40064, establishing a fee of $16 per individual with a family cap of $32 for applying to participate in the I–68 program. A family was described in that rule as a husband, wife, unmarried children under 21 years of age, and the parents of either husband or wife residing at the same address.

During the past several years, members of the boating community and members of Congress have expressed concern regarding the I–68 program. Specifically, they were concerned that the enrollment and enforcement criteria and procedures vary from district office to district office and that the permit is sometimes difficult to obtain. The imposition of a fee for the permit also sparked concern.

In an effort to improve the I–68 program, the Service met with members of the boating community, other Federal inspection and enforcement agencies, congressional staffers, and representatives of the Canadian Government on August 13, 1996, in Alexandra, Virginia. Numerous suggestions for improving the program were received and were incorporated into an interim rule that was published in the **Federal Register** on September 11, 1997, at 62 FR 47749.

The interim rule amended the regulations to allow:

(1) Boaters to enter the United States for pleasure for brief visits which do not exceed 72 hours in duration to travel within 25 miles of the shoreline area along the northern border of the United States.

(2) Persons who are renewing a valid permit to do so by mail;

(30 Persons who are enrolled in one of the Service's Alternative Inspection programs to be automatically included in the I–68 program without requiring an additional application or fee; and

(4) The inclusion in the program of landed immigrants of Canada, who are not citizens of British Commonwealth Countries, provided they are nationals of a country designated for participation in the VWPP and are in possession of a valid, unexpired passport issued by their country of nationality, an unexpired United States visa, and a valid multiple entry 1–94 to the United States.

The interim rule included a request for comments by November 10, 1997. The Service received one response concerning several issues in the interim rule. The following is a discussion of the comment and the Service's response.

Discussion of Comment

Fees

The commenter wanted to abandon the cost associated with obtaining the Form I–68. Under the Federal User Fee Statute, 31 U.S.C. 9701, and the Office of Management and Budget Circular A–25, User Charges, reasonable charges should be imposed to recover the full cost to the Federal Government of rendering certain services that provide a specific benefit to the recipient of those services. Accordingly, the fee for the I–68 will be retained in the final rule.

Difficulty in Obtaining Permit

The commenter states that obtaining the permit is difficult. The Service disagrees. Each boating season, in order to make this benefit easily available, inspectors travel to boat shows, marinas, and other gatherings to issue the Form I–68. In addition, the Service's districts mount publicity campaigns to educate boaters about these requirements. The Service has further reduced this burden by allowing a person to renew a valid permit by mail. Application forms are available by mail to the public. Applicants may call 1–800–870–3676 to obtain Form I–68. The I–68 application forms are also available at the INS Home Page on the World Wide Web at http://www.ins.usdoj.gov. Further, the Service has reduced the burden on the public by considering those persons who are enrolled in one of the Service's Alternative Inspections programs such

as the Immigration and Naturalization Service's Passenger Accelerated Service System (INSPASS), the Dedicated Commuter Lane (DCL), or an Automated Permit Port (APP) program to be automatically included in the I–68 program without requiring an additional application or fee.

Using a Cost-Free Telephone Reporting Requirement

The commenter also suggested the use of a cost-free telephone reporting system for boaters entering the United States. Telephonic inspections, which are allowed by Customs Service regulations to satisfy their reporting requirements, are not authorized by Service Regulations. The Service requires that every person entering the United States must be inspected in a manner that includes face-to-face interaction with an immigration officer or verification of biometric information of the applicant for admission. The Service has developed a videophone reporting system which meets these requirements that may serve as an alternative to the I–68 program. The purpose of the videophone inspection program is to facilitate international border crossing by providing a convenient and cost effective means of reporting to the Service. The Service has implemented videophones at several sites in New York, Michigan, Ohio, and Pennsylvania. The Service may consider expansion to other sites after this reporting system for boaters is evaluated, and if it is shown to be efficient.

Changes in the Final Rule

In reviewing the interim rule, the Service has determined that the requirement that I–68 program participants who do not share a common nationality with Canadian nationals, but who are nationals of designated VWPP countries, must have a unexpired visa, is not consistent with the general admission requirements for VWPP nationals seeking admission into the United States as VMPP participants. The VWPP allows nationals from designated countries, who are otherwise admissible, to visit the United States for up to 90 days for business or pleasure without obtaining a nonimmigrant visa. To be eligible to participate in the I–68 program as a landed Canadian immigrant who is also a VWPP national, the alien must first apply for admission as a VWPP alien at a designed 24/hour staffed Class A POE. If admitted to the United States under the VWPP at a land border POE, the alien will be issued a multiple entry, arrival/departure Form I–94W. At any time during the 90-day validity period of the I–94W, the VWPP national may enter the United States pursuant to the Canadian Boat Landing Program provided that he or she is in possession of the valid, endorsed, unexpired I–94W, as well the Form I–68. The interim rule stated that Form I–68 shall not be valid for a period longer than the validity of the applicant's Form I–94. The final rule has been amended, however, to state that Form I–68 is valid for 1 year in all cases. It should be noted that once the Form I–94 or I–94W expires, the applicant must once again formally apply for admission at a staffed Class A POE.

Alternatively, a landed immigrant of Canada who is a national of a VWPP country may apply for a nonimmigrant visa, such as a B–2 which is issued to temporary visitors for pleasure, rather than apply for admission under the VWPP. The visa, if approved, would authorize a period of stay in the United States longer than that allowed under the VWPP. Such an alien may participate in the Canadian Boat Landing Program provided that he or she is in possession of the unexpired visa, a valid Form I–94, and a Form I–68 upon each subsequent entry under the program.

Accordingly, the final regulation has been amended to clarify that an I–68 participant who is a VWPP national, but who was not previously admitted under the VWPP and issued a multiple entry I–94W, must be in possession of a non-immigrant visa each time he or she uses the Canadian Boat Landing Program to enter the United States. Regardless of whether such a landed immigrant has been admitted via the VWPP or on a nonimmigrant visa, he or she must be in possession of a Form I–68, valid passport, and a valid, unexpired multiple entry Form I–94 or I–94W.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule merely finalizes an interim rule which was published in the **Federal Register** on September 11, 1997. The interim rule was developed and issued after the Service conducted meetings with members of the boating community, other Federal inspection and enforcement agencies, congressional staffers, and representatives of the Canadian Government. The intent of the interim and this final rule are to simplify the application process, and standardize the issuance and use of Form I–68. This final rule imposes no additional burden on applicants or small entities.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

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

Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement 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 costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping

requirements. This information collection (Form I–68) was previously approved for use by the Office of Management and Budget (OMB) under the OMB control number 1115–0065.

List of Subjects in 8 CFR Part 235

Administrative practice and procedure, Aliens, Immigration, Passports and visas.

Accordingly, the interim rule amending 8 CFR part 235 which was published at 62 FR 47749 on September 11, 1997, is adopted as a final rule with the following changes:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. The authority citation for part 235 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252; 8 CFR part 2.

2. Section 235.1 is amended by:

a. Revising the third sentence in paragraph (e) introductory text;

b. Revising paragraph (e)(1)(v);

c. Revising paragraph (e)(4); and by

d. Revising paragraph (e)(5)(ii), to read as follows:

§ 235.1 Scope of examination.

* * * * *

(e) * * * Landed immigrants of Canada who do not share a common nationality with nationals of Canada, but who are nationals of a designated country listed in § 217.2(a) of this chapter (Visa Waiver Pilot Program) must be in possession of a valid, unexpired passport issued by his or her country of nationality, and an unexpired multiple entry Form I–94 or I–94W, Nonimmigrant Visa Waiver Arrival/Departure Form, and a valid unexpired United States visa (if the alien is not in possession of a valid unexpired Form I–94W). * * *

(1) * * *

(v) A landed immigrant of Canada who does not have a common nationality with nationals of Canada, but who is a national of a designated country listed in § 217.2(a) of this chapter (Visa Waiver Pilot Program) must also present his or her passport, a valid unexpired multiple entry Form I–94 or I–94W and valid, unexpired nonimmigrant visa if he or she is not in possession of a valid, unexpired multiple entry Form I–94W. Such a landed immigrant of Canada may apply for admission simultaneously with the I–68 application and thereby obtain a Form I–94 or I–94W.

* * * * *

(4) *Validity.* Form I–68 shall be valid for 1 year from the date of issuance, or until revoked or violated by the Service.

(5) * * *

(ii) Participants must be in possession of any authorization documents issued for participation in this program or another Service Alternative Inspections program (INSPASS or PORTPASS). Participants over the age of 15 years and who are not in possession of an INSPASS or PORTPASS enrollment card must also be in possession of a photographic identification document issued by a governmental agency. Participants who are landed immigrants of Canada and do not have a common nationality with nationals of Canada, but who are nationals of a designated country listed in § 217.2(a) of this chapter must also be in possession of proper documentation as described in paragraph (e) of this section.

* * * * *

Dated: June 30, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–17101 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–63–AD; Amendment 39–11218; AD 99–14–07]

RIN 2120–AA64

Airworthiness Directives; Dassault Model 2000, 900EX, and Mystere Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Dassault Model Falcon 2000 series airplanes; and certain Dassault Model 900EX, and Mystere Falcon 900 series airplanes, that requires repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new jackscrews; repetitive measurement of the screw/nut play to detect discrepancies; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent jamming of the flap jackscrews, which could result in the inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane.

EFFECTIVE DATE: August 11, 1999.

ADDRESSES: Information pertaining to this amendment may be obtained from or examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Dassault Model Falcon 2000 series airplanes; and certain Dassault Model 900EX, and Mystere Falcon 900 series airplanes was published in the **Federal Register** on May 3, 1999 (64 FR 23552). That action proposed to require repetitive operational tests of the flap asymmetry detection system to verify proper functioning, and repair, if necessary; repetitive replacement of the inboard flap jackscrews with new jackscrews; repetitive measurement of the screw/nut play to detect discrepancies; and corrective action, if necessary.

Explanation of Changes Made to This Final Rule

In the applicability paragraph of the proposed rule, the FAA inadvertently transposed the serial numbers for Falcon 900EX and Mystere Falcon 900 series airplanes. Therefore, the applicability paragraph of the final rule has been revised to read, ''All Model Falcon 2000 series airplanes; Falcon 900EX series airplanes, serial numbers 04 and subsequent; and Mystere Falcon 900 series airplanes, serial numbers 161 and subsequent; certificated in any category.''

For clarification purposes, the FAA also has revised ''NOTE 2'' of the final rule by changing all references to the ''Airplane Flight Manual (AFM)'' to correctly reference the ''Airplane Maintenance Manual (AMM).''

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has

determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

The FAA estimates that 159 airplanes of U.S. registry will be affected by this AD. It will take approximately 1 work hour per airplane to accomplish the required operational test, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the operational test required by this AD on U.S. operators is estimated to be $9,540, or $60 per airplane, per test cycle.

It will take approximately 8 work hours per airplane to accomplish the required flap jackscrew replacement, at an average labor rate of $60 per work hour. Required parts will cost approximately $21,200 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $3,447,120, or $21,680 per airplane, per replacement cycle.

It will take approximately 8 work hours per airplane to accomplish the required measurement, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the measurement required by this AD on U.S. operators is estimated to be $76,320, or $480 per airplane, per measurement cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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.

For the reasons discussed above, I certify that this action (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) 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. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–14–07 Dassault Aviation [Formerly Avions Marcel Dassault-Breguet Aviation (AMD/BA)]: Amendment 39–11218. Docket 99–NM–63–AD.

Applicability: All Model Falcon 2000 series airplanes; Falcon 900EX series airplanes, serial numbers 04 and subsequent; and Mystere Falcon 900 series airplanes, serial numbers 161 and subsequent; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of the flap jackscrews, which could result in inability to move the flaps or an asymmetric flap condition, and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Operational Test

(a) Within 5 flight cycles after the effective date of this AD: Perform an operational test of the flap asymmetry detection system to ensure that the system is functioning correctly, in accordance with the procedures specified in Falcon 2000 Airplane Maintenance Manual (AMM) 27–502, dated November 1995; Falcon 900 AMM 27–502, dated January 1995; or Falcon 900EX AMM 27–502, dated September 1996, as applicable. Prior to further flight, repair any discrepancy detected in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (or its delegated agent). Repeat the operational test thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Repetitive Replacement

(b) Prior to the accumulation of 1,000 total flight cycles on the inboard flap jackscrews, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Replace the inboard flap jackscrews with new jackscrews in accordance with the procedures specified in Falcon 2000 AMM 27–510, dated November 1995; Falcon 900 AMM 27–521, dated December 1998; or Falcon 900EX AMM 27–510, dated September 1996, as applicable. Repeat the replacement thereafter at intervals not to exceed 1,000 flight cycles.

Repetitive Inspection

(c) Prior to the accumulation of 1,000 total flight cycles on the outboard and center flap jackscrews, or within 25 flight cycles after the effective date of this AD, whichever occurs later: Measure the screw/nut play of the outboard and center flap jackscrews to detect discrepancies, in accordance with the procedures specified in Falcon 2000 AMM, Temporary Revision (TR) 27–504, dated October 1998; Falcon 900 AMM, TR 27–514, dated February 1999; or Falcon 900EX AMM, TR 27–514, dated February 1999, as applicable.

Note 2: The AMM revisions required by paragraph (c) of this AD may be accomplished by inserting a copy of the TR's into the applicable AMM. When these TR's have been incorporated into the general revisions of the AMM, the general revisions may be inserted into the AMM, provided that the information contained in the general revisions is identical to that specified in the TR's.

(1) If the measurement is greater than 0.014 inch, prior to further flight, replace the discrepant flap jackscrew with a new jackscrew in accordance with the procedures specified in Falcon 2000 AMM 27–510, dated November 1995; Falcon 900 AMM 27–521, dated December 1998; or Falcon 900EX AMM 27–510, dated September 1996, as applicable. Repeat the inspection thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

(2) If the measurement is less than or equal to 0.014 inch, repeat the measurement

thereafter at intervals not to exceed 330 flight hours or 7 months, whichever occurs first.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in French airworthiness directives 1999–038–008(B), dated January 27, 1999 (for Falcon 2000 series airplanes); and 1999–082–024(B) dated February 24, 1999 (for Falcon 900 and Mystere Falcon 900EX series airplanes).

(f) This amendment becomes effective on August 11, 1999.

Issued in Renton, Washington, on June 29, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17061 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–112–AD; Amendment 39–11215; AD 99–08–02 R1]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This amendment corrects and clarifies an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires a one-time inspection to detect discrepancies of the center fuel tank wiring and components, and corrective action, if necessary; and a one-time electrical bonding test of the center fuel tank components, and rework, if necessary. For certain airplanes, the existing AD also requires a one-time insulation resistance test and a one-time inspection to detect discrepancies of the wiring and components of the fuel quantity indication system (FQIS), and corrective actions, if necessary; replacement of certain FQIS probes with certain newer probes; a system adjustment and system operational test; and modification (installation of a flame arrestor) of the inlet line of the scavenge pump of the center fuel tank. This amendment corrects an inadvertent omission to reference a specific section of the appropriate service information, and clarifies certain other requirements. This amendment is prompted by a comment received subsequent to issuance of the existing final rule, requesting clarification of certain requirements of the existing AD. The actions specified in this AD are intended to prevent ignition sources and consequent fire/explosion in the center fuel tank.

DATES: Effective May 11, 1999.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of May 11, 1999 (64 FR 16625, April 6, 1999).

FOR FURTHER INFORMATION CONTACT: Dionne Stanley, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2250; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On March 29, 1999, the FAA issued AD 99–08–02, amendment 39–11106 (64 FR 16625, April 6, 1999), applicable to certain Boeing Model 747 series airplanes, to require a one-time visual inspection to detect discrepancies of the center fuel tank wiring and components, and corrective action, if necessary; and a one-time electrical bonding test of the center fuel tank components, and rework, if necessary. For certain airplanes, that AD also requires a one-time insulation resistance test and a one-time visual inspection to detect discrepancies of the wiring and components of the fuel quantity indication system (FQIS), and corrective actions, if necessary; replacement of certain FQIS probes with certain newer probes; a system adjustment and system operational test; and modification (installation of a flame arrestor) of the inlet line of the scavenge pump of the center fuel tank. That action was prompted by design review and testing results obtained in support of an accident investigation. The actions required by that AD are intended to prevent ignition sources and consequent fire/explosion in the center fuel tank.

Actions Since Issuance of AD 99–08–02

Since the issuance of AD 99–08–02, the FAA has become aware of certain errors in Boeing Alert Service Bulletin 747–28A2208, dated May 14, 1998. That service bulletin is cited as the source of service information for paragraph (b) of that AD, which requires replacement of ''series 3'' (or earlier series) FQIS probes with new ''series 4'' (or subsequent series) probes. The term ''probes,'' as used in the AD, applies generically to either ''tank units'' or ''compensators.'' The intent of the requirement of AD 99–08–02 to replace ''series 3'' (or earlier series) FQIS probes is to purge the Boeing Model 747 fleet of those FQIS probes (both tank units and compensators) that utilize a knurled surface terminal block, which contribute to the chafing problem.

The Background and Reason sections of Alert Service Bulletin 747–28A2208 state that ''series 3'' or earlier FQIS tank units and compensators have a knurled surface. With respect to the tank units, Figure 5 of the Accomplishment Instructions of that alert service bulletin recommends replacement of ''series 3'' (or earlier) configurations with ''series 4'' (or later) configurations. However, with respect to the compensators, Figure 5 recommends removal of series 1, 2, 3, 4, 11, 12, 13, or 14 configurations of certain compensator part numbers and replacement with series 1, 5, 6, 15, or 16 of certain other compensator part numbers. Because of inconsistencies in Alert Service Bulletin 747–28A2208 that were included in AD 99–08–02, paragraph (b) of this AD has been revised to clarify that the replacement of FQIS probes (tank units and compensators) with new or serviceable components be accomplished in accordance with Figure 5 of the alert service bulletin.

Clarification of Inspection Types

In paragraphs (a) and (b) of this AD, the FAA has added a definition of the type of inspection required by those paragraphs.

Clarification of Note 2

Clarification of NOTE 2 of AD 99–08–02 may be helpful to operators required to comply with the paragraph (a) of AD 99–08–02. Actions performed in accordance with Boeing Service Bulletin 747–28–2205, dated June 27, 1997, accomplished prior to the effective date of this AD, are considered acceptable for compliance only with the corresponding

applicable actions specified in this AD. This excludes actions that are not described in that bulletin, such as inspection and testing of the body fuel tank components that are described in Revision 1 of Boeing Service Bulletin 747–28–2205. Additionally, the requirements of this AD to repair and to replace apply equally to discrepancies detected under either version of Boeing Service Bulletin 747–28–2205. NOTE 2 of this AD has been revised accordingly.

Clarification of Note 3

Airplanes affected by paragraph (b) of AD 99–08–02 include only certain Boeing Model 747–100, –200, –300, –SP, and –SR series airplanes, but no –400 series airplanes. NOTE 3 of that AD exempts airplanes affected by paragraph (b) from accomplishing steps 1, 2, and 4 through 9 in Figure 11 of Boeing Service Bulletin 747–28–2205, Revision 1, dated April 16, 1998 [the source of service information for accomplishment of paragraph (a) of that AD]; the only step required is step 3. However, since the issuance of AD 99–08–02, the FAA has determined that step 3 applies only to Boeing Model 747–400 airplanes'—which are not affected by the requirements of paragraph (b). Therefore, step 3 has been included with the steps that are exempt from the requirement to accomplish the inspection in NOTE 3 of this final rule. This change is for clarification purposes only and does not affect the actual implementation of the requirements of that AD.

Clarification of Affected Airplanes for Paragraph (c)

Operators should note that paragraph (c) of AD 99–08–02 identifies certain airplanes by their line ''positions.'' In the context of the service information cited for paragraph (c), the term ''line positions'' refers to airplane line numbers, rather than manufacturer's tracking numbers for production airplanes. To clarify the identity of the affected airplanes, paragraph (c) of this AD identifies those airplanes by line ''numbers.''

Clarification of the Applicability of the AD

Although the Summary page of Boeing Service Bulletin 747–28A2208, dated May 14, 1998, does not have the Boeing Model 747–SR listed in the Effectivity section, the Effectivity listing in the text of that service bulletin does list the appropriate applicable airplane identification numbers, which include Boeing Model 747–100, –200, –300, SP, and SR series airplanes. No change to this AD is necessary because paragraph (b) of the AD requires action for ''those airplanes listed in Boeing Alert Service Bulletin 747–28A2208, dated May 14, 1998,'' which does include all of the appropriate airplanes. This information is provided for clarification so that no confusion would exist due to the inconsistency identified in the Boeing service bulletin. There is no change to this final rule as a result of this clarification.

Action is taken herein to clarify these requirements of AD 99–08–02 and to correctly add the AD as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The final rule is being reprinted in its entirety for the convenience of affected operators. The effective date remains May 11, 1999.

Since this action only corrects and clarifies the current requirements, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11106 (64 FR 16625, April 4, 1999), and by adding a new airworthiness directive (AD), amendment 39–11215, to read as follows:

99–08–02 R1 Boeing: Amendment 39–11215. Docket 99–NM–112–AD. Revises AD 99–08–02, Amendment 39–11106.

Applicability: Model 747 series airplanes having line numbers 1 through 1124 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent ignition sources and consequent fire/explosion in the center fuel tank, accomplish the following:

Fuel Tank Inspection and Bonding Test

(a) For those airplanes listed in Boeing Service Bulletin 747–28–2205, Revision 1, dated April 16, 1998: Within 24 months after the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD, in accordance with the service bulletin.

(1) Perform a one-time visual inspection of the center fuel tank wiring and components to detect discrepancies (damage, disbonding, and incorrect installation). For the purposes of this AD, a visual inspection is considered to be a general visual inspection, which is defined as: ''A visual examination of an interior or exterior area, installation or assembly to detect obvious damage, failure or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light and may require removal or opening of access panels or doors. Stands, ladders, or platforms, may be required to gain proximity to the area being checked.'' If any discrepancy is detected, prior to further flight, repair the discrepant component, or replace it with a new or serviceable component. And

(2) Perform a one-time electrical bonding test of the center fuel tank components. If any measured resistance exceeds the limits specified by the service bulletin, prior to further flight, rework the discrepant component.

Note 2: Actions performed in accordance with Boeing Service Bulletin 747–28–2205, dated June 27, 1997, accomplished prior to the effective date of this AD, are considered acceptable for compliance only with the corresponding applicable actions specified in this AD. This excludes certain actions that are not described in that bulletin, such as inspection and testing of the body fuel tank components that are described in Revision 1 of Boeing Service Bulletin 747–28–2205. Regardless of which version of the service bulletin is used to detect any discrepancies, the repair and replacement requirements of this AD apply.

Note 3: Airplanes required to accomplish paragraph (b) of this AD are exempt from accomplishing steps 1 through 9 in Figure 11 of Boeing Service Bulletin 747–28–2205, Revision 1, dated April 16, 1998.

FQIS Testing and Probe Replacement

(b) For those airplanes listed in Boeing Alert Service Bulletin 747–28A2208, dated May 14, 1998: Within 24 months after the effective date of this AD, perform a one-time insulation resistance test of the fuel quantity indication system (FQIS), a one-time visual inspection of the FQIS wiring and components to detect discrepancies (chafing

damage to the wiring and incorrect configuration of the terminal blocks), replacement of FQIS probes (tank units and compensators) with new or serviceable components in accordance with Figure 5 of the alert service bulletin, and system adjustment and system operational test; in accordance with the alert service bulletin. For the purposes of this AD, a visual inspection is considered to be a general visual inspection, which is defined as: ''A visual examination of an interior or exterior area, installation or assembly to detect obvious damage, failure or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light and may require removal or opening of access panels or doors. Stands, ladders, or platforms, may be required to gain proximity to the area being checked.'' If any discrepancy is detected, prior to further flight, perform corrective actions in accordance with the alert service bulletin.

Note 4: For airplanes on which steps 1 through 9 in Figure 11 of Boeing Service Bulletin 747–28–2205, dated June 27, 1997, or Revision 1, dated April 16, 1998, were accomplished prior to the effective date of this AD, steps 1 through 6 in Figure 16 of Boeing Alert Service Bulletin 747–28A2208, dated May 14, 1998, are not required.

Flame Arrestor Installation

(c) For airplanes having line numbers 1 through 971 inclusive: Within 24 months after the effective date of this AD, install a flame arrestor in the inlet line of the electrical motor-operated scavenge pump of the center fuel tank, in accordance with Boeing Alert Service Bulletin 747–28A2210, dated May 14, 1998.

Alternative Methods of Compliance

(d)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(d)(2) Alternative methods of compliance, approved previously in accordance with AD 99–08–02, amendment 39–11106, are approved as alternative methods of compliance with paragraph (a) of this AD.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(f) The actions shall be done in accordance with Boeing Service Bulletin 747–28–2205, Revision 1, dated April 16, 1998; Boeing Alert Service Bulletin 747–28A2208, dated May 14, 1998; and Boeing Alert Service Bulletin 747–28A2210, dated May 14, 1998. This incorporation by reference was approved previously by the Director of the Federal Register as of May 11, 1999 (64 FR 16625, April 6, 1999). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) The effective date of this amendment remains May 11, 1999.

Issued in Renton, Washington, on June 29, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17062 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–2]

Revision of Class E Airspace; Yakutat, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This action revises Class E airspace at Yakutat, AK. The establishment of three Standard Instrument Approach Procedures (SIAP) to runway (RWY) 02, RWY 11, and RWY 29 at Yakutat, AK, made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Yakutat, AK.

EFFECTIVE DATES: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.ctr.van-Haastert@faa.dot.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On April 20, 1999, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Yakutat, AK, was published in the **Federal Register** (64 FR 19312). The proposal was necessary due to the establishment of three SIAP to RWY 02, 11, and 29 at Yakutat, AK.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as airport surface areas are published in paragraph 6002 and the Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document will be revised and published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the Class E airspace at Yakutat, AK, through the establishment of three VOR instrument approaches to RWY 02, 11, and 29. The area will be depicted on aeronautical charts for pilot reference. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Yakutat, AK.

The FAA has determined that these regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore —(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.

§ 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 for an airport.

* * * * *

AAL AK E2 Yakutat, AK [Revised]

That airspace extending upward from the surface within the area bounded by

Lat. 59° 41′ 01″ N., long. 139° 46′ 55″ W.
to
Lat. 59° 31′ 00″ N., long. 139° 29′ 21″ W.
to
Lat. 59° 24′ 35″ N., long. 139° 27′ 13″ W.
to
Lat. 59° 20′ 14″ N., long. 139° 36′ 38″ W.
to
Lat. 59° 34′ 20″ N., long. 140° 01′ 32″ W.
to the point of beginning.

* * * * *

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

* * * * *

AAL AK E5 Yakutat, AK [Revised]

Yakutat VORTAC
(Lat. 59° 30′ 39″ N., long. 139° 38′ 53″ W.)

That airspace extending upward from 700 feet above the surface within the area bounded by

Lat. 59° 47′ 42″ N., long. 139° 58′ 48″ W.
to
Lat. 59° 37′ 33″ N., long. 139° 40′ 53″ W.
then along the 7-mile radius of the Yakutat VORTAC clockwise to
Lat. 59° 28′ 54″ N., long. 139° 25′ 35″ W.
to
Lat. 59° 20′ 16″ N., long. 139° 10′ 20″ W.
to
Lat. 59° 02′ 49″ N., long. 139° 47′ 45″ W.
to
Lat. 59° 30′ 15″ N., long. 140° 36′ 43″ W.
to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by lat. 59° 53′ 20″ N., long. 139° 58′ 13″ W. to Yakutat VORTAC 118° radial 23 DME then along the Yakutat VORTAC 118° radial to 41 DME then clockwise along the 41 mile radius of the Yakutat VORTAC to the Yakutat VORTAC 298° radial then southeast along the 298° radial to the Yakutat VORTAC 298° radial 25 DME to the point of beginning, and within 5.6 miles each side of the Yakutat VORTAC 118° radial to 65 miles southeast of the VORTAC excluding Control 1487L and the Gulf of Alaska Low Class E airspace areas.

* * * * *

Issued in Anchorage, AK, on June 28, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–17167 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–3]

Revision of Class E Airspace; Atqasuk, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Atqasuk, AK. The establishment of two Standard Instrument Approach Procedures (SIAP) to runway (RWY) 06 and RWY 24 at Atqasuk, AK, have made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Atqasuk, AK.

EFFECTIVE DATE: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.ctr.van-Haastert@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On April 20, 1999, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Atqasuk, AK, was published in the **Federal Register** (64 FR 19313). The proposal was necessary due to the establishment of SIAPs to RWY 06 and RWY 24 at Atqasuk, AK.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document will be revised and published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the Class E airspace at Atqasuk, AK, through the establishment of two VOR instrument approaches to RWY 06 and RWY 24. The area will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Atqasuk, AK.

The FAA has determined that these regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore —(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.

§ 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.

* * * * *

AAL AK E5 Atqasuk, AK [Revised]

Atqasuk Airport
(Lat. 70° 28′ 02″ N., long. 157° 26′ 09″ W.)

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Atqasuk Airport.

* * * * *

Issued in Anchorage, AK, on June 28, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–17168 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–9]

Revision of Class E Airspace; Adak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Adak, AK. The upcoming decommission of the military Nondirectional Beacon (NDB) and commission of the new NDB/Distance Measuring Equipment (DME), along with the establishment of Global Positioning System (GPS) and NDB/DME instrument approaches at Adak, AK, have made this action necessary. Additionally, the Class E airspace descriptions at Adak, AK, have been consolidated into one description. The intended effect of this action is to update the airspace descriptions and provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Adak, AK.

EFFECTIVE DATE: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.ctr.van-Haastert@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On April 20, 1999 a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Adak, AK, was published in the **Federal Register** (64 FR 19314). The proposal was necessary due to the following: (1) the Naval Air Facility (NAF) Adak ceased active military airfield operations on March 31, 1997; (2) the military tower closed and the airfield converted to an uncontrolled airport; (3) the airspace around Adak, AK, has been modified to reflect remaining navigational aids and new requirements; (4) the Adak military NDB and military Tactical Air Navigational Aid (TACAN) will be decommissioned; (5) a new FAA NDB/DME (Mount Moffett NDB/DME) will be commissioned; and (6) two new instrument approach procedures, NDB/DME and GPS, have been developed for runway (RWY) 23.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as a surface area for an airport are published in paragraph 6002 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace areas designated as an extension to a Class D or Class E surface area are published in FAA Order 7400.9F, paragraph 6004, and paragraph 6005 lists the Class E airspace areas designated as an 700/1200 foot transition area. The Class E airspace listed in this document as a surface area or extension to a surface area will be revoked and removed in the Order. The Class E airspace designations listed in this document as 700/1200 foot transition areas will be revised and published in the Order.

The Rule

This amendment to 14 CFR part 71 revises the Class E airspace at Adak, AK, due to the following: (1) the NAF Adak ceased active military airfield operations; (2) the military tower closed and the airfield converted to an uncontrolled airport; (3) the airspace around Adak, AK, has been modified to reflect remaining navigational aids and new requirements; (4) the Adak military NDB and military TACAN will be decommissioned; (5) a new FAA NDB/DME (Mount Moffett NDB/DME) will be commissioned; and (6) two new instrument approach procedures, NDB/DME and GPS, have been developed for RWY 23.

The FAA has determined that these regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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.

§ 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 surface areas for an airport

* * * * *

AAL AK E2 Adak, AK [Revoked]

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area.

* * * * *

AAL AK E4 Adak, AK [Revoked]

* * * * *

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

* * * * *

AAL AK E5 Adak, AK [Revised]

Adak Airport, AK
(Lat. 51° 52′ 41″ N., long. 176° 38′ 45″ W.)
Mount Moffett NDB
(Lat. 51° 52′ 19″ N., long. 176° 40′ 34″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Adak Airport and within 5.2 miles northwest and 4.2 miles southeast of the 061° bearing of the Mount Moffett NDB extending from the 7-mile radius to 11.5 miles northeast of the Adak Airport; and that airspace extending upward from 1,200 feet above the surface within 11-mile radius of the Adak Airport, and within 16 miles of the Adak Airport extending clockwise from the 033° bearing to the 081° bearing of the Mount Moffett NDB.

* * * * *

Issued in Anchorage, AK, on June 28, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–17169 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–5]

Establishment of Class E Airspace; Palmer, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Palmer, AK. The establishment of a Global Positioning System (GPS) instrument approach at the Palmer Municipal Airport made this action necessary. The Palmer Municipal Airport status changes from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR). Adoption of this proposal will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Palmer, AK.

EFFECTIVE DATES: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Durand, Operations Branch, AAL–531, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On April 20, 1999, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Palmer, AK, was published in the **Federal Register** (64 FR 19316). The proposal was necessary due to the establishment of a GPS instrument approach at Palmer, AK.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace listed in this document will be published in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Palmer, AK, through the establishment of a GPS instrument approach. The Palmer Municipal Airport status will change from VFR to IFR. The area will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Palmer, AK.

The FAA has determined that these regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore —(1) 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).

The Proposed 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.

§ 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 extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Palmer, AK [New]

Palmer Municipal Airport, AK
(Lat. 61°35′41″ N., long. 149°05′20″ W.)

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

* * * * *

Issued in Anchorage, AK, on June 28, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–17170 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Recordkeeping

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: On May 27, 1999, the Commodity Futures Trading Commission (''Commission'') published a rule in the **Federal Register** (64 FR 28735) announcing final amendments to the recordkeeping obligations imposed in Regulation 1.31. The Commission's rule provided that all the amendments would become effective on June 28, 1999. Recently the Commission learned that recordkeepers using only electronic storage media may need additional time to finalize arrangements with third party technical consultants necessary to meet the new condition imposed in section (b)(4) of amended Regulation 1.31.[1] In order to avoid undue hardship for these recordkeepers, and in view of the alternative safeguards protecting the Commission's right to timely access to required records stored electronically, the Commission has decided to extend the effective date of § 1.31(b)(4)'s requirements until September 27, 1999.

DATES: Effective July 7, 1999, 17 CFR 1.31(b)(4) is stayed until September 27, 1999.

FOR FURTHER INFORMATION CONTACT: Edson G. Case, Counsel, or Laurie Plessala Duperier, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone (202) 418–5430.

Under the authority of 7 U.S.C. 12a(5), 17 CFR 1.31(b)(4) is stayed until September 27, 1999.

Issued in Washington, D.C. on June 30, 1999 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–17004 Filed 7–6–99; 8:45 am]

BILLING CODE 6351–01–M

[1] Section (b)(4) of the amended regulation requires recordkeepers who use only electronic storage media to preserve some or all of their required records to enter into an arrangement with a third party technical consultant. This arrangement must provide that the technical consultant will have access to and the ability to download information from the recordkeeper's electronic storage media to a medium acceptable under amended Regulation 1.31. The technical consultant must also file an undertaking to provide the Commission with access to the recordkeeper's required records under specified conditions.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 8793]

RIN 1545–AW38

Payment by Credit Card and Debit Card; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to temporary regulations that were published in the **Federal Register** on Tuesday, December 15, 1998 (63 FR 68995) relating to the payment of taxes by credit card and debit card.

DATES: This correction is effective January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Mitchel S. Hyman, (202) 622–3620 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are subject to this correction are under section 6311 of the Internal Revenue Code.

Need for Correction

As published, the temporary regulations (TD 8793) contain an error that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR Part 301 is corrected by making the following correcting amendment:

PART 301—PROCEDURE AND ADMINISTRATION

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6311–2T (c) (2) is amended by revising the first sentence to read as follows:

§ 301.6311–2T Payment by credit card and debit card (temporary).

* * * * *

(c) * * *

(2) *Liability of financial institutions.* If a taxpayer has tendered a payment of internal revenue taxes by credit card or debit card, and the credit card or debit card transaction has been guaranteed expressly by a financial institution, and the United States is not duly paid, the United States shall have a lien for the guaranteed amount of the transaction upon all the assets of the institution making such guarantee. * * *

* * * * *

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 99–17063 Filed 7–6–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–99–034]

Drawbridge Operation Regulations; Mullica River, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Green Bank drawbridge across Mullica River, Mile 18.0, at Atlantic County and Burlington County, New Jersey. Beginning at 6 a.m. August 15, 1999, and continuing until 6 p.m. November 13, 1999, the bridge will only open for the passage of recreational and commercial vessels on the hour and half hour. This temporary deviation is needed to test the effects of such a schedule on navigation and vehicular traffic transiting over and under the bridge.

DATES: This deviation is effective from 6 a.m. August 15, 1999, until 6 p.m. November 13, 1999. Comments must be received by December 13, 1999.

ADDRESSES: Comments should be mailed to Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Comments will become a part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at 757–398–6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested parties to comment on this temporary deviation. You may submit written data, views, or arguments relating this schedule during the test period. Persons submitting comments should include their names and addresses, identify this temporary deviation (CGD05–99–034) and the particular part of this deviation to which each comment applies, and the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. The Coast Guard plans no public hearing. You may request a public hearing by writing to the Commander, Fifth Coast Guard District, at the address under **ADDRESSES**. The request should include reasons why a hearing would be helpful. If the Coast Guard decides to hold a public hearing, we will announce the hearing in a separate notice in the **Federal Register.**

The drawbridge across Mullica River is owned and operated by Atlantic County, New Jersey. On September 3, 1998, the Coast Guard received a letter from Atlantic County requesting a temporary deviation from the normal operation of the bridge. They wanted to test a proposed change to the current regulations for the Green Bank Drawbridge by changing the opening schedule to openings on the hour and half hour for recreational and commercial vessels. The current regulation at Title 33, Code of Federal Regulations Section 117.731a(b), requires the draw to open on signal, except from April 1 through November 30, from 11 p.m. to 7 a.m., and from December 1 through March 31, at all times, a four-hour notice is required.

The temporary deviation will change the periods of opening on signal to openings on the hour and half hour for a period of 90 days. The temporary deviation will not alter sections 117.731a (b) and (c), of the Code of Federal Regulations, which states that the draw need not open unless at least a four-hour notice is given from April 1, through November 30, 11 p.m. to 7 a.m. and December 1 through March 31, at all times. The draws shall open as soon as possible during periods when four-hour notice is required for vessels in distress, public vessels of the United States, and state and local vessels used for public safety purposes.

Following the temporary deviation, the Coast Guard will review drawbridge logs and vehicular traffic counts to determination how the opening schedule met the needs of navigation and vehicular traffic.

Beginning August 15, 1999, and continuing until November 13, 1999, this deviation requires the bridge to open for recreational and commercial vessels on the hour and half hour, 24 hours a day. The four hour minimum notification period for vessels seeking to transit between the hours of 11 p.m. and 7 a.m. remains in effect during the deviation period.

Dated: June 24, 1999.

Thomas E. Bernard,

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

[FR Doc. 99–17188 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–99–011]

Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Florida Avenue bascule span drawbridge across the Inner Harbor Navigational Canal, mile 1.7 at New Orleans, Orleans Parish, Louisiana. This deviation allows the draw of the Florida Avenue bascule span drawbridge to remain closed to navigation daily from 8 a.m. until noon and from 1 p.m. until 5 p.m. from September 23, 1999 through November 6, 1999. This temporary deviation will allow for replacement of the damaged fender system, an extensive but necessary maintenance operation. Presently, the draw opens on signal at all times.

DATES: This deviation is effective from 8 a.m. on September 23, 1999 through 5 p.m. on November 6, 1999.

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

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

The Florida Avenue bascule span drawbridge across the Inner Harbor Navigation Canal, mile 1.7, in New Orleans, Louisiana has a vertical clearance of one foot above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, small ships, fishing vessels, sailing vessels and other recreational craft. The Board of Commissioners of the Port of New Orleans requested a temporary deviation for the operation of the drawbridge to accommodate maintenance work, involving removing portions of the existing damaged fender system, driving new pilings and replacing the timbers. This work is essential for continued safe transit of vessels through the bridge.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the draw of the Florida Avenue bascule span drawbridge to remain closed to navigation from 8 a.m. until noon and from 1 p.m. until 5 p.m. daily from September 23, 1999 through November 6, 1999. In the event of an approaching tropical storm or hurricane, the draw will return to normal operation within 12 hours notice from the Coast Guard. Presently, the draw opens on signal at any time.

Dated: May 7, 1999.

A.L. Gerfin, Jr.,

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

[FR Doc. 99–17184 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–030]

RIN 2115–AA97

Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on western Long Island Sound for the Koechlin Wedding Fireworks Display. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic on a portion of western Long Island Sound.

DATES: This rule is effective from 8:30 p.m. until 10 p.m. on July 24, 1999. There is no rain date for this event.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354–4193.

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

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 10, 1999, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, New York, in the **Federal Register** (64 FR 24982). The Coast Guard received no letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Good cause exists for making this regulation effective less than 30 days after **Federal Register** publication. Because of the date the Application for Approval of Marine Event was received, there was insufficient time to promulgate both a NPRM and a final rule that would be effective at least 30 days after it was published. The Coast Guard did publish an NPRM with a 30-day comment period, but this did not leave sufficient time to publish the final rule 30 days before its effective date. Any delay encountered in this regulation's effective date would be contrary to the pubic interest since immediate action is needed to prevent traffic from transiting a portion of western Long Island Sound, and provide for the safety of life on navigable waters. And the pubic was notified of this event when the NPRM was published in the Local Notice to Mariners on May 19, 1999.

Background and Purpose

On March 9, 1999, Bay Fireworks submitted on Application for Approval of a Marine Event for a fireworks display on western Long Island Sound. This regulation establishes a temporary safety zone on all waters of western Long Island Sound within a 360-yards radius of the fireworks, barge in approximate position 40°56′33″N, 073°41′25″W (NAD 1983), about 400 yards east of Milton Point, Rye, New York. The zone is in effect from 8:30 p.m. until 10 p.m. on Saturday July 24, 1999. There is no rain date for this event. The zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit to the east of the zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this event. Public notifications will be made before the event by Local Notice to Mariners and marine information broadcasts. The Coast Guard limited the comment period for this NPRM to 30 days because the zone is only for a one-and-a-half-hour-long local event and it should have negligible impact on vessel transits.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking.

It made no changes to the proposed rule.

Regulatory Evaluation

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

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting a portion of western Long Island Sound during the event, the effect of this regulation will not be significant, for several reasons: that vessels will be restricted from the areas for a minimal time, that they may safely transit to the east of the zone, and that advance notifications will be made to the local maritime community by the Local Notice to Mariners and marine-information broadcasts.

Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any State, local, or tribal, governments, or the private sector.

Environment

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

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

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

2. Add temporary § 165.T01–030 to read as follows:

§ 165.T01–030 Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, New York.

(a) *Location*. The following area is a safety zone: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°56′33″N, 073°41′25″W (NAD 1983), approximately 400 yards east of Milton Point, Rye, New York.

(b) *Effective period*. This section is effective from 8:30 p.m. until 10 p.m. on July 24, 1999. There is no rain date for this event.

(c) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 apply.

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

Dated: June 23, 1999.

R.E. Bennis,

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

[FR Doc. 99–17189 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–106]

RIN 2115–AA97

Technical Amendments to USCG Regulations to Update RIN Numbers: Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to six Notices of Proposed rulemakings (NPRMs) and two Final rules. This action corrects the RIN accounting string for each document to read RIN 2115–AA97.

DATES: This correction notice is effective July 7, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Waterways Oversight Branch of Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, room 205, between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

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

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard published the following regulations in the **Federal Register** with the incorrect RIN accounting numbers: 1. December 22, 1998, NPRM entitled Security Zone: Dignitary Arrival/Departure New York, NY in the **Federal Register** (63 FR 70707) (CGD01–98–006). 2. February 24, 1999, NPRM entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 9107) (CGD01–98–170). 3. May 10, 1999, NPRM entitled Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, NY (64 FR 24982) (CGD01–99–030). 4. May 10, 1999, NPRM entitled Safety Zone: PricewaterhouseCooper LLP Fireworks, Hudson River, Manhattan, NY (64 FR 24985) (CGD01–99–037). 5. May 10, 1999, NPRM entitled Safety Zone: Hastings-on-Hudson Fireworks, Hudson River, New York (64 FR 24983) (CGD01–99–041). 6. May 10, 1999, NPRM entitled Safety Zone: Glen Cove, New York Fireworks, Hempstead Harbor, NY (64 FR 24987) (CGD01–99–042). 7. May 10, 1999, final rule entitled Security Zone: Dignitary Arrival/Departure New York, NY (64 FR 24947) (CGD01–99–006). 8. May 10, 1999, Final rule entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 24945) (CGD01–99–170).

Need for Correction

As published, the NPRMs and Final rules contain the incorrect RIN accounting Data. This notice corrects the RIN Data for each document to read ''RIN 2115–AA97''.

Correction of Publication

Accordingly, the following publications RIN Data are corrected to read ''RIN 2115–AA97'';

1. December 2, 1998, NPRM entitled Security Zone: Dignitary Arrival/Departure New York, NY in the **Federal Register** (63 FR 70707) (CGD01–98–006).
2. February 24, 1999, NPRM entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 9107) (CGD01–98–170).
3. May 10, 1999, NPRM entitled Safety Zone: Koechlin Wedding Fireworks, Western Long Island Sound, Rye, NY (64 FR 24982) (CGD01–99–030).
4. May 10, 1999, NPRM entitled Safety Zone: PricewaterhouseCooper LLP Fireworks, Hudson River, Manhattan, NY (64 FR 24985) (CGD01–99–037).
5. May 10, 1999, NPRM entitled Safety Zone: Hastings-on-Hudson Fireworks, Hudson River, New York (64 FR 24983) (CGD01–99–041).
6. May 10, 1999, NPRM entitled Safety Zone: Glen Cove, New York Fireworks, Hempstead Harbor, NY (64 FR 24987) (CGD01–99–042).
7. May 10, 1999, Final rule entitled Security Zone: Dignitary Arrival/Departure New York, NY (64 FR 24947) (CGD01–98–006).
8. May 10, 1999, Final rule entitled Safety Zone: Port of New York/New Jersey Fleet Week (64 FR 24945) (CGD01–98–170).

Dated: June 23, 1999.

R.E. Bennis,

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

[FR Doc. 99–17185 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–102]

RIN 2115–AA97

Safety Zone: Royal Handel Fireworks, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Boston Inner Harbor in a four-hundred (400)-yard radius around a fireworks barge located off the Coast Guard Integrated Support Command Boston at position 42 22.116 N, 71 02.816 W (NAD 1983) Boston, MA. This safety zone prevents entry into or movement within this portion of Boston Harbor. It is necessary to protect the boating public from the dangers posed by a fireworks display.

DATES: This rule is effective from 8:30 p.m. until 10:30 p.m., Wednesday, August 4, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Marine Safety Office Boston, 455 Commerical Street, Boston, MA, between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION: .

Regulatory History

Pursuant to 5 U.S.C. 553, no notice of proposed rulemaking (NPRM) was published for this regulation. Good cause exists for not publishing an NPRM. Conclusive information about this event was not provided to the Coast Guard until May 7, 1999, making it impossible to draft or publish an NPRM and provide adequate time for comments to be submitted. Publishing an NPRM and delaying the rule's effective date would be contrary to the public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display, which is intended for public entertainment.

Background and Purpose

On May 7, 1999, the Royal Handel Fireworks Show of Boston, MA, filed a marine-event permit with the Coast Guard to hold a fireworks program over the waters of Boston Harbor, Boston, MA. This regulation establishes a safety zone on the waters of Boston Harbor in a four-hundred (400)-yard radius around a fireworks barge located off the Coast Guard Integrated Support Command, Boston, MA, at position 42°22.116′N, 71°02.816′W (NAD 1983). The safety zone is in effect from 8:30 p.m. until 10:30 p.m. on Wednsday, August 4, 1999. This safety zone prevents entry into or movement within this portion of Boston Harbor. It is necessary to protect the boating public from the dangers posed by a fireworks display.

Regulatory Evaluation

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

Small Entities

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

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that, under Figure 2–1, paragraph 34(g), of Commandant Instruction M16457.1C, this final rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

Regulation

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

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

Authority 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46 Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.2.

2. Add temporary section 165.T01–102 to read as follows:

§ 165.T01–102 Safety Zone: Fireworks, Boston, MA.

(a) *Location*. The following area is a safety zone: all waters of Boston Harbor in a four-hundred (400)-yard radius around a fireworks barge located off of the Coast Guard Integrated Support Command, Boston, MA. at position 42°22.166′N, 71°02.816′W (NAD 1983).

(b) *Effective Date*. This secton is effective from 8:30 p.m. until 10:30 p.m., Wednesday, Aug 4, 1999.

(c) *Regulations*.

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

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

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

Dated: June 24, 1999.

M.A. Skordinski,

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

[FR Doc. 99–17187 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201–204, 211, 251, 253, 259–260

Copyright Rules and Regulations: Copyright, Compulsory Licenses, Copyright Arbitration Royalty Panel

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule; Technical amendments.

SUMMARY: The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: The Copyright Office periodically reviews its regulations as published in the Code of Federal Regulations (CFR) to correct minor or typographical errors in the published text. The Office has identified minor errors in the currently published rules. The following sections are amended to correct these errors: §§ 201.11(d)(1), 201.11(e)(6), 201.11(e)(7), 201.11(h)(2)(i), 201.17(d)(1), 201.17(h)(4)(iii), 201.17(k), 201.18(a)(1), 201.19(a)(1), 201.19(a)(2), 201.19(a)(4), 201.19(e)(4)(i), 201.19(e)(7)(iii), 201.19(f)(3)(viii), 201.27(c), 201.27(e)(1), 201.28(e)(4)(i), 201.29(e)(3), 201.35(a), 201.36(b)(1), 201.36(c), 201.37(a), 201.37(b)(1), 202.3(b)(7)(ii), 202.17(f)(2), 202.20(c)(2)(vii)(D)(*3*), 202.20(c)(2)(vii)(D)(*4*), 202.20(c)(2)(vii)(D)(*5*), 202.20(c)(2)(xi)(A)(2), 202.23(c)(1), 202.23(c)(2), 202.23(d), 203.3(g), 204.4(a), 204.5(a), 204.7(a), 204.8(a), 211.4(e), 211.5(c)(2), 211.5(d), 251.54(e), 251.56(a), 251.56(b), 253.3(e)(4), 253.8(b)(1)(ii)(D), and 260.2(c)(2). Typographical errors are corrected in §§ 201.1(b), 201.3(c), 201.3(c)(5), 201.10(b)(1)(v), 201.10(e)(2), 201.17(e)(2)(i), 201.17(j)(3)(iv)(A), 201.18(a)(3), 201.19(c)(4), 201.28(c)(4), 202.22(a), 202.22(c)(1), 203.4(f)(2), 251.58(b), 253.8(b)(1)(i)(A), 259.3(a)(5), 260.2(c)(1)(v), and 260.7.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 202

Claims, Copyright.

37 CFR Part 203

Freedom of information.

37 CFR Part 204

Privacy.

37 CFR Part 211

Mask work protection.

37 CFR Part 251

Administrative practice and procedure, Hearing and appeal procedures.

37 CFR Part 253

Noncommercial educational broadcasting, Copyright.

37 CFR Part 259

Claims, Copyright, Digital audio recording devices and media.

37 CFR Part 260

Copyright, Digital audio transmissions, Performance right, Sound recordings.

Final Rule

Accordingly, 37 CFR Chapter II is amended by making the following corrections and amendments.

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.1 [Amended]

2. Section 201.1(b) is amended by removing ''SE.,'' and adding in its place ''SE,''.

§ 201.3 [Amended]

3. Section 201.3 is amended in the Table, in the column entitled ''Fees'' in paragraph (c)(5) by removing ''10'' and adding ''10 [1]'' in paragraph (c)(8) by removing ''10'' and adding ''10 [2]'', and by removing the word ''issue'' in footnote 1 and adding ''issues''.

4. Section 201.3(c)(5) is amended by removing the word ''series'' and adding in its place ''serials''.

§ 201.10 [Amended]

5. Section 201.10(b)(1)(v) is amended by removing the word ''aurhor's'' and adding in its place ''author's''.

6. Section 201.10(e)(2) is amended by removing the word ''describling'' and adding in its place ''describing''.

§ 201.11 [Amended]

7. Section 201.11(d)(1) is amended by removing ''Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557'' and adding in its place ''Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557–6400''.

8. Section 201.11(e)(6) is amended by removing ''of 17.5 cents per subscriber, on in the case of syndex-proof superstations as defined in 37 CFR 258.2, 14 cents (or in lieu thereof, the arbitrated rate, if applicable)'' and adding in its place ''prescribed in § 258.3 of this chapter''.

9. Section 201.11(e)(7) is amended by removing ''of six (6) cents per subscriber (or, in lieu thereof, the arbitrated rate, if applicable)'' and adding in its place ''prescribed in § 258.3 of this chapter''.

10. Section 201.11(h)(2)(i) is amended by removing the phrase ''Cable operators'' and adding in its place ''Satellite carriers''.

§ 201.17 [Amended]

11. Section 201.17(d)(1) is amended by removing ''Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557'' and adding in its place ''Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557–6400''.

12. Section 201.17(e)(2)(i) is amended by removing ''owner''' and adding in its place ''owner''.

13. Section 201.17(h)(4)(iii) is amended by adding ''(65)'' after ''sixty-five''.

14. Section 201.17(j)(3)(iv)(A) is amended by removing ''paragraph must'' and adding in its place ''paragraph) must''.

15. Section 201.17(k) is amended by removing all material after the phrase ''United States Code.'' beginning with ''Any such entity''.

§ 201.18 [Amended]

16. Section 201.18(a)(1) is amended by removing the phrase ''as amended by Pub. L. 94–553,''.

17. Section 201.18(a)(3) is amended by removing ''coowners'' and adding the word ''co-owners'' in its place.

§ 201.19 [Amended]

18. Sections 201.19(a)(1), (a)(2), and (a)(4) are amended by removing the

phrase ''section 115(c)(3)'' and adding in its place ''section 115(c)(5)'' and by removing the phrase ''as amended by Pub. L. 94–553,''.

19. Section 201.19(c)(4) is amended by removing ''nine month'' and adding in its place ''nine-month''.

20. Sections 201.19(e)(4)(i) and (e)(7)(iii) are amended by removing the phrase ''as amended by Pub. L. 94–553,''.

21. Section 201.19(f)(3)(viii) is amended by removing the phrase ''as amended by Pub. L. 94–553,''.

§ 201.27 [Amended]

22. Section 201.27(c) is amended by ''Licensing Division of the Copyright Office, Washington, DC 20557'' and adding in its place ''Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557–6400''.

23. Section 201.27(e)(1) is amended by removing the phrase ''of or the'' and adding in its place ''or if the''.

§ 201.28 [Amended]

24. Section 201.28(c)(4) is amended by removing the phrase ''two month'' and adding in its place ''two-month''.

25. Section 201.28(e)(4)(i) is amended by removing ''U.S.'' and adding in its place ''of the United States''.

§ 201.29 [Amended]

26. Section 201.29(e)(3) is amended by removing ''Licensing Division, Copyright Office, Library of Congress, Washington, DC 20557–6400'' and adding in its place ''Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE, Washington, DC 20557–6400''.

§ 201.35 [Amended]

27. Section 201.35(a) is amended by removing the phrase ''as amended by Pub. L. 104–39, 109, Stat. 336''.

§ 201.36 [Amended]

28. Section 201.36(b)(1) is amended by removing ''section 114(f)(1)'' and adding in its place ''section 114(f)(1)(A)''; by removing ''section 114(f)(4)(A)'' and adding in its place ''section 114(f)(1)(C)(i)''; by removing ''section 114(f)(2)'' and adding in its place ''section 114(f)(1)(B)''; and by removing ''section 114(f)(4)(B)'' and adding in its place ''section 114(f)(1)(C)(ii)''.

29. Section 201.36(c) is amended by removing ''section 114(f)(1)'' and adding in its place ''section 114(f)(1)(A)''; by removing ''section 114(f)(4)(A)'' and adding in its place ''section 114(f)(1)(C)(i)''; by removing ''section 114(f)(2)'' and adding in its place ''section 114(f)(1)(B)''; and by removing ''section 114(f)(4)(B)'' and adding in its place ''section 114(f)(1)(C)(ii)''.

§ 201.37 [Amended]

Section 201.37(a) is amended by removing the phrase ''as amended by Pub. L. 104–39, 109 Stat. 336,''.

Section 201.37(b)(1) is amended by removing ''section 114(f)(1)'' and adding in its place ''section 114(f)(1)(A)''; by removing ''section 114(f)(4)(A)'' and adding in its place ''section 114(f)(1)(C)(i)''; by removing ''section 114(f)(2)'' and adding in its place ''section 114(f)(1)(B)''; and by removing ''section 114(f)(4)(B)'' and adding in its place ''section 114(f)(1)(C)(ii)''.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

32. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 202.3 [Amended]

33. Section 202.3(b)(7)(ii) is amended by removing the phrase ''this § 202.3(b)(7)'' and adding in its place ''paragraph (b)(7) of this section''.

§ 202.17 [Amended]

34. Section 202.17(f)(2) is amended by adding the phrase ''of this section'' after ''(f)(1)'' and after ''(f)(1)(iii)''.

§ 202.20 [Amended]

35. Section 202.20(c)(2)(vii)(D)(3) is amended by removing the word ''this'' and adding in its place ''of this section'' after ''paragraph (c)(2)(vii)(D)''.

36. Section 202.20(c)(2)(vii)(D)(4) is amended by adding the phrase ''of this section'' at the end of the paragraph.

37. Section 202.20(c)(2)(vii)(D)(5) is amended by removing the phrase ''(6) or (7) immediately below'' and adding in its place ''paragraphs (c)(2)(vii)(D)(6) or (7) of this section''.

38. Section 202.20(c)(2)(xi)(A)(2) is amended by removing the word ''below'' and adding in its place ''of this section''.

§ 202.22 [Amended]

39. Section 202.22(a) is amended by removing the word ''copywright'' and adding in its place ''copyright''.

40. Section 202.22(c)(1) is amended by removing the word ''itle'' and adding in its place ''Title''.

§ 202.23 [Amended]

41. Section 202.23(c)(1) is amended by adding the phrase ''of this section'' after ''paragraph (b)''.

42. Section 202.23(c)(2) is amended by removing the phrase ''37 CFR''.

43. Section 202.23(d) is amended by removing the phrase ''37 CFR'' and adding in its place ''§§ ''.

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

44. The authority citation for part 203 continues to read as follows:

Authority: 17 U.S.C. 702; 5 U.S.C. 552, as amended.

§ 203.3 [Amended]

45. Section 203.3(g) is amended by adding ''–6000'' after ''20559''.

§ 203.4 [Amended]

46. Section 203.4(f)(2) is amended by removing the word ''requestor'' and adding in its place ''requester''.

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

47. The authority citation for part 204 continues to read as follows:

Authority: 17 U.S.C. 702; 5 U.S.C. 552(a).

§ 204.4 [Amended]

48. Section 204.4(a) is amended by adding ''–6000'' after ''20559''.

§ 204.5 [Amended]

49. Section 204.5(a) is amended by adding ''–6000'' after ''20559''.

§ 204.7 [Amended]

50. Section 204.7(a) is amended by adding ''–6000'' after ''20559''.

§ 204.8 [Amended]

51. Section 204.8(a) is amended by adding ''–6000'' after ''20559''.

PART 211—MASK WORK PROTECTION

52. The authority citation for part 211 continues to read as follows:

Authority: 17 U.S.C. 702 and 908.

§ 211.4 [Amended]

53. Section 211.4(e) is amended by adding the phrase ''of this section'' after ''paragraph (c)(2)''.

§ 211.5 [Amended]

54. Section 211.5(c)(2) is amended by adding the phrase ''of this section'' after ''paragraph (b)(2)(i)''.

55. Section 211.5(d) is amended by adding ''–6000'' after ''20559''.

PART 251—COPYRIGHT ARBITRATION ROYALTY PANEL RULES OF PROCEDURE

56. The authority citation for part 251 continues to read as follows:

Authority: 17 U.S.C. 801–803.

§ 251.54 [Amended]

57. Section 251.54(e) is amended by removing the word ''directly'' after ''arbitrators''.

§ 251.56 [Amended]

58. Section 251.56(a) is amended by removing the number ''60'' and adding the number ''90'' in its place.

59. Section 251.56(b) is amended by removing the phrase ''the order'' and adding in its place the phrase ''the Librarian shall have an additional 30 days to issue the order which''.

§ 251.58 [Amended]

60. Section 251.58(b) is amended by removing ''30 day'' and adding in its place ''30-day''.

PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

61. The authority citation for part 253 continues to read:

Authority: 17 U.S.C. 118, 801(b)(1), and 803.

§ 253.3 [Amended]

62. Section 253.3(e)(4) is amended by removing the word ''or'' after the word ''author''.

§ 253.8 [Amended]

63. Section 253.8(b)(1)(i)(A) is amended by removing the symbol '']'' after ''64.78''.

64. Section 253.8(b)(1)(ii)(D) is amended by removing the word ''semin'' before the word ''reproduced''.

PART 259—FILING OF CLAIMS TO DIGITAL AUDIO RECORDING DEVICES AND MEDIA ROYALTY PAYMENTS

65. The authority citation for part 259 continues to read:

Authority: 17 U.S.C. 1007(a)(1).

§ 259.3 [Amended]

66. Section 259.3(a)(5) is amended by removing ''1001(6)'' each place it appears and adding in its place ''1001(6))''.

PART 260—USE OF SOUND RECORDINGS IN A DIGITAL PERFORMANCE

67. The authority citation for part 260 continues to read:

Authority: 17 U.S.C. 114, 801(b)(1).

§ 260.2 [Amended]

68. Section 260.2(c)(1)(v) is amended by removing the word ''licensee'' and adding in its place ''Licensee''.

69. Section 260.2(c)(2) is amended by removing the phrase ''as are in'' and adding in its place ''as set forth in''.

§ 260.7 [Amended]

70. Section 260.7 is amended by removing the phrase ''three year'' and adding in its place ''three-year''.

Dated: June 29, 1999.

David O. Carson,

General Counsel.

[FR Doc. 99–16940 Filed 7–6–99; 8:45 am]

BILLING CODE 1410–31–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 212

[Docket No. RM99–4]

Design Protection for Vessel Hulls

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim regulations; Request for comments.

SUMMARY: The Copyright Office is adopting interim regulations to implement the registration process for original designs of vessel hulls protected under chapter 13 of the Copyright Act. The Office is requesting interested parties to comment on the regulations. The immediacy of the adoption is required to enable the Copyright Office to begin the registration process for vessel hull designs and implement the law, which became effective on October 28 of last year.

DATES: Effective date is July 1, 1999. Comments should be submitted no later than August 6, 1999. Reply comments are due no later than September 7, 1999.

ADDRESSES: An original and 10 copies of comments and reply comments should be mailed to: Office of the General Counsel, Copyright Office, PO Box 70400, Southwest Station, Washington, DC 20024. If delivered by hand, copies should be brought to: Office of the Copyright General Counsel, Room LM–403, James Madison Memorial Building, 101 Independence Avenue, SE, Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or William J. Roberts, Senior Attorney, Office of the General Counsel, Copyright Office, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

As part of the amendments made to the Copyright Act by the Digital Millennium Copyright Act (DMCA), Pub. L. 105–304, Congress enacted design protection for vessel hulls. Chapter 13 of the Copyright Act creates certain exclusive rights for owners of original designs of vessel hulls provided that registration of the design is made within two years after the date on which the design is first made public. Registration is to be made at the Copyright Office, in accordance with regulations established by the Register of Copyrights.

The Register is issuing the interim regulations contained in this notice to implement the registration process for vessel hull designs. Ordinarily, the administrative process would commence with publication of proposed regulations, followed by a period of public comment, and later publication of final regulations. The Register has determined, however, that interim regulations need to be adopted at this time in order to begin the registration process for vessel hull designs. The need for expedited regulations is evident from two circumstances. First, section 504 of the DMCA requires the Register, in conjunction with the Patent and Trademark Office, to submit a report to Congress evaluating the effects of design protection for vessel hulls within one year of passage of the DMCA. In order to submit a meaningful report to Congress, it is necessary to begin the registration process immediately; otherwise, there will be little to discuss regarding the effects of chapter 13.

Second, the Office has received a growing number of public inquiries regarding registration, particularly as the boating industry prepares its new designs for summer display to dealers and distributors. The Office also acknowledges that the right to commence an infringement action brought by an owner of a vessel hull design is contingent upon first obtaining a certificate of registration. 17 U.S.C. 1321(a). The Register, therefore, concludes that it is appropriate to adopt interim regulations at this time, and request public comment on these regulations. After the Copyright Office reviews the comments, final regulations will be issued.

Interim Regulations

The interim regulations are codified at part 212 of 37 CFR. The highlights of these regulations are discussed briefly below.

1. Fees

The basic application fee is $75. The Copyright Office considers this to be an introductory fee until such time as we can determine the cost to the Office of

the registration process. This principle applies to the other fees described in § 212.2 as well. The Office will adjust the fees, if necessary, in accordance with the provisions of 17 U.S.C. 1316.

An important aspect of the basic fee is that it applies to registration of one vessel hull design only. Multiple designs, whether submitted on a single or multiple application forms, require payment of the $75 fee for each design registered.

2. Registration of Claims for Protection of Eligible Designs

Section 212.3 prescribes the essential requirements for registration of a vessel hull design.

The application form that must be used by all applicants seeking to register a vessel hull design is the Form D–VH, available from the Copyright Office. Copies of the form may also be printed or downloaded from the Copyright Office website (http://www.loc.gov/copyright/ forms/formdvh.pdf). The required elements of a registration application are a completed form D–VH, deposit material identifying the design or designs for which registration is sought, and the appropriate fee prescribed in § 212.2. Applications may only be made by the owner or owners of a design, or their authorized representatives or agents.

Section 212.3(e) contains the requirements for submission of deposit material identifying the design or designs that are submitted for registration. The Copyright Office will accept either drawings or photographs identifying a design. It is important that the exact requirements of paragraph (e) with respect to character, quality, and submission of the photographs or drawings be satisfied. First, the photographs or drawings must adequately depict the design to establish the basis of the claim and to enable the Office to examine the claim. A court would be justified in denying a claim for infringement of an aspect of a design that was not adequately revealed in the deposit material accompanying the application. Second, the requirements of paragraph (e) must be met to enable the Copyright Office to reproduce the depictions of the design on the certificate of registration, as required by the statute. A registration cannot be made if the depictions of the design cannot be reproduced on the certificate.

Section 121.3(f) provides the requirements for submitting claims for multiple designs. Section 1310(j) of title 17 provides that ''[m]ore than one design may be included in the same application under such conditions as may be prescribed by the [Register].'' 17 U.S.C. 1310(j). In order to prevent confusion in examining a single application for multiple designs, the Office is limiting the circumstances under which a single application for multiple designs may be submitted. Paragraph (f) provides that a single application may be submitted for more than one design provided that each of the designs is embodied in the same make and model of the vessel and all other information apart from the type or style and description of the design is the same. If the information (apart from the type or style of the design and the description of the design) in any of the spaces on Form D–VH is different for one or more designs, then multiple application forms must be used. Thus, for example, if a particular make and model of a vessel manufactured by a company contains multiple designs created by the same designer, then a single application may be used (provided, of course, that the information in the remaining spaces of Form D–VH is the same). If, however, the designers for each design are different, then separate application forms must be used for each design.

The $75 application fee applies to each design submitted for registration, regardless of whether the designs appear on a single or multiple applications.

As permitted by 17 U.S.C. 1312(b), the Register is adopting a written declaration for Form D–VH in lieu of the oath required by 17 U.S.C. 1312(a). The written declaration eliminates the need for applicants to have the completed application form notarized. All applicants are advised to read the written declaration carefully before signing as there are criminal penalties for false statements. 17 U.S.C. 1327; 18 U.S.C. 1001.

Section 212.3(h) addresses priority claims—i.e., where an applicant has sought protection for the same design in another country prior to seeking registration in the United States. The paragraph requires the applicant to identify the country, filing date and serial number of the foreign application, and to provide a certified copy of the application and a translation of the application. In addition, if requested by the Copyright Office, the applicant must submit proof that the foreign country in which the prior application was filed extends protection to U.S. citizens that is similar to the protection contained in chapter 13 of title 17. If the protection is not similar, then no credit can be given to the prior application under 17 U.S.C. 1311.

Section 212.3(i) provides that the effective date of a registration is the date of its publication by the Copyright Office, and paragraph (j) provides that publications will be made on the Copyright Office's website.

3. Affixation and Placement of Design Notice

Section 212.4 prescribes the elements, affixation and placement of the design notice required by 17 U.S.C. 1306. The elements of a proper design notice are those prescribed in the statute and repeated in paragraph (b) of this section regulation, and the affixation and location of the design notice is anywhere on the vessel that would give ''reasonable notice'' that the design is protected as the vessel passes through the normal channels of commerce.

Section 212.4(d) describes locations on a vessel where placement of a design notice would indeed give reasonable notice. These locations are by no means the only acceptable locations, but are offered as guidance and a ''safe harbor'' for what would constitute reasonable notice of design protection.

4. Recordation of Distinctive Identification

Section 1306 of title 17 provides that a distinctive identification of an owner of a design may be used in a design notice provided that the distinctive identification is first recorded with the Copyright Office. Section 212.5 of the interim regulations provides the requirements for recording a distinctive identification with the Copyright Office. A suggested format for the recordation is posted on the Copyright Office website.

5. Recordation of Transfers and Other Documents

Section 1320 of title 17 of the United States Code provides that assignments, grants, conveyances and mortgages of rights in registered designs may be recorded in the Copyright Office. Section 212.6 provides that such documents shall be recorded in the same manner as documents pertaining to copyrights, as set forth in section 201.4.

6. Effective Date of Regulations

The effective date of the interim regulations is July 1, 1999. The immediacy of the effective date is required to enable the Copyright Office to begin the registration process for vessel hull designs and implement the law, which became effective on October 28 of last year. The Office will adopt final regulations following receipt of public comment on these interim regulations and based on its experience with registrations made under the interim regulations.

Cancellation of Registrations

Section 1313(c) of title 17 provides that ''[a]ny person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the [Register] at any time to cancel the registration on the ground that the design is not subject to protection under this chapter.'' 17 U.S.C. 1313(c). Upon receipt of such application, the Register must provide the owner of the design with the request for cancellation and ''the owner shall have a period of 3 months after the date on which such notice is mailed to present arguments to the (Register) to support the validity of the registration.'' *Id*. The Register is granted authority to establish regulations by which the opposing parties may ''appear and be heard in support of their arguments,'' and is directed to cancel the registration if she determines that ''the design is not subject to protection under this chapter.'' *Id*.

Because the Copyright Office is just beginning the registration process with publication of these interim regulations, there is no need to adopt cancellation regulations at this time.

The Copyright Office welcomes information or comment as to the registration and cancellation process.

List of Subjects in 37 CFR Part 212

Design, Fees, Registration, Vessel hulls.

Interim Regulations

In consideration of the foregoing, the Register of Copyrights adds part 212 on an interim basis as follows:

PART 212—PROTECTION OF VESSEL HULL DESIGNS

Sec.
212.1 Scope.
212.2 Fees.
212.3 Registration of claims of protection of eligible designs.
212.4 Affixation and placement of design notice.
212.5 Recordation of distinctive identification of vessel hull designer.
212.6 Recordation of transfers and other documents.

Authority: 17 U.S.C. chapter 13.

§ 212.1 Scope.

The provisions of this part apply to the protection and registration of original designs of vessel hulls under chapter 13 of title 17, United States Code. Design protection and registration under this part are separate from copyright protection and registration. Copyright registration is governed by the provisions of part 202 of this subchapter.

§ 212.2 Fees.

The following fees or charges are established by the Register of Copyrights for services related to designs:

(a) For filing an application for registration of one design: $75;

(b) For filing an application for registration of more than one design: $75, plus $75 for each design beyond the first;

(c) For each page of deposit material identifying the design beyond the third page: $20;

(d)(1) For special handling of an application for registration of a design: $500;

(2) For special handling of each additional design in an application for registration of multiple designs: $50;

(e) For corrections or omissions in the certificate of registration: $65;

(f) For recordation of a distinctive identification of an owner: $50;

(g) For providing an additional certificate of registration: $25;

(h) For providing any other certification of Copyright Office records: $65 per hour;

(i) For preparing a search report: $65 per hour;

(j) For expediting a request for certification or search of Office records, the appropriate fees set out in § 201.3(d).

§ 212.3 Registration of claims for protection of eligible designs.

(a) *Limitations.* Protection is not available for, and an application for registration will not be accepted for:

(1) An otherwise eligible design made public prior to October 28, 1998;

(2) An otherwise eligible design made public on a date more than two years prior to the filing of an application for registration under this section;

(3) A design ineligible for any of the reasons set forth in 17 U.S.C. 1302.

(b) *Required elements of application.* An application is considered filed with the Copyright Office on the date on which the following three items have been received by the Copyright Office:

(1) Completed Form D–VH;

(2) Deposit material identifying the design or designs for which registration is sought; and

(3) The appropriate fee.

(c) *Application by owner of design.* An application for registration under this section may be made only by the owner or owners of the design, or by the duly authorized agent or representative of the owner or owners of the design.

(d) *Application form.* Registration must be made on Form D–VH. Forms are available from the Copyright Office and may be reprinted from the Copyright Office's website (http://www.loc.gov/copyright/forms/formdvh.pdf).

(e) *Deposit material.*—(1) *In General.* Identification of the design to be registered may be made in the form of drawings or photographs. No more than two drawings or photographs of the design may appear on a single sheet. Applicants may submit up to three 8½″ × 11″ sheets containing drawings or photographs as part of the basic $75 application fee. The fee for each additional sheet beyond three is $20 per sheet. No combinations of drawings and photographs may be submitted on a single sheet. The drawings or photographs that accompany the application must reveal those aspects of the design for which protection is claimed. The registration extends only to those aspects of the design which are adequately shown in the drawings or photographs.

(2) *Views.* The drawings or photographs submitted should contain a sufficient number of views to make an adequate disclosure of the appearance of the design, i.e. front, rear, right and left sides, top and bottom. While not required, it is suggested that perspective views be submitted to show clearly the appearance and shape of the three dimensional designs.

(3) *Drawings.* (i) Drawings must be in black ink on white 8½″ × 11″ unruled paper. A drawing of a design should include appropriate surface shading which shows clearly the character and contour of all surfaces of any 3-dimensional aspects of the design. Surface shading is also necessary to distinguish between any open and solid areas of the design. Solid black surface shading is not permitted except when used to represent the black color as well as color contrast.

(ii) The use of broken lines in drawings depicting the design is understood to be for illustrative purposes only and forms no part of the claimed design. Structure that is not part of the design, but that is considered necessary to show the environment in which the design is used, may be represented in the drawing by broken lines. This includes any portion of the vessel hull in which the design is embodied or applied that is not considered part of the design. When the claimed design is only surface ornamentation to the vessel hull, the vessel hull in which it is embodied must be shown in broken lines.

(iii) When broken lines are used, they should not intrude upon or cross the depiction of the design and should not

be of heavier weight than the lines used in depicting the design. Where a broken line showing of environmental structure must necessarily cross or intrude upon the representation of the design and obscure a clear understanding of the design, such an illustration should be included as a separate figure, in addition to other figures which fully disclose the subject matter of the design.

(4) *Photographs.* High quality black and white or color photographs will be accepted provided that they are mounted on plain white 8½″ × 11″ unlined paper and do not exceed two photographs per sheet. Photographs must be developed on double weight photographic paper and must be of sufficient quality so that all the details of the design are plainly visible and are capable of reproduction on the registration certificate, if issued.

(f) *Multiple claims.*—(1) *In general.* Claims for more than one design may be filed in one of two ways. If multiple designs are contained on a single make and model of a vessel hull (and therefore, the information in Space 1 of Form D–VH—the make and model of the vessel that embodies the design—is the same for each of the designs), a single application form may be used for all designs, provided that the information in spaces 3 through 9 is the same for each of the designs. If multiple designs are contained on more than one make and model of a vessel, or the information in spaces 3 through 9 is not the same for each of the multiple designs, then separate applications must be used for each design.

(2) *Single application.* Where a single application for multiple designs is appropriate, a separate Form D–VH/CON must be used for each design beyond the first appearing on Form D–VH. Each Form D–VH/CON must be accompanied by deposit material identifying the design that is the subject of the Form D–VH/CON, and the deposit material must be attached to the Form D–VH/CON. The Form D–VH and all the Form D–VH/CONs for the single application must be submitted together.

(3) *Multiple applications.* Where multiple applications for more than one design are required, a Form D–VH must be completed for each design. Deposit material identifying the design must accompany each application. Multiple applications may be filed separately.

(4) *Fees.* The $75 basic application fee applies to each design submitted, regardless of whether a single application or multiple applications are used.

(g) *Written declaration.* In lieu of the oath required by 17 U.S.C. 1312(a), the application shall contain a written declaration, as permitted by 17 U.S.C. 1312(b), signed by the applicant, or the applicant's duly authorized agent or representative. If the design has been made public with the design notice prescribed in 17 U.S.C. 1306, the written declaration shall also describe the exact form and position of the design notice. The written declaration shall read as follows:

> The undersigned, as the applicant or the applicant's duly appointed agent or representative, being hereby warned that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, hereby declares to the best of his/her knowledge and belief:
>
> (1) That the design has been fixed in a useful article;
>
> (2) That the design is original and was created by the designer(s), or employer if applicable, named in the application;
>
> (3) That those aspects of the design for which registration is sought are not protected by a design patent;
>
> (4) That the design has not previously been registered on behalf of the applicant or the applicant's predecessor in title; and
>
> (5) That the applicant is the person entitled to protection and to registration under chapter 13 of title 17, United States Code.

(h) *Priority claims.* An applicant seeking the benefit of 17 U.S.C. 1311 because the applicant has, within the previous 6 months, filed an application for protection of the same design in a foreign country, must provide:

(1) Identification of the filing date of the foreign application;

(2) Identification of the foreign country in which the application was filed;

(3) The serial number or any other identifying number of the foreign application;

(4) A certified copy of the foreign application;

(5) A translation of the foreign application and a statement, signed by the translator, that the translation is accurate, if the foreign application is in a language other than English; and

(6) If requested by the Copyright Office, proof that the foreign country in which the prior application was filed extends to designs of owners who are citizens of the United States, or to applications filed under chapter 13 of title 17, United States Code, similar protection to that provided under chapter 13 of title 17, United States Code.

(i) *Effective date of registration.* The effective date of registration is the date of publication of the registration by the Copyright Office.

(j) *Publication of registration.* Publication of registrations of vessel hull designs shall be made on the Copyright Office website (http://www.loc.gov/copyright/vessels).

§ 212.4 Affixation and placement of design notice.

(a) *General.* (1) This section specifies the methods of affixation and placement of the design notice required by 17 U.S.C. 1306. Sections 1306 and 1307 govern the circumstances under which a design notice must be used and the effect of omission of a design notice. A notice deemed acceptable under this part shall be considered to satisfy the requirements of section 1306 that it be so located and applied as to give reasonable notice of design protection while the useful article embodying the design is passing through its normal channels of commerce. As provided in that section, the examples specified in this part shall not be considered exhaustive of the methods of affixation and locations giving reasonable notice of the claim of protection in the design.

(2) The acceptability of a design notice under these regulations shall depend upon its being legible under normal conditions of use, and affixed in such a manner and position that, when affixed, it may be viewed upon reasonable examination. There is no requirement that a design notice be permanently embossed or engraved into a vessel hull or deck, but it should be affixed in such a manner that, under normal conditions of use, it is not likely to become unattached or illegible.

(b) *Elements of a design notice.* If the design has been registered, the registration number may be included in the design notice in place of the year of the date on which protection for the design commenced and the name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner. The elements of a design notice shall consist of:

(1) The words ''Protected Design'', the abbreviation ''Prot'd Des.'', or the letter ''D'' within a circle, or the symbol *D*;

(2) The year of the date on which protection for the design commenced; and

(3) The name of the owner, an abbreviation by which the name can be recognized, or a generally accepted alternative designation of the owner.

(c) *Distinctive identification.* Any distinctive identification of an owner may be used for purposes of paragraph (b)(3) of this section if it has been recorded by the Register of Copyrights pursuant to § 212.5 before the design

marked with such identification is registered.

(d) *Acceptable locations of notice.* The following are acceptable means of affixing and placement of a design notice:

(1) In close proximity to the hull identification number required by 33 CFR 181.23;

(2) In close proximity to the driver's console such that it is in plain view from the console;

(3) If the vessel is twenty feet in length or less and is governed by 33 CFR 183.21, in close proximity to the capacity marking; and

(4) In close proximity to the make and/or model designation of the vessel.

§ 212.5 Recordation of distinctive identification of vessel hull designer

(a) *General.* Any owner of a vessel hull may record a distinctive identification with the Register of Copyrights for purposes of using such distinctive identification in a design protection notice required by 17 U.S.C. 1306. A distinctive identification of an owner may not be used in a design notice before it has first been recorded with the Register.

(b) *Forms.* The Copyright Office does not provide forms for the use of persons recording distinctive identifications of ownership of a vessel hull. However, persons recording distinctive identifications are encouraged to use the suggested format available on the Copyright Office website (http://www.loc.gov/copyright/vessels).

(c) *Recording distinctive identifications.* Any distinctive identification of an owner of a vessel hull may be recorded with the Register of Copyrights provided that a document containing the following is submitted:

(1) The name and address of the owner;

(2) A statement of the owner that he/she is entitled to use the distinctive identification;

(3) A statement or depiction of the identification; and

(4) A recordation fee of $50.

(d) The document should be mailed to: Dept. D–VH, Vessel Hull Registration, P.O. Box 71380, Washington, DC 20024–1380.

§ 212.6 Recordation of transfers and other documents

The conditions prescribed in § 201.4 of this chapter for recordation of transfers of copyright ownership and other documents pertaining to copyright are applicable to the recordation of documents pertaining to design protection of vessel hulls under 17 U.S.C. chapter 13.

Dated: June 24, 1999.

Marybeth Peters,

Register of Copyrights.

James H. Billington,

Librarian of Congress.

[FR Doc. 99–16828 Filed 7–6–99; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 430

[FRL–6372–9]

RIN 2040–AD05

Amendment to the Effluent Limitations Guidelines and Standards for the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Point Source Category: Final Rule; OMB Approvals Under the Paperwork Reduction Act: Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This action promulgates an amendment to the effluent limitations guidelines and standards under the Clean Water Act for the pulp, paper and paperboard point source category. The amendment affects only existing direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory that choose to enroll in the Voluntary Advanced Technology Incentives Program (VATIP). EPA established the VATIP as part of the final Pulp and Paper ''Cluster Rules'' on April 15, 1998. Today's amendment adds a component to the VATIP. This amendment requires a plan (referred to as the ''Milestones Plan'') specifying research, construction, and other activities leading to achievement of the VATIP effluent limitations with accompanying dates for achieving these milestones. The purpose of the Milestones Plan is to provide the permitting authority with mill-specific information upon which to base permit requirements reflecting reasonable interim milestones. In compliance with the Paperwork Reduction Act (PRA), this action also makes a technical amendment to the table in Part 9 that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Pulp, Paper, and Paperboard Point Source Category. EPA is amending Part 9 to include the OMB control number for the Milestones Plan requirement being promulgated today and the OMB control number for the information collection requirements associated with the best management practices regulations promulgated last year as part of the Cluster Rules.

DATES: The effective date of these amendments is August 6, 1999. For compliance dates, see the **SUPPLEMENTARY INFORMATION** section under the heading ''Compliance Dates.''

ADDRESSES: The public record (excluding confidential business information) for this rulemaking is available for review at the EPA's Water Docket, 401 M Street, SW, Washington DC, 20460. For access to docket materials, call (202) 260–3027 between 9:00 a.m. and 3:30 p.m. for an appointment.

FOR FURTHER INFORMATION CONTACT: Mr. Mark A. Perez, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460; call (202) 260–2275 or e-mail: perez.mark@epa.gov. Information is also available from the EPA pulp and paper website: http://www.epa.gov/OST/pulppaper.

SUPPLEMENTARY INFORMATION:

Overview

This preamble describes the legal authority for the amendment to Part 430, background information on the VATIP, and the rationale for the Milestones Plan. It also discusses the technical amendment to Part 9.

Regulated Entities

Entities potentially regulated by the amendment to Part 430 are those existing, direct discharging mills that chemically pulp wood fiber using kraft or soda methods to produce bleached papergrade pulp and/or bleached paper or paperboard, if they choose to enroll in the VATIP. Entities affected by the technical amendment to Part 9 are those operations that chemically pulp wood fiber using kraft, sulfite, or soda methods to produce bleached papergrade pulp and/or bleached paper/paperboard, insofar as today's technical amendment means the mills in Subparts B and E are now required to comply with the information collection requirements contained in 40 CFR 430.03 (subject to the deadlines in 40 CFR 430.03(j)). Regulated categories and entities include:

Category	Rule	SIC code	NAICS code	Examples of regulated entities
Industry	Amendment to Part 430	2611, 2621	32211, 322121	Existing, direct discharging Bleached Papergrade Kraft and Soda mills that choose to enroll in the Voluntary Advanced Technology Incentives Program.
Industry	Amendment to Part 9	2611, 2621	32211, 322121	Mills that chemically pulp wood fiber using kraft, sulfite, or soda methods to produce bleached papergrade pulp and/or bleached paper/paperboard.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by today's actions. This table lists the types of entities that EPA is now aware could potentially be regulated by today's actions. Other types of entities not listed in the table could also be affected. To determine whether your facility is regulated by today's actions, you should carefully examine the applicability criteria in Section 430.20 of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of today's actions to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Judicial Review

In accordance with 40 CFR 23.2, today's rule shall be considered promulgated for the purposes of judicial review at 1 pm Eastern Time on July 21, 1999. Under section 509(b)(1) of the Clean Water Act (CWA), judicial review of today's amendment to the effluent limitations guidelines and standards already codified at 40 CFR Part 430 is available in the United States Court of Appeals by filing a petition for review within 120 days from the date of promulgation of this amendment. Under section 509(b)(2) of the CWA, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Compliance Dates

Existing, direct dischargers presently enrolled or intending to enroll in the Voluntary Advanced Technology Incentives Program must comply with the requirements of this amendment by October 5, 1999, or by the date the discharger applies for a National Pollutant Discharge Elimination System (NPDES) permit containing limitations and conditions based on 40 CFR 430.24(b), whichever is later.

I. Legal Authority

This regulation establishes requirements for submitting a Milestones Plan by existing, direct discharging mills that choose to enroll in the Voluntary Advanced Technology Incentives Program (VATIP). This amendment to Part 430 is promulgated under the authority of Sections 301, 304, 308, 402, and 501 of the Clean Water Act, as amended, (33 U.S.C. 1311, 1314, 1318, 1342, and 1361), and Section 112 of Clean Air Act, as amended (42 U.S.C. 7412). The technical amendment to Part 9 is promulgated under the authority of 7 U.S.C 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. # 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

II. The Milestones Plan Amendment

A. Background on the Voluntary Advanced Technology Incentives Program

EPA promulgated effluent limitations guidelines and standards for the Bleached Papergrade Kraft and Soda (Subpart B) subcategory of the pulp, paper and paperboard point source category on April 15, 1998 (40 CFR Part 430). Those regulations are commonly referred to as the Cluster Rules. In Section 430.24 of the final rule, EPA created the Voluntary Advanced Technology Incentives Program (VATIP), whereby participating mills agree to accept enforceable effluent limitations and conditions in their National Pollutant Discharge Elimination System (NPDES) permits that are more stringent than the baseline Best Available Technology Economically Achievable (BAT) limitations that would otherwise apply, in exchange for regulatory-and enforcement-related rewards and incentives.

The VATIP effluent limitations for existing, direct discharging mills are specified in 40 CFR 430.24(b). EPA established the VATIP for Subpart B to encourage direct discharging mills to move beyond baseline BAT technologies toward the ''mill of the future,'' which EPA believes will have a minimum impact on the environment. The development of increasingly more advanced process technologies that minimize the discharge of wastewater and wastewater pollutants is a critical step toward the Clean Water Act's ultimate goal of eliminating the discharge of pollutants into the Nation's waters. Therefore, the VATIP promotes EPA's statutory goal and establishes limitations that act as a beacon to show what is possible. (EPA also established an incentives program for new direct discharging sources, see 40 CFR 430.25(c), but today's amendment does not apply to that program.)

Existing, direct discharging mills that enroll in the VATIP can choose among three different levels of ultimate performance requirements, expressed as Tier I, Tier II, or Tier III. Tier III is the most stringent of the tiers. Each BAT Tier is made up of an array of increasingly more stringent effluent limitations in the form of enforceable milestones. See, e.g., 40 CFR 430.24(b)(2). Each tier culminates in the ultimate performance requirements of that particular tier. See 40 CFR 430.24(b)(4)(I). EPA is providing incentives that include additional time for achieving those requirements. Mills enrolled at BAT Tier I have until April 15, 2004 to achieve their ultimate VATIP effluent limitations. For Tier II, the date is April 15, 2009, and for Tier III the date is April 15, 2014. See 40 CFR 430.24(b)(4)(ii). For further details on the incentives associated with this voluntary program, see Section IX of the preamble to the Cluster Rules (63 FR 18504, 18593–611 (April 15, 1998)) and The Voluntary Advanced Technology Incentives Program Technical Support Document (DCN 14488 in the rulemaking record).

In order to facilitate achievement of the ultimate VATIP limitations required by this program, today's rule requires all existing mills participating in the VATIP to submit a Milestones Plan to the NPDES permitting authority detailing, for each enrolled fiber line,

the strategy the mill will follow to develop and implement the technologies or processes it intends to use to achieve the VATIP limitations associated with the chosen incentive tier. EPA proposed this amendment at the same time it promulgated the Cluster Rules, including the VATIP. See 63 FR 18796 (April 15, 1998).

B. Rationale for the Milestones Plan

The Milestones Plan described in this amendment to 40 CFR 430.24 is intended to provide information to the permitting authority for its use in developing interim limitations and/or permit conditions under 40 CFR 430.24(b)(2). The purpose of those limitations and conditions, identified as Best Professional Judgment Milestones in the current regulation, is to ensure that existing mills enrolled in the VATIP will make reasonable progress toward the achievement of the interim and ultimate Voluntary Advanced Technology BAT limitations codified at 40 CFR 430.24(b)(3) and (4). The Milestones Plan required by today's rule is not itself enforceable, but rather serves as the basis for the Best Professional Judgment Milestones limitations and conditions, which are enforceable. EPA intends that an individualized Milestones Plan for each existing mill enrolled in the VATIP will provide sufficient flexibility to the mill and the permitting authority so that the Best Professional Judgment Milestones limitations and conditions in the NPDES permit can reflect the unique situation at that mill.

C. Description of the Milestones Plan

The Milestones Plan requirement is codified at 40 CFR 430.24(c). The Milestones Plan, which must address each fiber line enrolled in the VATIP, must describe each envisioned new technology component or process modification the mill intends to implement in order to achieve the applicable Voluntary Advanced Technology BAT limits. See 40 CFR 430.24(c)(1). In addition, the Milestones Plan must include a master schedule showing the sequence of implementing the new technologies and process modifications and identifying critical path relationships within the sequence. See 40 CFR 430.24(c)(2).

The Milestones Plan must include for each new technology or process modification, a schedule that identifies the anticipated initiation and completion dates of construction, installation and operational ''shakedown'' period associated with the technology components or process modifications and, when applicable, the anticipated dates of initiation and completion of associated research, process development, and mill trials. EPA expects research, process development, and mill trials to be undertaken for those technologies or process modifications that are not commercially available or demonstrated on a full-scale basis at the time the plan is developed. The Milestones Plan must also include the anticipated dates that the technologies and processes identified in the Milestones Plan will be fully operational, including the appropriate anticipated magnitude of reductions in effluent quantity and anticipated improvements in effluent quality associated with each technology and process modification implemented as measured at the bleach plant (for bleach plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX)) and at the end of the pipe (for AOX), and the dates the discharger expects those reductions and improvements to be achieved. See 40 CFR 430.24(c)(3). The anticipated reductions in effluent quantity and improvement in effluent quality described in the Milestones Plan will assist the permitting authority in establishing interim milestones.

The plan also must include contingency plans in the event that any of the technologies or processes specified in the Milestones Plan need to be adjusted or alternative approaches developed to ensure that the VATIP limitations are achieved by the dates specified in 40 CFR 430.24(b). See 40 CFR 430.24(c)(4). EPA believes that contingency planning is appropriate because mills may decide to employ innovative or untested technologies and processes to achieve the VATIP limitations, and EPA wants to ensure that achievement of those limitations will not be delayed in the event certain preliminary approaches prove to be unsuccessful. Indeed, the time periods specified for complying with the ultimate Tier II and Tier III VATIP limitations specifically took into account the uncertainties surrounding some of the associated technologies and processes. See 63 FR at 18605. The Milestones Plan must be signed by the responsible corporate officer as defined in 40 CFR 122.22. See 40 CFR 430.24(c)(5).

Mills at all Tier levels are encouraged to provide, as an appendix to the Milestones Plan, vendor documentation or preliminary studies. Mills enrolling in either Tier II or III levels are also encouraged to provide feasibility studies, research proposals and reports, and literature on minimum effluent technology. Mills enrolling in the Tier III level are additionally encouraged to provide literature on closed cycle technology.

D. Permit Writers' Responsibilities

EPA expects the permitting authority to use the information contained in these Milestones Plans, as well as its own best professional judgment, to establish enforceable narrative or numeric limitations and/or special permit conditions that reflect these interim milestones. EPA also expects permit writers to include reopener clauses in the permits to adjust these limitations and conditions as appropriate to reflect the results of research, process development, mill trials, and contingencies the permit writer gathers during periodic review of the mill's progress in implementation of the Milestones Plan.

E. Changes Since Proposal

EPA received comments on the proposed Milestones Plan regulation indicating that a mill may wish to claim as Confidential Business Information (CBI) the technologies or processes by which it intends to achieve the interim and ultimate VATIP limitations. EPA agrees that this situation could occur. Therefore, although not required to do so, because Part 2 controls in any case, EPA is including language in the final rule in Section 430.24(c) specifically indicating that a mill can claim all or part of the Milestones Plan as confidential. To assert such claims, the discharger would need to follow procedures set forth in 40 CFR Part 2 and 40 CFR 122.7. Such claims would then be handled pursuant to 40 CFR Part 2 when EPA is the permitting authority and pursuant to applicable state rules and regulations governing CBI when states are the permitting authorities.

Today's final regulation also requires mills asserting a CBI claim to prepare a public summary of the confidential portion of the plan and to submit that summary to the permitting authority along with the Milestones Plan. This requirement would allow the public, on request, to obtain information about the mill's progress in achieving its VATIP limitations.

Today's final regulation also corrects an inadvertent omission that occurred in the proposal. In the preamble to the proposed rule, EPA described the proposed rule as including a requirement for mills to describe in the Milestones Plan the anticipated reductions in effluent quantity and improvements in effluent quality as measured at the bleach plant (for bleach

plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX)) and at the end of the pipe (for AOX). See 63 FR at 18798. EPA intended to include this provision in the proposed regulatory text as well as in the preamble, but did not do so. Today's final regulation incorporates this provision at Section 430.24(c)(3). In the final regulation, EPA is also clarifying that the requirement to include contingency plans in the Milestones Plan is a stand-alone requirement rather than simply a facet of the milestone schedules, as may have been implied by the proposal. This provision is now set forth at 40 CFR 430.24(c)(4). EPA is also making minor additional changes to enhance clarity. The burden estimates developed by EPA for these provisions under the Paperwork Reduction Act reflected the requirements as promulgated today rather than as set forth in the proposed regulatory text.

III. The Technical Amendments to Part 9

EPA is also amending the table of currently approved information collection request (ICR) control numbers issued by the Office of Management and Budget (OMB) for various regulations. Today's amendment updates the table to list the information requirements promulgated under today's Milestones Plan amendment, as well as the information requirements for direct and indirect dischargers associated with the best management practices (BMPs) promulgated as part of the Pulp and Paper Cluster Rules, which appeared in the **Federal Register** on April 15, 1998. See 63 FR 18504. The affected regulations are codified at 40 CFR 430.24(c) (the Milestones Plan) and 40 CFR 430.03 (BMPs). The OMB control number for 40 CFR 430.24 is 2040–0202 and 40 CFR 430.03 is 2040–0207.

EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR Part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists CFR citations with reporting and/or recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR Part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. See 63 FR 71634 (Dec. 28, 1998) (BMPs); 63 FR 57294 (Oct. 27, 1998) (Milestones Plan). As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

As a result of today's technical amendment pertaining to BMPs, EPA is now authorized under the Paperwork Reduction Act to conduct or sponsor the information collection requirements in 40 CFR 430.03. Similarly, all dischargers subject to those requirements now are required to comply with them, consistent with the deadlines set forth in 40 CFR 430.03(j). The substantive BMP provisions covered by the OMB control number are 40 CFR 430.03(c), (d), (e), (f), (g), (h), and (I).

IV. Administrative Requirements for the Amendment to Part 430

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866, 58 FR 51735 (October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a ''significant regulatory action'' and is therefore not subject to OMB review.

B. Regulatory Flexibility Act as Amended by the Small Business Regulatory Enforcement Fairness Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* as amended by the Small Business Regulatory Enforcement Fairness Act, EPA generally is required to prepare a regulatory flexibility analysis describing the impact of a regulatory action on small entities as part of the rulemaking. The RFA defines ''small entity'' to mean a small business, small organization or small governmental jurisdiction. Under section 605(b) of the RFA, if the Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities, EPA is not required to prepare a regulatory flexibility analysis.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities because there are no small entities subject to the rule. At the time EPA published the Cluster Rule, EPA had determined that there were only three mills in Subpart B that were owned by small businesses (where small businesses are defined as firms employing no more than 750 workers) (63 FR 18504, 18611–12 (April 15, 1998)). EPA has since determined that there are no longer any small businesses in Subpart B because these mills are no longer owned by firms with fewer than 750 employees. The mills that were owned by small firms have been bought by larger firms or are owned by companies that have increased in size.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040–0202.

These information collection activities consist of a Milestones Plan to be submitted by facilities that enroll in the Voluntary Advanced Technology Incentives Program (VATIP) to the NPDES permitting authority. This Milestones Plan specifies research, construction, and other activities leading to achievement of the VATIP effluent limitations with accompanying dates for achieving these milestones. The purpose of the Milestones Plan is to provide the permitting authority with mill-specific information upon which to base permit requirements reflecting reasonable interim milestones. A facility may submit their Milestones Plan to the NPDES permitting authority as confidential business information (CBI), however, the mill must prepare and submit to the NPDES permitting authority a summary of the plan for public release.

EPA estimates 56, 154, and 328 hours for the preparation and submittal of the

Milestones Plan for mills enrolling in Tier I, Tier II, and Tier III of the VATIP, respectively. The Agency anticipates 14 mills to enroll in Tier I, 13 mills to enroll in Tier II, and 2 mills to enroll in Tier III.

Estimating $65 and $100 per hour for process engineering time and senior management time, respectively (labor plus overhead), mills will incur a one-time cost burden of $3,990 for enrollment in Tier I, $11,120 for enrollment in Tier II, and $23,840 for enrollment in Tier III. These estimates include vendor documentation or preliminary studies at all Tier levels and additional feasibility studies, research proposals and reports, and literature at Tier II and III levels.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes time needed to: review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with previously applicable instructions and requirements; train personnel to be able to respond to the collection of information; search data sources; complete and review the collection of information and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor a collection of information, 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 PRA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. EPA is amending the table in 40 CFR Part 9 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in this final rule.

D. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA published a notice of proposed rulemaking for today's amendment at 63 FR 18796 (April 15, 1998). Today's rule contains no Federal mandates (under the provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The rule imposes no enforceable duty on any State, local or tribal governments or the private sector. The VATIP, which now requires the submission of a Milestones Plan, is a voluntary program. The UMRA excludes from the definition of ''Federal private sector mandate'' duties that arise from participation in a Federal voluntary program. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA. Further, EPA has determined that this rule does not affect any small governments. The rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, this rule is not subject to the requirements of section 203 of UMRA.

E. Executive Order 12875, Enhancing the Intergovernmental Partnership

Under Executive Order 12875, 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, Executive Order 12875 requires EPA to 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, 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 amendment to Part 430 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 Executive Order 12875 do not apply to this rule.

F. Executive Order 13084, Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, 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, Executive Order 13084 requires EPA to provide to 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. Today's amendment to Part 430 does not create a mandate on tribal governments. It does not impose any enforceable duties or substantial direct compliance costs on them. Accordingly, the requirements of

Section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12898

Executive Order 12898 directs Federal agencies to ''determine whether their programs, policies, and activities have disproportionally high adverse human health or environmental effects on minority populations and low-income populations.'' (Sec. 3–301 and Sec. 3–302). This rule will not have any adverse health or environmental effects on those populations.

H. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule initiated after April 21, 1997, or proposed after April 21, 1998, that (1) is determined to be ''economically significant'' as defined under Executive Order 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 these 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.

Today's amendment to Part 430 is not subject to Executive Order 13045 because the Notice of Proposed Rulemaking was published before April 21, 1998, and because it is not an economically significant rule as defined under Executive Order 12866.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule, Section 12(d) of the National Technology Transfer and Advancement Act (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through the Office of Management and Budget, an explanation when the Agency decides not to use available and potentially applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

V. Administrative Requirements for the Technical Amendments to Part 9

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the technical amendment to Part 9 is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, the technical amendment 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). The technical amendment 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 portion of today's rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined under Executive Order 12866. Further, EPA interprets Executive Order 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. Today's technical amendment is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. EPA's compliance with these statutes and Executive Orders for the underlying requirements is discussed above for the Milestones Plan and, for the BMP requirements in the **Federal Register** Final Rule publishing those requirements. See 63 FR at 18611–16 (April 15, 1998).

VI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. Section 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 the technical amendments 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a major rule as defined by 5 U.S.C. Section 804(2). This rule will be effective August 6, 1999.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 430

Environmental protection, Pulp and paper products industry, Reporting and recordkeeping requirements, Water pollution control.

Dated: June 30, 1999.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, title 40 chapter I of the Code of Federal Regulations, parts 9 and 430, are amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C 135 et seq., 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 et seq., 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1, the table is amended by adding entries in numerical order under the indicated heading ''Pulp, Paper, and Paperboard Point Source Category'' and by removing the entry for ''430.24–430.27'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
* * * * *	
Pulp, Paper, and Paperboard Point Source Category:	
* * * * *	
430.03	2040–0207

40 CFR citation	OMB control No.
* * * * *	
430.24(a)	2040–0033
430.24(b)	2040–0033 2040–0202
430.24(c)	2040–0202
430.24(d)	2040–0033
430.24(e)	2040–0033
430.25–430.27	2040–0033
* * * * *	

PART 430—THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

1. The authority citation for part 430 continues to read as follows:

Authority: Sections 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended, (33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361), and Section 112 of Clean Air Act, as amended (42 U.S.C. 7412).

2. Section 430.24 is amended by revising paragraph (b)(2) and adding paragraph (c) to read as follows:

§ 430.24 Effluent limitations representing the degree of effluent reduction attainable by the application of best available technology economically achievable (BAT).

* * * * *

(b) * * *

(2) Best Professional Judgment Milestones: Narrative or numeric limitations and/or special permit conditions, as appropriate, established by the permitting authority on the basis of his or her best professional judgment that reflect reasonable interim milestones toward achievement of the effluent limitations specified in paragraphs (b)(3) and (b)(4) of this section, as applicable, after consideration of the Milestones Plan submitted by the discharger in accordance with paragraph (c) of this section.

* * * * *

(c) All dischargers enrolled or intending to enroll in the Voluntary Advanced Technology Incentives Program must submit to the NPDES permitting authority a Milestones Plan covering all fiber lines enrolled or intended to be enrolled in that program at their mill by October 5, 1999 or the date the discharger applies for an NPDES permit containing limitations and conditions based on paragraph (b) of this section, whichever is later. Mills may claim all or part of the Milestones Plan as confidential business information (CBI) in accordance with 40 CFR Part 2 and 40 CFR 122.7. If a mill claims all or part of the plan as CBI, the mill must prepare and submit to the NPDES permitting authority a summary of the plan for public release. The Milestones Plan must include the following information:

(1) A description of each anticipated new technology component or process modification that the discharger intends to implement in order to achieve the limitations in paragraphs (b)(3) and (b)(4) of this section;

(2) A master schedule showing the sequence of implementing the new technology components or process modifications and identifying critical path relationships within the sequence;

(3) A schedule for each individual new technology component or process modification that includes:

(i) The anticipated initiation and completion dates of construction, installation and operational ''shakedown'' period associated with the technology components or process modifications and, when applicable, the anticipated dates of initiation and completion of associated research, process development, and mill trials;

(ii) The anticipated dates that the discharger expects the technologies and process modifications selected to achieve the limitations specified in paragraphs (b)(3) and (b)(4) of this section to be operational on a full-scale basis; and

(iii) The anticipated magnitude of reductions in effluent quantity and the anticipated improvements in effluent quality associated with each technology and process modification implemented as measured at the bleach plant (for bleach plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX)) and at the end of the pipe (for AOX), and the dates the discharger expects those reductions and improvements to be achieved;

(4) Contingency plans in the event that any technology or process specified in the Milestones Plan need to be adjusted or alternative approaches developed to ensure that the limitations specified in paragraphs (b)(3)and (b)(4) of this section are met; and

(5) A signature by the responsible corporate officer as defined in 40 CFR 122.22.

* * * * *

[FR Doc. 99–17207 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–92–1–7368; FRL–6342–9]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revised Format for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The EPA is revising the format of 40 Code of Federal Regulations (CFR) part 52 for materials submitted by Texas that are incorporated by reference (IBR) into the State Implementation Plans (SIPs). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA. This format revision will primarily affect the ''Identification of plan'' of 40 CFR 52.2270, as well as the format of the SIP materials that will be available for public inspection at the EPA Region 6 office, the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC., and the Office of the Federal Register. The sections of 40 CFR 52.2270 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review and 40 CFR 52.2271 through 52.2309 remain unchanged. The EPA has determined that good cause exists for issuing this rule without public comment.

EFFECTIVE DATE: This action is effective July 7, 1999.

ADDRESSES: The SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733;

Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and

Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD–L) at the above Region 6 address or at (214) 665–7354.

SUPPLEMENTARY INFORMATION:

Background

Each State is required by section 110(a)(1) of the Clean Air Act (Act), to have a SIP that contains the control

measures and strategies which will be used to attain and maintain the national ambient air quality standards. The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA pursuant to 110(k) of the Act, after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans) of 40 CFR. The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are ''incorporated by reference,'' which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and ensures that the State is enforcing the regulations. It also allows EPA to take enforcement action, or the public to bring citizen suits, should a State not enforce its SIP-approved regulations.

The SIP is an active or changing document which can be revised by the State as necessary to address the unique air pollution problems in the State as long as changes are not contrary to Federal law. Therefore, EPA, from time to time, must take action to incorporate into the SIP, revisions of the State program which may contain new and/or revised regulations. Regulations approved into the SIP are then incorporated by reference into part 52. Pursuant to 110(h)(1) of the Act and as a result of consultations between EPA and the Office of Federal Register, EPA revised the procedures May 22, 1997 (62 FR 27968), for incorporating by reference federally-approved SIPs and began the process of developing: (1) a revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51, (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR, and (3) a revised format of the ''Identification of plan'' sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and ''Identification of plan'' format are discussed in further detail in the May 22, 1997, **Federal Register** document.

Content of Revised IBR Document

The new SIP compilations contain the federally-approved portion of State regulations and source specific permits submitted by each State agency. These regulations and source-specific permits have all been approved by EPA through previous rulemaking actions in the **Federal Register**. The SIP compilations are stored in 3-ring binders and will be updated primarily on an annual basis.

If no significant changes are made for any State to the SIP during the year, an update will not be made during that year. If significant changes occur during the year, an update could be done on a more frequent basis, as applicable. Typically, only the revised sections of the compilation will be updated. Complete resubmittals of a State SIP compilation will be done on an as-needed basis.

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source-specific permits that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these States. The regional EPA offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region 6 EPA Office developed and will maintain the compilations for Texas. A copy of the full text of the State's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center. The EPA is beginning the phasing in of SIP compilations for individual States, and expects to complete the conversion of the revised ''Identification of plan'' format and IBR documentation for all states by May 1999. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Act.

Revised Format of the ''Identification of Plan'' Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the ''Identification of plan'' section of 40 CFR 52.2270. The EPA is including additional information which will more clearly identify the provisions that constitute the enforceable elements of the SIP.

The revised ''Identification of plan'' section will contain five subsections: (a) Purpose and scope; (b) Incorporation by reference; (c) EPA approved regulations; (d) EPA approved source-specific permits; and (e) EPA approved nonregulatory provisions, such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

Enforceability and Legal Effect

This change to the procedures for incorporation by reference announced today will not alter in any way the enforceability or legal effect of approved SIP materials, including both those approved in the past or to be approved in the future. As of the effective date of the final rule approving a SIP revision, all provisions identified in the **Federal Register** document announcing the SIP approval will be federally enforceable, both by EPA under section 113 of the Act and by citizens under section 304 of the Act, where applicable. All revisions to the applicable SIP are federally enforceable as of the effective date of EPA approval even if they have not yet been incorporated by reference. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original ''Identification of Plan'' section, previously appearing in the CFR as the first or second section of part 52 for each State subpart.

Notice of Administrative Change

Today's action constitutes a ''housekeeping'' exercise to ensure that federally approved State plans are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA Regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

The EPA has determined that today's rule falls under the ''Good Cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding good cause, authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is unnecessary since the codification only reflects existing law. Immediate revision to the CFR benefits the public by removing outdated citations.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget has exempted this regulatory action from E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, 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 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 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

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that EPA determines: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risks 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 is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, 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 EPA complies by consulting, E.O. 13084 requires EPA to provide to the OMB, in 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. This action does not involve or impose any requirements that affect Indian tribes. The rule does not impose any enforceable duties on these entities. 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, 5 U.S.C. 600 *et seq.*, 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 government jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because the 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 the nature of the Federal-State relationship under the Act, preparations of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state actions. 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, 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 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.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated 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 preexisting 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 Congress and to the Comptroller General of the United States. The 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

The EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this

action. Prior EPA rulemaking actions approving each individual component of Texas SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this ''Identification of plan'' reorganization action for Texas.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 29, 1999.

Gregg A. Cooke,

Regional Administrator, Region 6.

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

PART 52—[AMENDED]

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

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

Subpart SS—Texas

2. Section 52.2270 is redesignated as § 52.2299 and the section heading and paragraph (a) are revised to read as follows:

§ 52.2299 Original identification of plan section.

(a) This section identifies the original ''Texas Air Pollution Control Implementation Plan'' and all revisions submitted by Texas that were federally approved prior to December 31, 1998.

* * * * *

3. A new § 52.2270 is added to read as follows:

§ 52.2270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Texas under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 31, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the Federal Register. Entries in paragraph (c) of this section with EPA approval dates after December 31, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of December 31, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) EPA approved regulations.

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Chapter 101—General Rules				
Section 101.1	Definitions	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 101.1 Table I	Definitions—Major Source/Major Modification Emission Thresholds.	05/08/92	09/27/95, 60 FR 49781	Ref 52.2299(c)(97).
Section 101.1 Table II	Definitions—List of Synthetic Organic Chemicals.	12/03/82	06/26/85, 50 FR 26362	Ref 52.2299(c)(61). Note: 52.2299(c) (97)(i)(O) only changed the table # from Table I to Table II.
Section 101.2	Multiple air Contaminant Sources or Properties.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.3	Circumvention	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.4	Nuisance	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.5	Traffic Hazard	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.6	Notification Requirements for Major Upset.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.7	Notification Requirements for Maintenance.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.8	Sampling	12/11/73	01/27/82, 47 FR 03767	Ref 52.2299(c)(33).
Section 101.9	Sampling Ports	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.10	Emission Inventory Requirements.	10/15/92	08/26/94, 59 FR 44036	Ref 52.2299(c)(82).
Section 101.11	Exemptions from Rules and Regulations.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.12	Board Seal	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.13	Use and Effect of Rules	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.14	Sampling Procedures and Terminology.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.15	Petition for Variance	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.16	Effect of Acceptance of Variance or Permit.	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.17	Transfers	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 101.18	Remedies Cumulative	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.19	Severability	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7).
Section 101.20	Compliance with Environmental Protection Agency Standards.	05/09/75 07/26/85	06/01/77, 42 FR 27894 06/24/92, 57 FR 28093	Rule 23 Ref, 52.2299(c)(10) Section 101.20(3), Ref 52.2299(c)(73). (1) and (2) NOT IN SIP.
Section 101.21	The National Primary and Secondary Air Quality Standards.	05/09/75	06/01/77, 42 FR 27894	Ref 52.2299(c)(10).
Section 101.22	Effective Date	07/20/81	04/22/82, 47 FR 17285	Ref 52.2299(c)(31).
Section 101.30	Conformity of General and State Actions to State Implementation Plans.	11/22/94 and 08/21/97	03/11/98, 63 FR 11833	Ref 52.2299(c)(106).
Section 101. Rule 16	Invoking Jurisdiction	04/13/73	6/22/73, 38 FR 16568	Ref 52.2299(c)(7). Not in current Texas General Rules.
Section 101. Rule 19	Initiation of Review	04/13/73	06/22/73, 38 FR 16568	Ref 52.2299(c)(7). Not in current Texas General Rules.
Chapter 111 (Reg 1)—Control of Air Pollution from Visible Emissions and Particulate Matter				
Part A—Outdoor Burning				
Section 111.101	General Prohibition	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.103	Exceptions to Prohibition of Outdoor Burning.	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.105	General Requirements for Allowable Outdoor Burning.	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.107	Responsibility for Consequences of Outdoor Burning.	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Part B—Visible Emissions				
Section 111.111	Requirements for Specified Sources.	06/18/93	05/08/96, 61 FR 20734	Ref 52.2299(c)(94).
Section 111.113	Alternative Opacity Limitations.	06/16/89	05/08/96, 61 FR 20732	Ref 52.2299(c)(94).
Part C—Incineration				
Section 111.11	Single-Chamber Incinerator.	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.12	Approval of Incinerators	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Part E—Materials Handling, Construction, Roads, Streets, Alleys, and Parking Lots				
Section 111.141	Geographic Areas of Application and Date of Compliance.	10/25/91	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.143	Materials Handling	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.145	Construction and Demolition.	10/25/91	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.147	Roads, Streets, and Alleys	10/25/91	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Section 111.149	Parking Lots	06/16/89	01/18/94, 59 FR 02534	Ref 52.2299(c)(79).
Part F—Particulate Matter				
Section 111. Rule 105.1	Allowable Emission Limits	01/28/72	05/31/72, 37 FR 10895	Ref 52.2299(b).
Section 111. Rule 105.2	Ground Level Concentrations.	01/28/72	05/31/72, 37 FR 10895	Ref 52.2299(b).
Section 111. Rule 105.3	Emission Limits from Solid Fossil Fuel Fired Steam Generators.	01/28/72	05/31/72, 37 FR 10895	Ref 52.2299(b).
Part G—Particulate Matter From Agricultural Processes				
Section 111.71	Applicability of Rules	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 111.72	Process Weight Method	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.73	Alternate Method	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.74	Failure to Select Alternate Method.	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.75	Severability of Rules	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Section 111.76	Compliance	01/22/74	07/26/82, 47 FR 32126	Ref 52.2299(c)(44).
Part H—Exemptions				
Section 111.81	Exemption Policy	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
Section 111.82	Requirements for Exemption.	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
Section 111.83	Extension of Exemption	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50).
Part I—Compliance				
Section 111.92	Compliance Dates	01/08/82	02/25/83, 48 FR 08073	Ref 52.2299(c)(50). Note: NOT in current State Regulation.
Chapter 112 (Reg 2)—Control of Air Pollution From Sulfur Compounds				
Section 112.1	Definitions	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.2	Compliance, Reporting, and Recordkeeping.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.3	Net Ground Level Concentrations.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.4	Net Ground Level Concentrations—Exemption Conditions.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.5	Allowable Emission Rates—Sulfuric Acid Plant Burning Elemental Sulfur.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.6	Allowable Emission Rates—Sulfuric Acid Plant.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.7	Allowable Emission Rates—Sulfur Recovery Plant.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.8	Allowable Emissions Rates from Solid Fossil Fuel-Fired Steam Generators.	09/18/92	02/18/97, 62 FR 07163	Ref 52.2299(c)(101).
Section 112.9	Allowable Emission Rates—Combustion of Liquid Fuel.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.14	Allowable Emission Rates—Nonferrous Smelter Processes.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.15	Temporary Fuel Shortage Plan Filing Requirements.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.16	Temporary Fuel Shortage Plan Operating Requirements.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76).
Section 112.17	Temporary Fuel Shortage Plan Notification Procedures.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.18	Temporary Fuel Shortage Plan Reporting Requirements.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.19	Application for Area Control Plan.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.20	Exemption Procedure	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.21	Allowable Emission Rates Under Area Control Plan.	09/18/92	08/30/93, 58 FR 45456	Ref 52.2299(c)(76)
Section 112.41 to 112.47	Control of Sulfuric Acid	05/12/89		NOT in SIP but is a part of the EPA approved Texas 111(d) Plan

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 112.51 to 112.59	Control of Total Reduced Sulfur (TRS).	05/12/89		NOT in SIP but is a part of the EPA approved Texas 111(d) Plan.
Chapter 113 (Reg 3)—Control of Air Pollution From Toxic Materials				
Subchapter B—Lead from Stationary Sources				
Nonferrous Smelters in El Paso County				
Section 113.31	Maintenance and Operation of Control Equipment.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.32	Areas Accessible to the General Public.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114)
Section 113.33	Control of Fugitive Dust	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.34	Materials Handling and Transfer.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.35	Smelting of Lead	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.36	Smelting of Copper and Zinc.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.37	Lead Emissions Limits for Stacks.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Lead Smelters in Dallas County				
Section 113.41	Maintenance and Operation of Control Equipment.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.42	Storage of Lead-Containing Materials.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.43	Transport of Materials	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.44	Fugitive Emissions from Lead Processes.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.45	Battery or Lead Reclaiming Operations.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.46	Lead Emission Limits for Reverberatory Furnaces and Blast Furnaces.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.47	Control of Fugitive Dust	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.48	Additional measures to Reduce lead Emissions.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Compliance and Control Plan Requirements				
Section 113.61	Compliance with Other Rules in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.62	Dates for Control Plan Submission and for Final Compliance in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.63	Control Plan Procedure in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.64	Reporting Procedure in El Paso County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.65	Compliance with Other Rules in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.66	Dates for Control Plan Submission and for Final Compliance in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.67	Control Plan Procedure in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Section 113.68	Reporting Procedure in Dallas County.	08/21/97	10/23/98, 63 FR 56083	Ref 52.2299(c)(114).
Chapter 114 (Reg 4)—Control of Air Pollution From Motor Vehicles				
Section 114.1	Maintenance and Operation of Air Pollution Control Systems or Devices Used to Control Emissions from Motor Vehicles.	09/30/85	02/09/89, 54 FR 06287	Ref 52.2299 (c)(66).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 114.3	Vehicle Emissions Inspection and Maintenance Program.	11/12/93	08/22/94, 59 FR 43046	Ref 52.2299 (c)(87).
Section 114.5	Exclusions and Exceptions	09/30/85	02/09/89, 54 FR 06287	Ref 52.2299 (c)(66).
Section 114.13	Oxygenated Fuels	10/23/92	09/12/94, 59 FR 46766	Ref 52.2299 (c)(84).
Section 114.27	Transportation Conformity	11/06/94	11/08/95, 60 FR 56246	Ref 52.2299 (c)(96). No action taken on a portion of 30 TAC 114.27(c) that contains provisions of 40 CFR 51.448.
Texas Department of Transportation Regulation—31 TAC Chapter 17—Vehicle Titles and Registration				
Section 17.80	Vehicle Emissions Verification System.	11/09/93	08/22/94, 59 FR 43046	Ref 52.2299 (c)(87)(i)(F).
CHAPTER 115 (REG 5)—CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS				
Subchapter A—Definitions				
Section 115.010	Definitions	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.010 Table 1	Definitions: Synthetic Organic Chemicals.	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Subchapter B—General Volatile Organic Compound Sources				
Section 115.112 to 115.119.	Storage of Volatile Organic Compounds.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299 (c)(88).
Section 115.121 to 115.129.	Vent Gas Control	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.131 to 115.139.	Water Separation	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.140 to 115.149.	Industrial Wastewater	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.152 to 115.159.	Municipal Solid Waste Landfills.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Subchapter C—Volatile Organic Compound Transfer Operations				
Section 115.211 to 115.219.	Loading and Unloading of Volatile Organic Compounds.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299 (c)(104).
Section 115.220*	Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicles Fuel Dispensing Facilities in Bexar County.	03/30/79	11/10/82, 47 FR 50866	Ref 52.2299(c)(48). The number 220* was created to avoid duplicate sections numbers in the SIP. There is no section 115.220 in the current SIP approved codification.
Section 115.221 to 115.229.	Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicles Fuel Dispensing Facilities.	05/05/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.234 to 115.239.	Control of Volatile Organic Compound Leaks from Transport Vessels.	05/05/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.241 to 115.249.	Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities.	05/05/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104.)
Section 115.252 to 115.259.	Control of Reid Vapor Pressure of Gasoline.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Subchapter D—Petroleum Refining and Petrochemical Processes				
Section 115.311 to 115.319.	Process Unit Turnaround and Vacuum-producing Systems in Petroleum Refineries.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.322 to 115.329.	Fugitive Emission Control in Petroleum Refineries.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 115.332 to 115.339.	Fugitive Emission Control in Synthetic Organic Chemical, Polymer, Resin, and Methyl Tert-Butyl Ether Manufacturing Processes.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.342 to 115.349.	Fugitive Emission Control in Natural Gas/Gasoline Processing Operations.	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.352 to 115.359.	Fugitive Emission Control in Petroleum Refining and Petrochemical Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Subchapter E—Solvent-Using Processes				
Section 115.412 to 115.419.	Degreasing and Clean-up Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.421 to 115.429.	Surface Coating Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.432 to 115.439.	Graphic Arts (Printing) by Rotogravure and Flexographic Processes.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.442 to 115.449.	Offset Lithographic Printing	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Subchapter F—Miscellaneous Industrial Sources				
Section 115.512 to 115.519.	Cutback Asphalt	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Section 115.531 to 115.539.	Pharmaceutical Manufacturing Facilities.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.541 to 115.549.	Degassing or Cleaning of Stationary, Marine, and Transport Vessels.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.552 to 115.559.	Petroleum Dry Cleaning Systems.	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Subchapter G—Consumer-Related Sources				
Section 115.600 to 115.619.	Consumer Products	05/04/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Subchapter J—Administrative Provisions				
Section 115.901 to 115.916.	Alternate Means of Control	07/13/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.920 to 115.923.	Early Reductions	07/13/94	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.930 to 115.940.	Compliance and Control Plan Requirements.	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Section 115.950	Standard Permits	11/10/93	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
Chapter 116 (Reg 6)—Control of Air Pollution By Permits For New Construction Or Modification				
Section 116.01.	Permit Requirements	09/20/91	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.02.	Responsibility for Obtaining Permit or Exemption.	07/26/85	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.03	Consideration for Granting a Permit to Construct and Operate.	08/16/93	08/19/97, 62 FR 44087	Ref 52.2299(c)(102). Note: (a)(9), (11), (12), and (c)(2), (c)(3)(d) and (e) NOT in SIP.
Section 116.04	Special Conditions	06/10/83	08/13/84, 49 FR 32181 Ref 52.2299(c)(59)..	
Section 116.05	Representation in Application for Permit or Exemption.	08/11/89	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.06	Exemptions	03/27/75	08/13/82, 47 FR 35193	Ref 52.2299(c)(36).
Section 116.07	Request for Exemptions	03/27/75	08/13/82, 47 FR 35193	Ref 52.2299(c)(36).
Section 116.08	Local Air Pollution Control Agencies.	03/27/75	08/13/82, 47 FR 35193	Ref 52.2299(c)(36).

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/Submittal date	EPA approval date	Explanation
Section 116.10	Public Notification and Comment Procedure.	10/16/92	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Section 116.11	.Permit Fees	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102). Note: 116.11(b)(1)–(4) NOT in SIP.
Section 116.14	Compliance History Requirements.	10/16/92	09/27/95, 60 FR 49788	Ref 52.2299(c)(97).
Subchapter A—Definitions				
Section 116.010	General Definitions	08/16/93	08/19/97, 62 FR 44087	Ref 52.2299(c)(102).
Subchapter B—New Source Review Permits				
Permit Fees				
Section 116.141	Determination of Fees	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102) Note: 141(b) NOT in SIP.
Prevention of Significant Deterioration Review				
Section 116.160	Prevention of Significant Deterioration Review Requirements.	03/01/95	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 116.161	Source Located in an Attainment Area with Greater than De Minimis Impact.	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 116.162	Evaluation of Air Quality Impacts.	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Section 116.163	Prevention of Significant Deterioration Permit Fees.	08/16/93	08/19/97, 62 FR 44083	Ref 52.2299(c)(102).
Chapter 117 (Reg 7)—Control Of Air Pollution From Nitrogen Compounds				
Section 117. Rule 701	Gas Fired Steam Generating Units.	08/08/72	03/02/76, 42 FR 08967	Ref 52.2299(c)(5).
Section 117. Rule 702	Nitric Acid Manufacturing	08/08/72	03/02/76, 42 FR 08967	Ref 52.2299(c)(5).
Section 117. Rule 703	Compliance with Rule 701 and 702.	08/08/72	03/02/76, 42 FR 08967	Ref 52.2299(c)(5).
CHAPTER 118 (REG 8)—CONTROL OF AIR POLLUTION EPISODES				
Section 118.1	Generalized Air Pollution Episodes.	04/14/89	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).
Section 118.2	Provisions Governing Generalized Episode Control.	07/17/87	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).
Section 118.3	Localized Air Pollution Episodes.	07/17/87	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).
Section 118.4	Hearings	07/17/87	09/06/90, 55 FR 36632.	Ref 52.2299(c)(71).
Section 118.5	Emission Reduction Plan	04/14/89	09/06/90, 55 FR 36632.	Ref 52.2299(c)(71).
Section 118.6	Texas Air Pollution Episode Contingency Plan and Emergency Management Center.	07/17/87	09/06/90, 55 FR 36632	Ref 52.2299(c)(71).

(d) [Reserved]

(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA APPROVED STATUTES IN THE TEXAS SIP

Title/Subject	State approval/submittal date	EPA approval date	Comments
Texas Clean Air Act (Article 4477–5), Vernon's Texas Civil Statutes.	01/28/72	05/31/72, 37 FR 10895	As amended by S.B. 48 of 1969.
Article 698d Air Pollution, Penal Code of Texas, 1925.	01/28/72	05/31/72, 37 FR 10895	As amended by S.B. No. 5 of 1969.
House Bill 322	01/28/72	05/31/72, 37 FR 10895	As passed by the 62nd Legislature of Texas, amending the Texas Clean Act regarding permits for construction or modification of facilities.

EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

Title/Subject	State approval/submittal date	EPA approval date	Comments
Texas Clean Air (Tex. Rev. Civ. Stat. Ann. Art. 4477–5) as amended June 13, 1979.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Air Pollution (Tex. Rev. Civ. Stat. Ann. Art. 4477–5b) as amended January 1, 1974.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Texas Administrative Procedure and Texas Register Act.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
(Tex. Rev. Civ. Stat. Ann. Art. 6252–13a) effective January 1, 1976.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Texas Open Record Act (Tex. Rev. Civ. Stat. Ann. Art. 6252–17a) as amended May 27, 1975.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Standards of Conduct of State Officers and Employees (Tex. Rev. Civ. Stat. Ann. Art. 6252–9b) effective January 1, 1974.	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Department of Public Safety and Texas Air Control Board Rules and Regulations, Texas Vehicle Inspection Act Article XV.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
Documentation to Authorize and Support the Implementation and Enforcement of the Texas Vehicle parameter Inspection and Maintenance Program, Appendix X, containing the following documents:			
A. Senate Bill 1205	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
B. Letters of Commitment from Texas Department of Public Safety City of Houston Police Department and Harris County Sheriff.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
C. Parameter Vehicle Emission Inspection and Maintenance Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, July 1, 1984.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
Texas Motor Vehicle Laws, 1981–1982—Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, November 11, 1983, Sections A,B,C, pages C–1, C–16, C–17, C–18, C–26, C–27, and C–28, D, and E pages E–1, E–6, E–7, E–8, and E–9.	11/9/84	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
VIMTCM, Appendix AJ, Excerpted Senate Bill 725, section 35(d) and (g) effective September 1, 1985; and House Bill 1593 sections 21 and 22 effective June 18, 1987.	09/30/85 and 12/21/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
Texas Clean Air Act (TCAA), Texas Health and Safety Code Ann. (Vernon 1992), Section 382.0365, ''Small Business Stationary Source Assistance Program'', enacted by the Texas 1991 legislative session and effective September 1, 1991.	11/13/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).
Legal opinion letter dated October 15, 1992 from Kirk P. Watson, Chairman, TACB, to Mr. B.J. Wynne, III, Regional Administrator, EPA Region 6, regarding the composition of the Small Business Compliance Advisory Panel of Texas.	11/13/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).

EPA APPROVED STATUTES IN THE TEXAS SIP—Continued

Title/Subject	State approval/submittal date	EPA approval date	Comments
House Bill 1969, an act relating to motor vehicle registration, inspections, and providing penalties amending:			
(1) Sections 382.037 and 382.038 of the Texas Health and Safety Code;	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(2) Section 2 Chapter 88, General Laws, Acts of the 41st legislature, 2nd called session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes);	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(3) Title 116, Article 6675b–4, 6675b–4A, and 6675b–4B;	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(4) Section 141(d), and section 142(h), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Civil Statutes);	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
(5) Section 4.202, County Road and Bridge Act (Article 6702–1, Vernon's Texas Civil Statutes). Signed by the Governor on 01/08/93, effective 08/30/93.	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
Texas Health and Safety Code (Vernon 1990), the Texas Clean Air Act, sections 382.017, 382.037, 382.038, effective September 1, 1991.	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
Order No. 93–23, as adopted November 10, 1993, and Order No. 94–02 as adopted February 16, 1994.	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).
Texas Civil Statutes, Articles 6675a–1 to 6675b–2 and 6687–1. (Vernon 1993).	11/12/93 and 03/09/94	08/22/94, 59 FR 43046	Ref 52.2299(c)(87).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Public Hearings	Statewide	02/08/72	05/31/72, 37 FR 10895	Ref 52.2299(c)(1).
HydroCarbon Emission Data.	Statewide	05/02/72	05/31/72, 37 FR 10895	Ref 52.2299(c)(2).
Source Surveillance	Statewide	05/03/72	05/31/72, 37 FR 10895	Ref 52.2299(c)(2).
Minor Revisions	Statewide	07/31/72	10/28/72, 37 FR 23092	Ref 52.2299(c)(4).
Attainment Date Corrections.	Statewide	11/10/72	02/08/73, 38 FR 03600	Ref 52.2299(c)(6).
Classification Revisions for PM, SOx, and CO.	Statewide	03/21/75	04/18/77, 42 FR 20131	Ref 52.2299(c)(9).
Administrative Revisions	Statewide		04/20/77, 42 FR 20463	Ref 52.2299(c)(11).
Air Quality Surveillance Plan.	Statewide	08/02/76	04/18/77, 42 FR 20131	Ref 52.2299(c)(12).
Air Quality Surveillance Plan.	Statewide	08/12/77	03/07/78, 43 FR 09276	Ref 52.2299(c)(13).
Administrative Revisions to Section X.	Statewide		07/06/77, 42 FR 34518	Ref 52.2299(c)(14).
Administrative Revisions to Section IX.	Statewide	08/14/78	04/11/79, 44 FR 21644	Ref 52.2299(c)(16).
Board Order No. 78–6	Corpus Christi, TX	07/24/78	09/24/79, 44 FR 55005	Ref 52.2299(c)(17) (see 52.2275)
Draft inspection/maintenance legislation and study schedule.	Harris County	04/13/79	12/18/79, 44 FR 74831	Ref 52.2299(c)(18).
Adopted inspection/maintenance legislation and administrative revisions.	Harris County	08/09/79	12/19/79, 44 FR 74831	Ref 52.2299(c)(19).
Plan Revisions (Part D requirements).	Statewide	04/13/79	03/25/80, 45 FR 19244	Ref 52.2299(c)(20).
Administrative Revisions to Transportation Control.	Statewide	08/09/79	03/25/80, 45 FR 19244	Ref 52.2299(c)(21).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Transportation Control Measures for Harris County.	Harris County	12/28/79	08/06/80, 45 FR 52148	Ref 52.2299(c)(24).
Board Order No. 78–8	General Portland, Inc., New Braunfels, Comal County, TX.	09/13/78	08/28/81, 46 FR 43425	Ref 52.2299(c)(26). (See 52.2276).
Administrative Revision to Section I.	Statewide	07/23/81	11/13/81, 46 FR 55970	Ref 52.2299(c)(28).
Administrative Revision to Section V.	Statewide	07/23/81	12/15/81, 46 FR 61125	Ref 52.2299(c)(29).
Plan Revisions for Intergovernmental Consultation and Composition.	Statewide	04/13/79	03/29/82, 47 FR 13143	Ref 52.2299(c)(32).
Texas Lead SIP and Board Order No. 82–11.	Statewide excluding Dallas and El Paso areas.	06/12/80	10/04/83, 48 FR 45248	Ref 52.2299(c)(41).
Texas Air Pollution Emergency Episode Contingency Plan.	Statewide	05/18/82	10/07/82, 47 FR 44261	Ref 52.2299(c)(42).
Administrative Revision to Section XII.	Statewide	07/06/82	10/25/82, 47 FR 47247	Ref 52.2299(c)(47).
Administrative Revision to Section III.	N/A	08/17/82	03/31/83, 48 FR 13428	Ref 52.2299(c)(51).
Administrative Revision to Section IX.	Statewide	06/22/83	11/07/83, 48 FR 51153	Ref 52.2299(c)(52).
Lead Plan for Dallas County, TX.	Dallas County, TX	04/6/84	08/15/84, 49 FR 32580	Ref 52.2299(c)(54).
Revisions to Lead Plan for Dallas County, TX.	Dallas County, TX	07/16/84	08/15/84, 49 FR 32580	Ref 52.2299(c)(55).
Lead Plan for El Paso County.	El Paso County, TX	06/20/84	08/13/84, 49 FR 32190	Ref 52.2299(c)(56).
Alternative Emission Control Plan for Exxon Baytown Refinery.	Baytown, TX	03/18/83	07/10/85, 50 FR 26992	Ref 52.2299(c)(60) (Board Order No. 83–2).
Plan for Ozone Attainment in Harris County.	Harris County, TX	12/09/82, 01/03/84, 03/18/85.	06/26/85, 50 FR 26362	Ref 52.2299(c)(61).
Alternative Emission Reduction Plan for Continental Can Company, Longview, TX.	Gregg County, (Longview), TX.	07/25/85	05/05/89, 54 FR 19373	Ref 52.2299(c)(64).
Revision to Lead Plan for El Paso County and Board Order No. 87–14.	El Paso County, TX	10/26/87	05/06/88, 53 FR 16263	Ref 52.2299(c)(65).
Ozone Attainment Plan for Dallas and Tarrant Counties.	Dallas and Tarrant Counties, TX.	09/30/85 and 12/21/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
Vehicle Inspection and Maintenance and Transportation Control Measures (VIMTCM), Appendix AG.	Dallas and Tarrant Counties, TX.	08/28/85	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
VIMTCM, Appendix AK, Portions 1 through 6.	Dallas and Tarrant Counties, TX.	12/18/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
VIMTCM, Appendix AM, Sections 1, 2, and 3.	Dallas and Tarrant Counties, TX.	12/18/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
VIMTCM, Appendix AN	Dallas and Tarrant Counties, TX.	12/18/87	02/09/89, 54 FR 06287	Ref 52.2299(c)(66).
Part II of the Visibility Protection Plan and Board Order No. 87–15.	Big Bend and Guadalupe Mountain National Parks.	09/18/87	02/23/89, 54 FR 07770	Ref 52.2299(c)(67).
Alternative Emission Reduction Plan (Bubble) for E.I. DuPont de Nemours & Company's Sabine River Works, Orange, TX.	Orange County, TX	03/12/82	04/13/90	Ref 52.2299(c)(70).
Revisions to Texas Air Pollution Episode Contingency Plan.	Statewide	10/02/87	09/06/90, 55 FR 36634	Ref 52.2299(c)(71).
Revisions to Ozone Attainment Plan for Dallas and Tarrant Counties.	Dallas and Tarrant Counties, TX.	03/05/90	08/03/90, 55 FR 31587	Ref 52.2299(c)(72).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Revisions for Prevention of Significant Deterioration and Board Orders No. 85–07, 87–09, and 88–08.	Statewide	12/11/85, 10/26/87, 09/29/88.	06/24/92, 57 FR 28098	Ref 52.2299(c)(73).
Board Order No. 90–07	Tarrant County	06/22/90	10/12/90, 55 FR 41525	Ref 52.2299(c)(74).
Board Order No. 92–19	Statewide	09/18/92	08/30/93, 58 FR 45457	Ref 52.2299(c)(76).
Revision for Prevention of Significant Deterioration and Board Order No. 90–13.	Statewide	12/14/90	09/09/94, 59 FR 46557	Ref 52.2299(c)(78).
Revision addressing PM–10 nonattainment area requirements for El Paso and Board Orders 89–03 and 91–15.	El Paso, TX	11/05/91	01/18/94, 59 FR 02535	Ref 52.2299(c)(79).
City of El Paso, TX, Ordinance, Title 9.	El Paso, TX	12/11/90	01/18/94, 59 FR 02535	Ref 52.2299(c)(79).
Board Order No. 92–16	Ozone nonattainment areas.	10/16/92	04/15/94, 59 FR 17943	Ref 52.2299(c)(81).
Board Order No. 92–20	Ozone nonattainment areas.	08/20/92	08/26/94, 59 FR 44039	Ref 52.2299(c)(82).
Revision for the El Paso CO nonattainment area and Board Order No. 92–15.	El Paso County, TX	09/18/92	09/12/94, 59 FR 46766	Ref 52.2299(c)(84).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	Statewide	11/13/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).
Board Order No. 92–22	Statewide	11/06/92	08/19/94, 59 FR 42759	Ref 52.2299(c)(85).
Board Order No. 92–04	N/A	05/08/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Board Order No. 92–16	N/A	10/16/92	03/07/95, 60 FR 12438	Ref 52.2299(c)(88).
Revision to Modify SLAMS and NAMS Monitoring Systems and Board Order No. 93–24.	Statewide	11/10/93	10/04/94, 59 FR 50504	Ref 52.2299(c)(90).
Employer Trip Reduction Program and Board Order No. 92–14.	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.	11/13/92	03/07/95, 60 FR 12442	Ref 52.2299(c)(91).
Revision limiting SO2 by agreed orders 94–09 through 94–22.	Certain Nonpermitted facilities in Harris County.	08/03/94	03/06/95, 60 FR 12125	Ref 52.2299(c)(93).
Revision addressing visible emissions with Board Orders 89–03, 90–12, 92–19, and 93–06.	Statewide	08/21/89, 01/29/91, 10/15/92, and 08/04/93.	05/08/96, 61 FR 20732	Ref 52.2299(c)(94).
Alternative Emission Reduction (Bubble) for Shell Oil Company's Deer Park manufacturing complex.	Deer Park, TX	07/26/93	06/19/95, 60 FR 31915	Ref 52.2299(c)(95).
Transportation Conformity and Board Order No. 94–40.	Areas designated nonattainment and areas subject to a maintenance plan.	10/12/94	11/08/95, 60 FR 56244	Ref 52.2299(c)(96).
Revision to Permitting Regulations and Board Orders No. 85–07, 87–09, 87–17, 88–08, 89–06, 90–05, 91–10, 92–06, 92–18, and 93–17.	Statewide	07/26/85, 07/17/87, 12/18/87, 07/15/88, 08/11/89, 05/18/90, 09/20/91, 05/08/92, 10/16/92, 08/16/93.	09/27/95, 60 FR 49781	Ref 52.2299(c)(97).
Alternate Control Strategy for Bell Helicopter Textron, Inc..	Ft Worth, TX, Plant 1 facility.	04/18/96	05/30/97, 62 FR 29297	Ref 52.2299(c)(100).
Revisions to the Plan concerning Sulfur Dioxide in Milam County.	Rockdale, TX	10/15/92 and 09/20/95	09/30/97, 61 FR 49685	Ref 52.2299(c)(101).

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
TNRCC Order No. 93–20, 94–06, 94–26, 94–0676–SIP.	The four ozone nonattainment areas in TX.	11/10/93, 05/04/94, 07/13/94, 11/09/94.	05/22/97, 62 FR 27964	Ref 52.2299(c)(104).
15% ROP Plan	Beaumont/Port Arthur ozone nonattainment area.	08/09/96	02/10/98, 63 FR 6659	Ref 52.2299(c)(107).
15% ROP Plan	Dallas/Ft Worth, El Paso, and Houston/Galveston ozone nonattainment areas.	08/09/96	11/10/98, 63 FR 62943	Ref 52.2299(c)(113) See also 52.2309.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IL188–1a; FRL–6371–5]

Approval of Hospital/Medical/Infectious Waste Incinerator State Plan for Designated Facilities and Pollutants: Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are approving Illinois' State Plan for Hospital/Medical/Infectious Waste Incinerators (HMIWI), submitted on May 28, 1999. The State Plan adopts and implements our Emissions Guidelines (EG) applicable to existing HMIWIs. Our approval means that we find the State Plan meets Clean Air Act (Act) requirements. Once effective, our approval makes the State Plan federally enforceable.

DATES: This rule is effective on September 7, 1999, unless EPA receives adverse written comments by August 6, 1999. If adverse written comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend you contact Mark J. Palermo, Environmental Protection Specialist at (312) 886–6082 before visiting the Region 5 Office).

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION: The supplemental information is organized in the following order:

I. What is EPA approving in this action?
II. The HMIWI State Plan Requirement.
What is an HMIWI State Plan?
Why are we requiring Illinois to submit an HMIWI State Plan?
Why do we need to regulate HMIWI emissions?
What criteria must an HMIWI State Plan meet to be approved?
III. The Illinois HMIWI State Plan.
Where are the Illinois HMIWI State Plan requirements codified?
Who is affected by the State Plan?
Who is exempt from the State Plan?
What does the State Plan require?
When must the State Plan requirements be met?
What must you do to obtain an extended compliance schedule?
What must you do if you intend to permanently shut down?
What are the permit application deadlines?
What else does the State Plan include?
What public review opportunities were provided?
IV. Review and Approval of the Illinois HMIWI State Plan.
Why is the Illinois HMIWI State Plan approvable?
V. EPA Rulemaking Action.
VI. Administrative Requirements.
A. Executive Order 12866
B. Executive Order 12875
C. Executive Order 13045
D. Executive Order 13084
E. Regulatory Flexibility Act
F. Unfunded Mandates
G. Submission to Congress and the Comptroller General
H. Paperwork Reduction Act
I. National Technology Transfer and Advancement Act
J. Petitions for Judicial Review

I. What Is EPA Approving in This Action?

We are approving the May 28, 1999, Illinois State Plan which implements the requirements of sections 111(d) and 129 of the Act for existing HMIWIs. This approval, once effective, will make the Illinois HMIWI rules included in the plan federally enforceable.

II. The HMIWI State Plan Requirement.

What is an HMIWI State Plan?

An HMIWI State Plan is a plan to control air pollutant emissions from existing incinerators which burn hospital waste or medical/infectious waste. The plan also includes source and emission inventories of these incinerators in the State.

Why Are We Requiring Illinois To Submit an HMIWI State Plan?

States are required under sections 111(d) and 129 of the Act to submit State Plans to control emissions from existing HMIWIs in the State. The State Plan requirement was triggered when we published the Emissions Guidelines (EG) for HMIWIs on September 15, 1997 (see 62 FR 48348). The EG is codified under 40 CFR part 60, subpart Ce.

Under section 129, we are required to promulgate EGs for several types of existing solid waste incinerators. These EGs establish the Maximum Achievable Control Technology (MACT) standards that States must adopt to comply with the Act. The HMIWI EG also establishes requirements for monitoring, operator training, permits, and a waste management plan that must be included in State Plans.

The intent of the State Plan requirement is to reduce several types of air pollutants associated with waste incineration.

Why do we need to regulate HMIWI emissions?

The State Plan establishes control requirements which reduce the following emissions from HMIWIs: particulate matter, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury, dioxin, and dibenzofurans.

These pollutants can cause adverse effects to the public health and the environment. Dioxin, lead, and mercury bioaccumulate through the food web. Serious developmental and adult effects in humans, primarily damage to the nervous system, have been associated with exposures to mercury. Exposure to dioxin and furans can cause skin disorders, cancer, and reproductive effects such as endometriosis. Dioxin and furans can also affect the immune system. Acid gases affect the respiratory tract, as well as contribute to the acid rain that damages lakes and harms forests and buildings. Exposure to particulate matter has been linked with adverse health effects, including aggravation of existing respiratory and cardiovascular disease and increased risk of premature death. Nitrogen oxide emissions contribute to the formation of ground level ozone, which is associated with a number of adverse health and environmental effects.

What criteria must an HMIWI State Plan meet to be approved?

The criteria for approving an HMIWI State Plan is summarized in the following table:

Requirement	Elements
Sections 111(d) and 129: State Plan must be at least as protective as the EG ..	—Applicability —Emission Limits —Compliance Schedules —Performance Testing —Monitoring/Inspection —Operator Training/Certification —Waste Management Plan —Recordkeeping/Reporting
40 CFR part 60, subpart B: Criteria for an approvable section 111(d) plan	—Demonstration of Legal Authority —Enforceable Mechanism —Evidence of public hearing —Source and Emission Inventories —State Progress Report Commitment
Section 129(e): Title V permit requirement	State Plans must ensure that affected HMIWI facilities submit Title V permit applications to the State by September 15, 2000.

We issued a guidance document describing in more detail the requirements for an approvable HMIWI State Plan, entitled ''Hospital/Medical/Infectious Waste Incinerator Emission Guidelines: Summary of the Requirements for Section 111(d)/129 State Plans,'' published November 1997. Illinois used this document to develop its State Plan.

III. The Illinois HMIWI State Plan

Where are the Illinois HMIWI requirements codified?

Illinois' State Plan requirements for HMIWIs are codified at 35 Ill. Adm. Code 229. The rule was adopted on May 6, 1999, and became effective on May 15, 1999. The rule was published in the Illinois Register, volume 23, issue 22, p. 6477, on May 28, 1999.

Who is affected by the State Plan?

Consistent with the EG, Illinois' HMIWI rules cover existing HMIWIs, with the exception of certain exempt HMIWIs, which only need to meet certain recordkeeping and certification requirements. Also, hospitals which send HMIWI waste to an off-site HMIWI are covered by waste management plan requirements. The Illinois HMIWI applicability criteria and associated requirements are summarized in the table below.

Category	Requirements
HMIWI for which construction commenced on or before June 20, 1996.	Subject to control requirements specified in the EG.
Co-fired combustor	Not subject to control requirements specified in the EG but: Must have permit condition limiting operation to co-fired combustor status; and, Must keep records on weight of wastes or fuels burned on a calendar quarter basis.
HMIWIs which combust only these wastes: —pathological —low-level radioactive —chemotherapeutic	Not subject to control requirements specified in the EG but: Must keep records on a calendar quarter basis demonstrating that only exempt wastes are burned; and, Must provide State and EPA certification that the HMIWI burns only these wastes.
Hospitals that send waste to an off-site HMIWI	Not subject to control requirements specified in the EG but: Must meet certain waste management plan requirements.

For an HMIWI to be considered a ''co-fired combustor,'' it must be subject to an enforceable permit condition limiting combustion of hospital or medical infectious waste to 10% or less of total waste burned, by weight, on a calendar quarter basis. For purposes of the co-fired combustor exemption, pathological waste, chemotherapeutic waste, and low-level radioactive wastes are considered ''other'' wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

HMIWIs which combust pathological wastes, low-level radioactive waste, or chemotherapeutic wastes part of the time can be exempt from control requirements during those periods if it notifies the IEPA pursuant to this operating scenario in its CAAPP application.

Who is exempt from the State Plan?

Incinerators that would otherwise meet the HMIWI definition are completely exempt from the rule if they meet any of the following criteria:

You are exempt if:
You are a combustor required to have a permit under section 3005 of the Solid Waste Disposal Act, 42 U.S.C. 6925;
You are a municipal waste combustor subject to 40 CFR part 60, subparts Cb, Ea or Eb;
You are a pyrolysis unit (i.e., a unit that uses endothermic gasification to treat hospital waste or medical/infectious waste in order to render such waste harmless);
You are a cement kiln firing hospital waste or medical/infectious waste; or, You are an HMIWI subject to the New Source Performance Standards (NSPS) for HMIWIs, 40 CFR part 60, subpart Ec.

What does the State Plan require?

If you are an HMIWI subject to control requirements under the Illinois HMIWI rule, you must comply with the requirements summarized below:

SUMMARY OF THE ILLINOIS HMIWI CONTROL REQUIREMENTS

Emission Limitations	
Separate limits are established for four categories of HMIWIs: —small —medium —large —rural	—Dioxins/furans. —Hydrogen chloride —Sulfur dioxide. —Oxides of nitrogen. —Lead. —Cadmium. —Mercury. —Particulate matter. —Opacity. —Carbon monoxide.
Compliance provisions	—Performance testing. —Operating parameter monitoring. —Operating parameter compliance. —Inspection requirements (rural HMIWIs). —Recordkeeping and reporting.
Operator provisions	—Training. —Certification. —On-site Operator Manual.
Permit	—Must apply for a CAAPP permit.
Waste Management Plan Requirements (Requirements vary depending upon the type of facility)	
Hospitals Using On-Site Incinerators	Submit a plan that identifies ways to reduce the amount and toxicity of incinerated waste, and provides an implementation schedule where feasible. Submit the plan at the same time the initial performance test results are reported. Submit annual waste management progress reports. Update the plan every five years coinciding with issuance or renewal of a CAAPP permit.
Hospitals Transporting Waste Off-Site to an HMIWI.	By September 15, 2000, conduct an assessment of current waste management program and identify ways to reduce volume and toxicity of incinerated waste. Submit annual waste management progress reports.
HMIWIs Accepting Waste Generated Off-Site	Provide information to customers annually on available ways to reduce the amount and toxicity of incinerated waste. Submit a plan on how and what information will be distributed. Submit plan at the same time the initial performance test results are reported.
Other HMIWIs	Submit a plan that identifies ways to reduce the amount and toxicity of incinerated waste, and provides an implementation schedule where feasible. Submit the plan at the same time the initial performance test results are reported. Update the plan every 5 years to coincide with the issuance or renewal of a CAAPP permit.

The Illinois rule also prescribes various criteria and considerations in developing the plan, and specifies the components which the plan must include.

When must the State Plan requirements be met?

Under the Illinois HMIWI rule, a subject HMIWI must be in compliance with the rule requirements by September 15, 2000, and must conduct an initial performance test by that date, unless the source requests an extended compliance schedule. Any HMIWI requesting an extended schedule must demonstrate compliance by September 15, 2002, or must cease operation of the

HMIWI until compliance with the rule is achieved.

Notwithstanding an extended schedule, however, the Illinois rule requires, consistent with the EG, compliance with the rule's operator training and certification provisions by September 15, 2000.

What must you do to obtain an extended compliance schedule?

HMIWIs seeking an extended compliance schedule must submit a CAAPP application, on or before November 15, 1999, which requests an extended compliance schedule. In accordance with EG requirements, this compliance schedule must include documentation supporting the need for an extension, a final control plan for the HMIWI, and incremental steps to be taken toward compliance, which, at a minimum, include the increments of progress listed below.

Increments of progress	Due date
Finalize all contracts for the purchase of either pollution control equipment, process modification or control system	February 29, 2000
Begin process modifications or construction/installation of air pollution control devices for the HMIWI	November 30, 2000
Complete either the process modifications or the installation/construction of the new air pollution control equipment	August 31, 2001
Initial start-up of the retrofitted HMIWI	January 15, 2002
Complete the initial performance test in accordance with rule requirements	Within 180 days of initial start-up

What must you do if you intend to permanently shut down?

For all HMIWIs that intend to permanently shut down, the source must notify IEPA of that intent by November 15, 1999, and take certain affirmative steps, described in the rule, to demonstrate that the HMIWI has been rendered permanently inoperable by September 15, 2000.

What are the permit application deadlines?

The Illinois HMIWI rule requires all HMIWIs subject to the rule's emission limits to operate pursuant to CAAPP permit by September 15, 2000. All HMIWIs which are currently not required to obtain CAAPP permits must apply for an CAAPP permit by September 15, 2000, unless the source is seeking an extended compliance schedule. To avail themselves of the extended compliance schedule described above, sources must submit their CAAPP application requesting the extension by November 15, 1999.

HMIWIs that currently have CAAPP permits have special deadlines to make revisions incorporating the HMIWI rule requirements, depending upon how much time is remaining in the CAAPP permit term.

What else does the State Plan include?

The State Plan includes a demonstration of legal authority to implement the EG, documentation of public hearing, comment, and response, a source and emissions inventory, and provision for State progress reports to EPA. These materials were submitted to satisfy the section 111(d) requirements under 40 CFR part 60, subpart B.

What public review opportunities were provided?

The Illinois Pollution Control Board held public hearings on the HMIWI State Plan on January 21, 1999, in Chicago, Illinois, and February 3, 1999, in Springfield, Illinois. Illinois also accepted and formally responded to written public comments on its rule.

IV. Review and Approval of the Illinois HMIWI State Plan.

Why is the Illinois HMIWI State Plan approvable?

We compared the Illinois HMIWI rule 35 Ill.Adm.Code 229 against our HMIWI EG. We find the Illinois rule to be at least as protective as the EG. Also, the Illinois State Plan satisfies the requirements for an approvable section 111(d) plan under subparts B and Ce of 40 CFR part 60. For these reasons, we are approving the Illinois HMIWI State Plan.

V. EPA Rulemaking Action.

We are approving, through direct final rulemaking action, Illinois' section 111(d)/129 State Plan for HMIWIs. The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective September 7, 1999 without further notice unless EPA receives relevant adverse written comment by August 6, 1999. Should the Agency receive such comments, it will publish a timely withdrawal informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on September 7, 1999.

VI. Administrative Requirements.

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, 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 the Office of Management and Budget 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 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, EPA may not issue a regulation that is not required by statute, that significantly affects 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 to the Office of Management and Budget, 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 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.*, versus *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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Paperwork Reduction Act

This action does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. 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 September 7, 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Hospital/medical/infectious

waste incinerators, Reporting and recordkeeping requirements.

Dated: June 23, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

40 CFR part 62 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart O—Illinois

2. A new center heading and sections 62.3340, 62.3341, and 62.3342 are added to read as follows:

* * * * *

Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions From Existing Hospital / Medical Infectious Waste Incinerators

§ 62.3340 Identification of plan.

Illinois submitted, on May 28, 1999, a State Plan for implementing the Emission Guidelines affecting Hospital/ Medical Infectious Waste Incinerators (HMIWI). The enforceable mechanism for this plan is 35 Ill. Adm. Code 229. The rule was adopted by the Illinois Pollution Control Board on May 6, 1999. The rule became effective on May 15, 1999, and was published in the Illinois Register on May 28, 1999 at 23 Ill. Reg. 6477

§ 62.3341 Identification of sources.

The Illinois State Plan for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) applies to all HMIWIs for which construction commenced either on or before June 20, 1996.

§ 62.3342 Effective Date.

The effective date of the Illinois State Plan for existing Hospital/Medical/ Infectious Waste Incinerators is September 7, 1999.

[FR Doc. 99–17028 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98–54; FCC 98–348]

1998 Biennial Review—Part 76 Cable Television Service Pleading and Complaint Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This rule announces the effective date of the rules published on February 10, 1999. Those rules amended the Commission's rules regarding procedures for filing petitions and complaints pursuant to part 76.

EFFECTIVE DATE: Sections 76.6, 76.7, 76.8, 76.9, 76.10, 76.61, 76.914, 76.1003, 76.1302, and 76.1513 published at 64 FR 6565 (February 10, 1999) are effective on July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Horan, Cable Services Bureau, (202) 418–7200.

SUPPLEMENTARY INFORMATION: On June 18, 1999, the Office of Management and Budget (''OMB'') approved the amendments to the procedural rules in 47 CFR part 76 pursuant to OMB Control No. 3060–0888. Accordingly, the rules in Sections 76.6, 76.7, 76.8, 76.9, 76.10, 76.61, 76.914, 76.1003, 76.1302, and 76.1513 will be effective on July 15, 1999.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17233 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1804, 1809, 1815, 1827, 1832, 1845, 1852, 1871, and 1872

Miscellaneous Administrative Revisions

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule makes the following administrative changes to the NASA FAR Supplement (NFS): conform the current coverage on regulatory maintenance to reflect that the NFS is available from NASA only in electronic format; correct referenced addresses and document titles; correct section numbering; clarify that FAR 52.227–11, Alternate IV, is not used in NASA contracts; and correct an editorial error in a recent final rule.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, NASA Headquarters, Code HK, Washington, DC 20546, telephone: (202) 358–0478; email: *thomas.otoole@hq.nasa.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

NASA has made the NFS available to the public on a subscription basis through the Government Printing Office. However, NASA has determined that it is more efficient and economical to provide the NFS only through electronic means. This approach ensures greater accuracy, wider dissemination, and immediate implementation of changes. The official NASA-maintained version of the NFS is available at http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm. In addition, the instructions in a recent final rule (64 FR 19925) revising NASA's MidRange procurement procedures directed revision of the second sentence of section 1871.602. The third, rather than the second, sentence should have been revised.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for comments is not required. However, comments from small business entities concerning the affected NFS coverage will be considered in accordance with 5 U.S.C. 610. Such comments may be submitted separately and should cite 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

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

List of Subjects in CFR Parts 1801, 1804, 1809, 1815, 1827, 1832, 1845, 1852, 1871, and 1872

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1801, 1804, 1809, 1815, 1827, 1832, 1845, 1852, 1871, and 1872 are amended as follows:

1. The authority citation for 48 CFR Parts 1801, 1804, 1809, 1815, 1827, 1832, 1845, 1852, 1871, and 1872 continues to read as follows:

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

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. In section 1801.105–1, paragraph (a) is revised to read as follows:

1801.105–1 Publication and code arrangement.

(a) The single official NASA-maintained version of the NFS is on the Internet (http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm).

* * * * *

1801.105–3 and 1801.105–370 [Removed]

3. Sections 1801.105–3 and 1801.105–370 are removed.

4. Section 1801.270 is revised to read as follows:

1801.270 Amendment of the NFS.

(a) The NFS is amended by publishing changes in the **Federal Register**. These changes are then incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). PNs are numbered consecutively, prefixed by the last two digits of the calendar year of issuance of the current edition of the NFS.

(b) Compliance with a revision to the NFS shall be in accordance with the PN containing the revision. Unless otherwise stated, solicitations that have been issued, and bilateral agreements for which negotiations have been completed, before the receipt of new or revised contract clauses need not be amended to include the new or revised clauses if including them would unduly delay the acquisition.

5. Sections 1801.270–1, 1801.270–2, 1801.270–3, and 1801.270–4 are removed.

PART 1804—ADMINISTRATIVE MATTERS

6. Section 1804.202 is revised to read as follows:

1804.202 Agency distribution requirements.

In addition to the requirements in FAR 4.201, the contracting officer shall distribute one copy of each R&D contract, including the Statement of Work, to the NASA Center for AeroSpace Information (CASI), Attention: Document Processing Section, 7121 Standard Drive, Hanover, MD 21076–1320.

PART 1809—CONTRACTOR QUALIFICATIONS

7. Section 1809.200 is revised to read as follows:

1809.200 Scope of subpart.

This subpart prescribes policies and procedures to be followed in the use of qualified products lists for acquisition of parts consistent with the policies of NASA Policy Directive 8730.2, NASA Parts Policy.

PART 1815—CONTRACTING BY NEGOTIATION

8. Section 1815.670 is revised to read as follows:

1815.670 Foreign proposals.

Unsolicited proposals from foreign sources are subject to NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautics Programs.

PART 1827—PATENTS, DATA, AND COPYRIGHTS

9. In section 1827.303, paragraph (a)(5) is added to read as follows:

1827.303 Contract clauses.

(a) * * *

(5) Alternate IV to 52.227–11 is not used in NASA contracts. See instead 1827.303–70(a).

* * * * *

PART 1832—CONTRACT FINANCING

10. In section 1832.906, the first sentence in paragraph (a) is revised to read as follows:

1832.906 Contract financing payments.

(a) Except as authorized in 1832.908, it is NASA's policy to make contract financing payments on the 30th day after the designated billing office has received a proper request. * * *

* * * * *

PART 1845—GOVERNMENT PROPERTY

11. Section 1845.406 is redesignated as 1845.407, and the existing section 1845.407 is redesignated as 1845.406.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

12. In section 1852.235–70, the date and paragraph (d) are revised to read as follows:

1852.235–70 Center for AeroSpace Information.

* * * * *

Center for Aerospace Information

July 1999

* * * * *

(d) When the contract requires the delivery of reports or data to CASI, a reproducible copy and a printed or reproduced copy of such reports or data shall be concurrently submitted to: Center for AeroSpace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, Maryland 21076–1320.

(End of clause)

PART 1871—MIDRANGE PROCUREMENT PROCEDURES

13. Section 1871.602 is revised to read as follows:

1871.602 Specifications for MidRange procurements.

BVS refines the traditional approach to preparing specifications. BVS envisions that the requirement will focus on the end result that is to be achieved and will serve as a statement of the Government's baseline requirements. The offeror will be guided in meeting the Government's needs by a separate set of value characteristics which establish what the Government considers to be valuable in an offer beyond the baseline requirement. These value characteristics will be performance based and will permit the selection of the offer which provides better results for a reasonable marginal increase in price.

PART 1872—ACQUISITIONS OF INVESTIGATIONS

§ 1872.303 [Amended]

14. In section 1872.303, the reference in paragraph (b) to ''(See NMI 1362.1, Initiation and Development of International Cooperation in Space and Aeronautical Programs)'' is revised to read ''(see NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautics Programs)''.

§ 1872.305 [Amended]

15. In section 1872.305, the reference in paragraph (c) to ''Acquisition'' is revised to read ''Procurement''.

[FR Doc. 99–17038 Filed 7–6–99; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1833

NASA FAR Supplement; Protests to the Agency

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA has a mandatory solicitation provision required to be inserted in all solicitations which informs potential bidders or offerors to whom Agency protests may be submitted. The provision provides that potential bidders or offerors may submit a protest directly to the Contracting Officer or alternatively to the Deputy Associate Administrator for Procurement, who will serve as or

designate the official responsible for conducting an independent review of the protest. Based on our experience with protests submitted to the Agency, we are amending NASA regulations to address whether or not there is any appeal from or reconsideration of Agency protest decisions within NASA. This final rule also addresses whether or not NASA will continue to consider an Agency protest that is related to pending judicial proceedings or where the protester has filed a protest on the same procurement with the United States General Accounting Office prior to receipt of an Agency protest decision. The effect of this additional information is to give potential bidders or offerors a better understanding of NASA's process for considering protests to the Agency.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Dave Beck, NASA Headquarters, Code HK, Washington, DC 20546–0001, email: dbeck@hq.nasa.gov, telephone: (202) 358–0482.

SUPPLEMENTARY INFORMATION:

Background

A proposed rule was published in the **Federal Register** on April 12, 1999 (64 FR 17603). No comments were received. The final rule adopts the proposed rule without change.

Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because there are few protests of NASA procurements.

Paperwork Reduction Act

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

List of Subjects in 48 CFR Part 1833

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR part 1833 is amended as follows.

PART 1833—PROTESTS, DISPUTES, AND APPEALS

1. The authority citation for 48 CFR part 1833 continues to read as follows:

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

Subpart 1833.1—Protests

2. Section 1833.103 is amended by revising the section heading, redesignating paragraph (b) as paragraph (f) and adding paragraph(c), paragraph (d) introductory text, and paragraph (d)(4) to read as follows:

1833.103 Protests to the agency. (NASA supplements paragraphs(c), (d) and (f).)

(c) An independent review under the provision at 1852.233–70 is available as an alternative to a protest to the contracting officer, but not as an appeal of a protest decision. All independent reviews shall be conducted by the Deputy AssociateAdministrator for Procurement or designee. Such reviews are different from the Ombudsman Program described at 1815.7001.

(d) NASA shall summarily dismiss and take no further action upon any protest to the Agency if the substance of the protest is pending in judicial proceedings or the protester has filed a protest on the same acquisition with the United States GeneralAccounting Office prior to receipt of an Agency protest decision.

(4) When a potential bidder or offeror submits an Agency protest to NASA to the contracting officer or alternatively requests an independent review, the decision of the contracting officer or the independent review official shall be final and is not subject to any appeal or reconsideration within NASA.

(f) Protests received at NASA offices or locations other than that of the cognizant contracting officer shall be immediately referred to the contracting officer for disposition (see 1833.106(a)). The contracting officer shall advise the Headquarters Office of the General Counsel (Code GK) of the receipt of the protest and the planned and actual disposition. This paragraph does not apply when the protester has requested an independent review under the provision at 1852.233–70.

[FR Doc. 99–17039 Filed 7–6–99; 8:45 am]

BILLING CODE 7510–01–P

Proposed Rules

Federal Register
Vol. 64, No. 129
Wednesday, July 7, 1999

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 99–037–1]

Environmental Impact Statement for the Importation of Unmanufactured Solid Wood Packing Material

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Identification of regulatory alternatives and request for comments.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service intends to prepare an environmental impact statement in connection with regulations we are considering proposing regarding the importation of unmanufactured solid wood packing material. This notice identifies potential regulatory alternatives and issues that we plan to analyze in the environmental impact statement and requests public comment to further delineate the scope of the alternatives and issues.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by September 7, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–037–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 99–037–1.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Sweeney, Environmental Protection Officer, Environmental Analysis and Documentation, PPD, APHIS, 4700 River Road Unit 149, Riverdale, MD 20737–1237; (301) 734–7681; or e-mail: Nancy.E.Sweeney@usda.gov.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) is considering amending the regulations on the importation of logs, lumber, and other unmanufactured wood articles to decrease the risk of solid wood packing material (e.g., crates, dunnage, wooden spools, pallets, packing blocks) introducing exotic plant pests into the United States. Under the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331, *et seq.*), we are required to consider the potential environmental effects from the regulations under consideration. The purpose of this notice is to inform the public of our intent to prepare an environmental impact statement (EIS) and to solicit public comments on the scope of the environmental issues to be analyzed in the EIS.

The regulations in 7 CFR 319.40–1 through 319.40–11 (referred to below as the regulations) are intended to mitigate the plant pest risk presented by the importation of logs, lumber, and other unmanufactured wood articles, including solid wood packing material (SWPM). Introductions into the United States of exotic plant pests such as the pine shoot beetle and the Asian longhorned beetle have been linked to the importation of SWPM. These and other plant pests that could be carried by imported SWPM pose a serious threat to U.S. agriculture and to natural, cultivated, and urban forests.

On September 18, 1998, we published an interim rule in the **Federal Register** (63 FR 50100–50111, Docket No. 98–087–1) to require that SWPM from China be heat treated, fumigated, or treated with preservatives prior to arrival in the United States. We took this action because a number of recent incidents, including the introduction of the Asian longhorned beetle, demonstrate that China is the largest source of exotic plant pests in SWPM imported into the United States. The interim rule became effective on December 17, 1998. We amended the interim rule in a second interim rule effective and published in the **Federal Register** on December 17, 1998 (63 FR 69539–69543, Docket No. 98–087–4). The second interim rule made minor revisions regarding three documents in order to better coordinate the requirements of the rule with the United States Customs Service's electronic Automated Broker Interface system and entry operations procedures.

On January 20, 1999, we published an advance notice of proposed rulemaking in the **Federal Register** (64 FR 3049–3052, Docket No. 98–057–1) to seek information and develop regulatory options on the general problem of plant pests in SWPM imported from any country. In the notice, we requested public comment on what actions would be most effective and appropriate to further reduce the risk of SWPM introducing exotic plant pests into the United States. We received 102 comments in response to the advance notice of proposed rulemaking.

We are now considering proposing regulations to address the problem of SWPM introducing exotic plant pests into the United States. We intend to prepare an EIS to inform the public and APHIS decisionmakers of the potential environmental effects from various regulatory alternatives. We are requesting public comments to help us identify potential regulatory alternatives and significant environmental issues that should be analyzed in the EIS.

We have identified five alternatives that we plan to consider in the EIS, as follows:

- Take no additional regulatory action (i.e., maintain the current requirements for importing SWPM, including finalizing the requirements established by the September 18 and December 17 interim rules concerning importing SWPM from China);
- Apply the same requirements concerning SWPM from China to SWPM from the rest of the world (i.e., require SWPM imported from any part of the world to be heat treated, fumigated, or treated with preservatives prior to arrival in the United States);

• Impose restrictions—either treatment or ban—on a country-by-country basis based on pest risk assessments;

• Prohibit the importation of SWPM in any form from any country;

• Prohibit the importation of SWPM except for types of SWPM that are intended for extended, multiple shipment use and are: 100 percent free of bark, either kiln dried to an industrial standard or heat treated to a minimum of 71.1 °C for 75 minutes, and marked so as to be easily identifiable.

We specifically requested comments on some of these alternatives in the advance notice of proposed rulemaking. All of the alternatives were addressed or identified in comments submitted in response to the advance notice of proposed rulemaking. We would like comments on these alternatives and on other alternatives that should be analyzed in the EIS.

We will analyze the potential effects of each regulatory alternative on the human environment, including possible risks to human health, and the potential effects on forests, biodiversity, and nontarget species in the United States. We are also interested in comments that identify other issues that should be analyzed in the EIS. Potential issues include identification of treatment methods other than those currently approved in the regulations (currently approved treatments are heat treatment, heat treatment with moisture reduction, surface pesticide treatment, methyl bromide fumigation, and preservative treatment) and the ability to effectively monitor compliance with potential alternatives.

Comments regarding the proposed scope of the EIS are welcome and will be fully considered. When the draft EIS is completed, a notice announcing its availability and an invitation to comment on it will be published in the **Federal Register**.

Done in Washington, DC, this 30th day of June 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–17155 Filed 7–6–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1710

RIN 0572–AB05

Load Forecasts

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing to amend its regulations to revise requirements for borrower load forecasts and load forecast work plans (historically referred to as power requirements studies and power requirements study work plans). The proposed changes would reduce the level of detail required in load forecasts filed by small power supply borrowers and their members and by distribution borrowers unaffiliated with a large power supply borrower. The proposed changes also would give borrowers greater flexibility in preparation of load forecasts required to be submitted to RUS.

DATES: Written comments must be received by RUS or carry a postmark or equivalent by September 7, 1999.

ADDRESSES: Written comments should be addressed to Georg A. Shultz, Chief, Energy Forecasting Branch, Electric Staff Division, Rural Utilities Service, U. S. Department of Agriculture, 1400 Independence Ave., SW., Room 1246–SBldg., STOP 1569, Washington, DC 20250–1569. RUS requests a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Georg A. Shultz, Chief, Energy Forecasting Branch, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 1246–SBldg., STOP 1569, Washington, DC 20250–1569, telephone number: (202) 720–1920, fax: (202) 720–7491, E-mail: gshultz@rus.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in Section 3 of the Executive Order. In accordance with the Executive Order and the rule: (1) all state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule and (3) in accordance with § 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. § 6912(e)) administrative appeal procedures, if any are required must be exhausted prior to initiating litigation against the Department or its agencies.

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that a rule relating to RUS' electric loan program is not a rule as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and, therefore, the Regulatory Flexibility Act does not apply to this rule. RUS borrowers, as a result of obtaining Federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in the proposed rule were approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under control number 0572–0032.

Send questions or comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden to F. Lamont Heppe, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW, Room 4034–SBldg., STOP 1522, Washington, DC 20250–1522.

Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments, or the private sector. Thus, this proposed rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.850, Rural

Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation which may require consultation with state and local offices. A final rule related notice entitled ''Department Programs and Activities Excluded from Executive Order 12372,'' (50 FR 47034) determined that RUS loans and loan guarantees were not covered by Executive Order 12372.

Background

The Rural Utilities Service (RUS) makes and guarantees loans to furnish and improve electric service in rural areas pursuant to the Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.* (RE Act). Under the RE Act, RUS may make or guarantee a loan only if the Administrator determines that the security for the loan is reasonably adequate and that the loan will be repaid within the time agreed. Most borrowers apply for a new loan to meet system needs every two to three years. The security for these loans is generally a first lien on the borrower's electric system, evidenced through the filing of a mortgage. In order to determine the feasibility of a new loan and whether borrowers will have sufficient revenues to repay existing loans, RUS requires most borrowers to file load forecasts, historically called ''power requirements studies'' by RUS, containing current and detailed information and analyses on existing and expected future loads. Detailed information from the load forecasts are used in RUS' independent analysis and oversight of borrower systems.

RUS regulations on the preparation and approval of power requirements studies and power requirements work plans, contained at 7 CFR part 1710, subpart E, were last revised in 1992, at 57 FR 1053 and 57 FR 4513. Since then, the business and regulatory environment in the electric industry has undergone rapid change. State regulatory agencies, power supply systems, power pools, and other entities are modifying their power planning processes and requirements in the light of competitive changes in the industry. Even greater transformations lie ahead as many states move to adopt retail competition. In the years since the existing regulations were adopted, both RUS and our borrowers have gained greater familiarity with the development and use of load forecasts, and supporting analyses and data and the experience and sophistication of RUS financed systems have increased.

In response to changes in the industry and the Administration's ongoing commitment to improving customer service, RUS has amended a number of its regulations and practices involving its oversight of borrower systems to update and streamline these requirements. This proposed regulation is part of RUS' continuing effort to improve customer service.

This proposed rule implements recommendations to modify load forecast requirements which arose out of the RUS strategic planning process. The proposed changes simplify the procedure and minimize the detail of information RUS needs for loan feasibility determinations. The proposed revisions to the existing rule balance RUS' continuing need to maintain current up-to-date load forecast information for electric borrowers with its goal of reducing regulatory requirements and burdens on borrowers.

In the usual course of business, all prudent utilities engage in a continuing planning process incorporating objective load forecasts in order to provide reliable electric service for their existing and future customers. Borrowers submit their load forecasts and load forecast work plans to RUS in order to provide the necessary support for RUS approval of loans and a basis for RUS to monitor future borrower performance for loan security purposes. The proposed rule would modify the existing requirements and reduce the number of borrower systems required to maintain current load forecasts on file with RUS. The proposed changes would allow borrowers greater flexibility in preparation of the load forecasts and supporting information submitted to RUS. The proposed changes will reduce burdens on both borrowers and the RUS electric program.

Summary of Proposed Changes

Definitions

The proposed rule makes several conforming changes to the definitions in 7 CFR part 1710, subpart A. The terms ''load forecast'' and ''load forecast work plan'' are added to conform with overall electric industry usage of these terms. The terms ''power requirement study'' and ''power requirement study work plan'' will continue to be defined in 7 CFR part 1710, subpart A, since these terms continue to be used in other subparts. The term ''load forecast'' has the same definition as ''power requirements study'' and the term ''load forecast work plan'' has the same definition as ''power requirement study work plan.'' The terms ''approved load forecast'' and ''approved load forecast work plan'' have been added to clarify those load forecasts and load forecast work plans that RUS has determined are current for RUS purposes and have been approved by RUS pursuant to 7 CFR part 1710, subpart E.

Requirements to File Load Forecasts and Load Forecast Work Plans

Load forecasts are one of four primary documents required to be submitted in support of applications for RUS loans and loan guarantees (§ 1710.152). Load forecasts aid in RUS analysis of feasibility for loan approval and RUS review of loan security. RUS has required the larger power supply borrowers and their member systems to maintain an approved load forecast and approved load forecast work plan. As a result, approved load forecasts for these borrower's systems are in place and allow more expeditious review of requests for RUS assistance.

Under both the existing regulations and the proposed rule changes, whether and when a borrower must maintain an approved load forecast or approved load forecast work plan is generally determined by the value of the borrower's assets or total utility plant and whether a borrower is affiliated with a power supply borrower that is required to maintain an approved load forecast and approved load forecast work plan.

Under existing regulations, power supply borrowers with total assets over $300 million and distribution borrowers that own generation and transmission plant valued at over $300 million are required to maintain an approved load forecast and an approved load forecast work plan. Other RUS borrowers with total assets over $300 million must maintain an approved load forecast and submit it to support requests for RUS financing, approval of long-term power contracts, and other actions. Power supply borrowers with total assets over $300 million and their member power supply and distribution borrowers must coordinate their load forecasts in accord with an approved load forecast work plan.

The proposed rule uses total utility plant instead of total assets to determine these thresholds. Use of total utility plant instead of total assets conforms with other RUS requirements and relates directly to the borrowers utility plant which is used to service the loads. The proposed rule would raise the

threshold from $300 million to $500 million for borrowers required to maintain an approved load forecast and approved load forecast work plan on an ongoing basis. All power supply borrowers with total utility plant of less than $500 million (and their affiliated members that are RUS borrowers) will no longer be required to maintain and update load forecasts on a periodic basis. These borrowers will be required to have an approved load forecast when they apply for new financing and under certain other circumstances. This change is proposed to reduce the number of borrowers required to submit load forecasts on a routine basis and to closely monitor borrowers with large loans made or guaranteed by RUS.

The existing regulations provide that power supply borrowers with total assets of less than $300 million that are not members of any other power supply borrower with total assets over $300 million are not required to maintain an approved load forecast or approved load forecast work plan on an ongoing basis. However, these power supply borrowers must have an approved load forecast to support a request for any loan or loan guarantee over $25 million or more than ten percent of the borrower's total utility plant, whichever is smaller, and for RUS approval of a long-term power contract. The proposed rule would raise from $25 million to $50 million the loan value requiring an approved load forecast by power supply borrowers not otherwise required to maintain an approved load forecast.

The existing regulations provide that distribution borrowers with total assets of less than $300 million that are not affiliated with a power supply borrower are not required to maintain an approved load forecast or approved load forecast work plan. On an ongoing basis, these smaller unaffiliated distribution borrowers must have an approved load forecast for loans of $3 million or 10 percent of utility plant, whichever is smaller. Under the proposed rule, the minimum loan application for distribution borrowers that would require an approved load forecast would be $3 million or 5 percent of total utility plant, whichever is greater. These changes are being proposed to reduce burdens on small borrowers with minimal outstanding loans made or guaranteed by RUS.

Requirements for Load Forecasts

The proposed rule revises requirements for the contents of load forecasts and approval criteria to give borrowers and RUS greater flexibility in compliance with RUS regulations. Changes in the electric utility industry are likely to dramatically alter utility planning and forecasting practices. RUS recognizes that, in addition to complying with RUS requirements, borrowers need to prepare load forecast and planning documents for a variety of other external reporting purposes such as for state utility commissions, regional reliability planning, or to comply with terms of power supply agreements. To reduce burdens on borrowers, where practicable, RUS will accept load forecasts prepared for those other purposes as long as the information and analyses needed by RUS are included and are compatible with RUS applications. As is the practice at present, RUS expects that borrowers will continue to consult with RUS during the preparation and review of their load forecasts to resolve any uncertainties.

Under the existing rules, all borrower load forecasts must meet the same requirements for scope, content, and supporting analysis and models, unless waived by RUS. Under the proposed rule, load forecasts and supporting data submitted by small distribution borrowers that are unaffiliated with large power supply borrowers would not have to meet the same standards as forecasts submitted by large power supply borrowers and their members.

RUS does not believe reducing the load forecasting filing requirements will lead to any reduction in borrower's attention to the importance of load forecasting in their overall financial and system planning needed to assure reliable, affordable service for their customers. Borrowers will continue to conduct load forecasting as part of prudent utility practice in the ordinary course of business.

Confidentiality of Load Forecasts and Supporting Information

Restructuring of the electric power industry will likely increase the potential competitive harm to a borrower from the disclosure of commercially sensitive and confidential business information in the load forecast. RUS understands that borrowers may consider the information contained in the load forecasts and supporting data as commercially valuable, proprietary and confidential business information. RUS will not release information contained in the load forecast except as provided by law pursuant to 7 CFR part 1, The Freedom of Information Act (5 U.S.C. 552). When, in the course of responding to a Freedom of Information Act request, RUS cannot readily determine whether the information obtained from the borrower is privileged or confidential business information, RUS will obtain and consider the views of the borrower concerning the information and provide the borrower an opportunity to object to any decision to disclose the information. Borrowers should be aware that in order for RUS to withhold release of information it must be determined that such release will result in substantial harm to the borrower.

List of Subjects in 7 CFR Part 1710

Electric power, Electric utilities, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

For the reasons set out in the preamble, RUS proposes to amend 7 CFR chapter XVII as follows:

PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1710 is revised to read as follows:

Authority: 7 U.S.C. *et seq.*, 1921 *et seq.*, and 6941 *et seq.*

2. Section 1710.2(a) is amended by revising and adding the following definitions in alphabetical order:

§ 1710.2 Definitions and rules of construction.

* * * * *

Approved load forecast means a load forecast that RUS has determined is current for RUS purposes and has been approved by RUS' pursuant to 7 CFR part 1710, subpart E.

Approved load forecast work plan means a load forecast work plan that RUS has determined is current for RUS' purposes and has been approved pursuant to 7 CFR part 1710, subpart E.

* * * * *

Load forecast means the thorough study of a borrower's electric loads and the factors that affect those loads in order to determine, as accurately as practicable, the borrower's future requirements for energy and capacity.

Load forecast work plan means the plan that contains the resources, methods, schedules, and milestones to be used in the preparation and maintenance of a load forecast.

* * * * *

Power requirements study (PRS) has the same meaning as load forecast.

* * * * *

PRS work plan has the same meaning as load forecast work plan.

* * * * *

3. Revise paragraph 1710.152(a) to read as follows:

§ 1710.152 Primary support documents.

* * * * *

(a) *Load forecast.* The load forecast provides the borrower and RUS with an understanding of the borrower's future system loads, the factors influencing those loads, and estimates of future loads. The load forecast provides a basis for projecting annual electricity (kWh) sales and revenues, and for engineering estimates of plant additions required to provide reliable service to meet the forecasted loads. Subpart E of this part contains the information to be included in a load forecast and when an approved load forecast is required.

* * * * *

4. Revise subpart E of part 1710 to read as follows:

Subpart E—Load Forecasts

Sec.
1710.200 Purpose.
1710.201 General.
1710.202 Requirement to prepare a load forecast-power supply borrowers.
1710.203 Requirement to prepare a load forecast-distribution borrowers.
1710.204 Filing requirements for borrowers that must maintain a current RUS approved load forecast on an ongoing basis.
1710.205 Minimum requirements for all borrower load forecasts.
1710.206 Requirements for load forecasts prepared pursuant to RUS approved load forecast work plans.
1710.207 RUS approval criteria for approval of load forecasts by distribution borrowers not required to maintain a current load forecast on an ongoing basis.
1710.208 RUS approval criteria for load forecasts submitted by all power supply borrowers and by distribution borrowers required to maintain a current load forecast on an ongoing basis.
1710.209 Requirements for load forecast work plans.
1710.210 Waiver of requirements or approval criteria.
1710.211—1710.249—[Reserved]

Subpart E—Load Forecasts

§ 1710.200 Purpose.

This subpart contains RUS policies for the preparation, review, approval and use of load forecasts and load forecast work plans. A load forecast is a thorough study of a borrower's electric loads and the factors that affect those loads in order to estimate, as accurately as practicable, the borrower's future requirements for energy and capacity. The load forecast of a power supply borrower includes and integrates the load forecasts of its member systems. An approved load forecast, if required by this subpart, is one of the primary documents that a borrower is required to submit to support a loan application.

§ 1710.201 General.

(a) The policies, procedures and requirements in this subpart are intended to implement provisions of the loan documents between RUS and the electric borrowers and are also necessary to support approval by RUS of requests for financial assistance.

(b) Notwithstanding any other provisions of this subpart, RUS may require any power supply or distribution borrower to prepare a new or updated load forecast for RUS approval or to maintain an approved load forecast on an ongoing basis, if such documentation is necessary for RUS to determine loan feasibility, or to ensure compliance under the loan documents.

§ 1710.202 Requirement to prepare a load forecast—power supply borrowers.

(a) A power supply borrower with a total utility plant of $500 million or more must maintain an approved load forecast that meets the requirements of this subpart on an ongoing basis and provide an approved load forecast in support of any request for RUS financial assistance. The borrower must also maintain an approved load forecast work plan. The borrower's approved load forecast must be prepared pursuant to the approved load forecast work plan.

(b) A power supply borrower that is a member of another power supply borrower that has a total utility plant of $500 million or more must maintain an approved load forecast that meets the requirements of this subpart on an ongoing basis and provide an approved load forecast in support of any request for RUS financial assistance. The member power supply borrower may comply with this requirement by participation in and inclusion of its load forecasting information in the approved load forecast of its power supply borrower. The approved load forecasts must be prepared pursuant to the RUS approved load forecast work plan.

(c) A power supply borrower that has total utility plant of less than $500 million and that is not a member of another power supply borrower with a total utility plant of $500 million or more must provide an approved load forecast that meets the requirements of this subpart in support of an application for any RUS loan or loan guarantee which exceeds $50 million. The borrower is not required to maintain on an ongoing basis either an approved load forecast or an approved load forecast work plan.

§ 1710.203 Requirement to prepare a load forecast—distribution borrowers.

(a) A distribution borrower that is a member of a power supply borrower with a total utility plant of $500 million or more must maintain an approved load forecast that meets the requirements of this subpart on an ongoing basis and provide an approved load forecast in support of any request for RUS financial assistance. The distribution borrower may comply with this requirement by participation in and inclusion of its load forecasting information in the approved load forecast of its power supply borrower. The distribution borrower's load forecast must be prepared pursuant to the approved load forecast work plan of its power supply borrower.

(b) A distribution borrower that is a member of a power supply borrower which is itself a member of another power supply borrower that has a total utility plant of $500 million or more must maintain an approved load forecast that meets the requirements of this subpart on an ongoing basis and provide an approved load forecast in support of any request for RUS financial assistance. The distribution borrower may comply with this requirement by participation in and inclusion of its load forecasting information in the approved load forecast of its power supply borrower. The distribution borrower's approved load forecast must be prepared pursuant to the approved load forecast work plan of the power supply borrower with total utility plant in excess of $500 million.

(c) A distribution borrower that is a member of a power supply borrower with a total utility plant of less than $500 million must provide an approved load forecast that meets the requirements of this subpart in support of an application for any RUS loan or loan guarantee that exceeds $3 million or 5 percent of total utility plant, whichever is greater. The distribution borrower may comply with this requirement by participation in and inclusion of its load forecasting information in the approved load forecast of its power supply borrower. The borrower is not required to maintain on an ongoing basis either an approved load forecast or an approved load forecast work plan.

(d) A distribution borrower with a total utility plant of less than $500 million and that is unaffiliated with a power supply borrower must provide an approved load forecast that meets the requirements of this subpart in support of an application for any RUS loan or loan guarantee which exceeds $3 million or 5 percent of total utility

plant, whichever is greater. The borrower is not required to maintain on an ongoing basis either an approved load forecast or an approved load forecast work plan.

(e) A distribution borrower with a total utility plant of $500 million or more must maintain an approved load forecast that meets the requirements of this subpart on an ongoing basis and provide an approved load forecast in support of any request for RUS financing assistance. The borrower must also maintain an approved load forecast work plan. The distribution borrower may comply with this requirement by participation in and inclusion of its load forecasting information in the approved load forecast of its power supply borrower.

§ 1710.204 Filing requirements for borrowers that must maintain an approved load forecast on an ongoing basis.

(a) *Filing of load forecasts and updates.* A power supply or distribution borrower required to maintain an approved load forecast on an ongoing basis under § 1710.202 or § 1710.203 may elect either of the following two methods of compliance:

(1) Submitting a new load forecast to RUS for review and approval at least every 36 months, and then submitting updates to the load forecast to RUS for review and approval in each intervening year; or

(2) Submitting a new load forecast to RUS for review and approval not less frequently than every 24 months.

(b) *Extensions.* RUS may extend any time period required under this section for up to 3 months at the written request of the borrower's general manager. A request to extend a time period beyond 3 months must be accompanied by a written request from the borrower's general manager, an amendment to the borrower's approved load forecast work plan incorporating the extension, a board resolution approving the extension request and any amendment to the approved load forecast work plan, and any other relevant supporting information. RUS may extend the time periods contained in this section for up to 24 months.

§ 1710.205 Minimum approval requirements for all load forecasts.

(a) *Documents required for RUS approval of a borrower's load forecast.* The borrower must provide the following documents to obtain RUS approval for a load forecast:

(1) The load forecast and supporting documentation;

(2) A memorandum from the borrower's general manager to the board of directors recommending that the board approve the load forecast and its uses; and

(3) A board resolution from the borrower's board of directors approving the load forecast and its uses.

(b) *Contents of load forecast.* All load forecasts submitted by borrowers for approval must include:

(1) A narrative describing the borrower's system, service territory, and consumers;

(2) A narrative description of the borrower's load forecast including future load projections, forecast assumptions, and the methods and procedures used to develop the forecast;

(3) Projections of usage by consumer class, number of consumers by class, annual system peak demand, and season of peak demand for the number of years agreed upon by RUS and the borrower;

(4) A summary of the year-by-year results of the load forecast in a format that allows efficient transfer of the information to other borrower planning or loan support documents;

(5) The load impacts of a borrower's demand side management activities, if applicable;

(6) Graphic representations of the variables specifically identified by management as influencing a borrower's loads; and

(7) A database that tracks all relevant variables that might influence a borrower's loads.

(c) *Formats.* RUS does not require a specific format for the narrative, documentation, data, and other information in the load forecast, provided that all required information is included and available. All data must be in a tabular form that can be transferred electronically to RUS computer software applications. RUS will evaluate borrower load forecasts for readability, understanding, filing, and electronic access. If a borrower's load forecast is submitted in a format that is not readily usable by RUS or is incomplete, RUS will require the borrower to submit the load forecast in a format acceptable to RUS.

(d) *Document retention.* The borrower must retain its latest approved load forecasts, and supporting documentation until RUS approval of its next load forecast. Any approved load forecast work plan must be retained as part of the approved load forecast.

(e) *Consultation with RUS.* The borrower must designate and make appropriate staff and consultants available for consultation with RUS to facilitate RUS review of the load forecast work plan and the load forecast when requested by RUS.

(f) *Correlation and consistency with other RUS loan support documents.* If a borrower relies on an approved load forecast or an update of an approved load forecast as loan support, the borrower must demonstrate that the approved load forecast and the other primary support documentation for the loan were reconciled. For example, both the load forecast and the financial forecast require input assumptions for wholesale power costs, distribution costs, other systems costs, average revenue per kWh, and inflation. Also, a borrower's engineering planning documents, such as the construction work plan, incorporate consumer and usage per consumer projections from the load forecast to develop system design criteria. The assumptions and data common to all the documents must be consistent.

(g) *Coordination.* Power supply borrowers and their members that are subject to the requirement to maintain an approved load forecast on an ongoing basis are required to coordinate preparation of their respective load forecasts, updates of load forecasts, and approved load forecast work plan. A load forecast of a power supply borrower must consider the load forecasts of all its member systems.

§ 1710.206 Approval requirements for load forecasts prepared pursuant to approved load forecast work plans.

(a) *Contents of load forecasts prepared under an approved load forecast work plan.* In addition to the minimum requirements for load forecasts under § 1710.205, load forecasts developed and submitted by borrowers required to have an approved load forecast work plan shall include the following:

(1) Scope of the load forecast. The narrative shall address the overall approach, time periods, and expected internal and external uses of the forecast. Examples of internal uses include providing information for developing or monitoring demand side management programs, supply resource planning, load flow studies, wholesale power marketing, retail marketing, cost of service studies, rate policy and development, financial planning, and evaluating the potential effects on electric revenues caused by competition from alternative energy sources or other electric suppliers. Examples of external uses include meeting state and Federal regulatory requirements, obtaining financial ratings, and participation in reliability council, power pool, regional transmission group, power supplier or member system forecasting and planning activities.

(2) Resources used to develop the load forecast. The discussion shall identify and discuss the borrower personnel, consultants, data processing, methods and other resources used in the preparation of the load forecast. The borrower shall identify the borrower's member and, as applicable, member personnel that will serve as project leaders or liaisons with the authority to make decisions and commit resources within the scope of the current and future work plans.

(3) A comprehensive description of the database used in the study. The narrative shall describe the procedures used to collect, develop, verify, validate, update, and maintain the data. A data dictionary thoroughly defining the database shall be included. The borrower shall make all or parts of the database available or otherwise accessible to RUS in electronic format, if requested.

(4) A narrative for each new load forecast or update of a load forecast discussing the methods and procedures used in the analysis and modeling of the borrower's electric system loads as provided for in the load forecast work plan.

(5) A narrative discussing the borrower's past, existing, and forecast of future electric system loads. The narrative must identify and explain substantive assumptions and other pertinent information used to support the estimates presented in the load forecast.

(6) A narrative discussing load forecast uncertainty or alternative futures that may determine the borrower's actual loads. Examples of economic scenarios, weather conditions, and other uncertainties that borrowers may decide to address in their analysis include:

(i) Most-probable assumptions, with normal weather;

(ii) Pessimistic assumptions, with normal weather;

(iii) Optimistic assumptions, with normal weather;

(iv) Most-probable assumptions, with severe weather;

(v) Most-probable assumptions, with mild weather;

(vi) Impacts of wholesale or retail competition; or

(vii) New environmental requirements.

(7) A summary of the forecast's results on an annual basis. Include alternative futures, as applicable. This summary shall be designed to accommodate the transfer of load forecast information to a borrower's other planning or loan support documents. Computer-generated forms or electronic submissions of data are acceptable. Graphs, tables, spreadsheets or other exhibits shall be included throughout the forecast as appropriate.

(8) A narrative discussing the coordination activities conducted between a power supply borrower and its members, as applicable, and between the borrower and RUS.

(b) *Compliance with an approved load forecast work plan.* A borrower required to maintain an approved load forecast work plan must also be able to demonstrate that both it and its RUS borrower members are in compliance with its approved load forecast work plan for the next load forecast or update of a load forecast.

§ 1710.207 RUS criteria for approval of load forecasts by distribution borrowers not required to maintain an approved load forecast on an ongoing basis.

Load forecasts submitted by distribution borrowers that are unaffiliated with a power supply borrower, or by distribution borrowers that are members of a power supply borrower that has a total utility plant less than $500 million and that is not itself a member of another power supply borrower with a total utility plant of $500 million or more must satisfy the following minimum criteria:

(a) The borrower considered all known relevant factors that influence the consumption of electricity and the known number of consumers served at the time the study was developed;

(b) The borrower considered and identified all loads on its system of RE Act beneficiaries and non-RE Act beneficiaries;

(c) The borrower developed an adequate supporting data base and considered a range of relevant assumptions; and (d) The borrower provided RUS with adequate documentation and assistance to allow for a thorough and independent review.

§ 1710.208 RUS criteria for approval of all load forecasts by power supply borrowers and by distribution borrowers required to maintain an approved load forecast on an ongoing basis.

All load forecasts submitted by power supply borrowers and by distribution borrowers required to maintain an approved load forecast must satisfy the following criteria:

(a) The borrower objectively analyzed all known relevant factors that influence the consumption of electricity and the known number of customers served at the time the study was developed;

(b) The borrower considered and identified all loads on its system of RE Act beneficiaries and non-RE Act beneficiaries;

(c) The borrower developed an adequate supporting database and analyzed a reasonable range of relevant assumptions and alternative futures;

(d) The borrower adopted methods and procedures in general use by the electric utility industry to develop its load forecast;

(e) The borrower used valid and verifiable analytical techniques and models;

(f) The borrower provided RUS with adequate documentation and assistance to allow for a thorough and independent review; and

(g) In the case of a power supply borrower required to maintain an approved load forecast on an ongoing basis, the borrower adequately coordinated the preparation of the load forecast work plan and load forecast with its member systems.

§ 1710.209 Approval requirements for load forecast work plans.

(a) In addition to the approved load forecast required under §§ 1710.202 and 1710.203, any power supply borrower with a total utility plant of $500 million or more and any distribution borrower with a total utility plant of $500 million or more must maintain an approved load forecast work plan. RUS borrowers that are members of a power supply borrower with a total utility plant of $500 million or more must cooperate in the preparation of and submittal of the load forecast work plan of their power supply borrower.

(b) An approved load forecast work plan establishes the process for the preparation and maintenance of a comprehensive database for the development of the borrower's load forecast, and load forecast updates. The approved load forecast work plan is intended to develop and maintain a process that will result in load forecasts that will meet the borrowers' own needs and the requirements of this subpart. An approved work plan represents a commitment by a power supply borrower and its members, or by a large unaffiliated distribution borrower, that all parties concerned will prepare their load forecasts in a timely manner pursuant to the approved load forecast work plan and they will modify the approved load forecast work plan as needed with RUS approval to address changing circumstances or enhance the usefulness of the approved load forecast work plan.

(c) An approved load forecast work plan for a power supply borrower and its members must cover all member systems, including those that are not borrowers. However, only members that are borrowers, including the power

supply borrower, are required to follow the approved load forecast work plan in preparing their respective load forecasts. Each borrower is individually responsible for forecasting all its RE Act beneficiary and non-RE Act beneficiary loads.

(d) An approved load forecast work plan must outline the coordination and preparation requirements for both the power supply borrower and its members.

(e) An approved load forecast work plan must cover a period of 2 or 3 years depending on the applicable compliance filing schedule elected under § 1710.204.

(f) An approved load forecast work plan must describe the borrower's process and methods to be used in producing the load forecast and maintaining current load forecasts on an ongoing basis.

(g) Approved load forecast work plans for borrowers with residential demand of 50 percent or more of total kWh must provide for a residential consumer survey at least every 5 years to obtain data on appliance and equipment saturation and electricity demand. Any such borrower that is experiencing or anticipates changes in usage patterns shall consider surveys on a more frequent schedule. Power supply borrowers shall coordinate such surveys with their members. Residential consumer surveys may be based on the aggregation of member-based samples or on a system-wide sample, provided that the latter provides for relevant regional breakdowns as appropriate.

(h) Approved load forecast work plans must provide for RUS review of the load forecasts as the load forecast is being developed.

(i) A power supply borrower's work plan must have the concurrence of the majority of the members that are borrowers.

(j) The borrower's board of directors must approve the load forecast work plan.

(k) A borrower may amend its approved load forecast work plan subject to RUS approval. If RUS concludes that the existing approved load forecast work plan will not result in a satisfactory load forecast, RUS may require a new or revised load forecast work plan.

§ 1710.210 Waiver of requirements or approval criteria.

For good cause shown by the borrower, the Administrator may waive any of the requirements applicable to borrowers in this subpart if the Administrator determines that waiving the requirement will not significantly affect accomplishment of RUS' objectives and if the requirement imposes a substantial burden on the borrower. The borrower's general manager must request the waiver in writing.

§§ 1710.211–1710.249 [Reserved]

Dated: June 29, 1999.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 99–17113 Filed 7–6–99; 8:45 am]

BILLING CODE 3410–15–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM–40–27]

State of Colorado and Organization of Agreement States; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking dated May 10, 1999, filed by the Officers of the Organization of Agreement States and the State of Colorado (petitioners). The petition has been docketed by the Commission and has been assigned Docket No. PRM–40–27. The petitioners are requesting that the NRC regulations governing small quantities of source material be amended to eliminate the exemption for source material general licensees from the requirements that specify standards of protection against radiation and notification and instruction of individuals who participate in licensed activities. Current NRC regulations exempt source material general licensees from these requirements. The petitioners believe that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits or create areas where individuals may be exposed to significant levels of radiation.

DATES: Submit comments by September 20, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (e-mail: CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–7162 or Toll Free: 1–800–368–5642 or E-mail: DLM1@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 1999, the Nuclear Regulatory Commission received a petition for rulemaking submitted by the Officers of the Organization of Agreement States and the State of Colorado (petitioners). The petitioners believe that the NRC should restrict the exemption from 10 CFR parts 19 and 20 for general licensees that appears at 10 CFR 40.22(b).

The petitioners contend that any licensee who has the potential to exceed any dose limits or who generates a radiation area as defined in 10 CFR part 20 should be required to meet the radiation protection and worker notification requirements in both Parts 19 and 20. To do this, NRC would have to amend its regulations pertaining to source material general licensees in 10 CFR part 40. Specifically, 10 CFR 40.22(b) would have to be amended to revoke the exemption from 10 CFR parts 19 and 20 for source material general licensees who could exceed public dose limits or dose equivalent limits for an embryo/fetus, would require personnel monitoring, or would require posting of a radiation area. The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802. The petition has been docketed as PRM–40–27. The NRC is soliciting public comment on the petition for rulemaking.

Discussion of the Petition

The petitioners believe that the NRC regulations codified at 10 CFR 40.22(b) provide a blanket exemption for source material general licensees from the radiation protection and associated worker protection requirements codified at 10 CFR parts 19 and 20. Currently, 10 CFR 40.22(b) reads as follows:

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of parts 19, 20, and 21, of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: Provided, however, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.

As proposed by the petitioners, 10 CFR 40.22(b) would read:

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of parts 19, 20, and 21, of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: Provided, however, That this exemption shall not be deemed to apply to any such person:

(1) Who is also in possession of source material under a specific license issued pursuant to this part;

(2) Whose use of source material could exceed the occupational dose limits in § 20.1201 through § 20.1208;

(3) Whose use of source material would require the use of personnel monitoring under § 20.1502 (a), (b), or (c); or

(4) Whose operation requires posting under § 20.1902.

The petitioners note that 10 CFR part 20 specifies basic radiation standards, consistent with national and international guidance, that apply to specific and most general licensees to provide the framework in which a licensee can perform safe operations, prevent employees and the public from exceeding dose limits, and maintain all radiation exposures As Low As Reasonably Achievable (ALARA). The petitioners also note that 10 CFR part 19 contains provisions to protect and inform individuals who participate in licensed activities that ''apply to *all persons* who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in parts 30 through 36, 39, 40, 60, 61, 70, or part 72 of this chapter * * *.'' (Emphasis added.)

The petitioners believe that generally licensed quantities of source material may not have been regarded as a health and safety hazard when the exemption for source material licensees was enacted. However, the petitioners contend that after the exemption became effective, industry experience has revealed that source material general licensees can expose workers to levels of radiation that require monitoring, dispose of radioactive materials in a manner that would not be acceptable for other licensees, produce contamination that exceeds release limits, and potentially exceed public dose limits to individuals other than those working at their facilities.

The petitioners further contend that no basis exists for exempting source material general licensees from compliance with part 20 requirements pertaining to dose limits or posting of radiation areas. The petitioners believe that if a radiation hazard exists that would require most licensees to implement corrective measures, all licensees who create similar hazards should be required to eliminate the hazard. The petitioners also state that any individual who uses radioactive materials and the general public should be protected from unsafe and unnecessary exposure to radiation resulting from licensed activities. The petitioners believe that individuals who participate in licensed activities who may receive exposures that exceed the public dose limits in 10 CFR part 20 should be instructed as to their rights as radiation workers and the necessary procedures for safe usage of radioactive materials.

The petitioners believe the NRC exemption for source material general licensees permits potentially hazardous radioactive materials to be transported into States without the knowledge or control of State radiation control programs. The petitioners cite two cases that they believe illustrate the problem with the blanket exemption in 10 CFR 40.22(b) granted for source material general licensees. In January 1999, the Colorado Radiation Control Program was notified that a dumpster had activated a radiation alarm at a landfill. The dumpster had been used for construction debris resulting from a remodeling project after a source material general licensee had vacated the facility.

After exposure levels on the dumpster exterior measured 4.9 mR/hr (1.3*u*C/kg-hr), an investigation revealed that it was a source material general licensee who was responsible for the radioactive material. According to the petitioners, further investigation found the licensee ensured that its procurement did not exceed the 150-pound (68kg) per year limit specified in 10 CFR 40.22(a), had vacated the building with contamination [calculated at 734 mrem/year (7.34mSv/yr)] that exceeded the 25 mrem (250 *u*Sv) annual limit for release for uncontrolled use, and had significant levels of exposure to thorium and its daughters at its current facility. The petitioners state that under the exemption in 10 CFR 40.22(b), this and all other licensees who use similar quantities of source material are exempt from the health and safety requirements contained in part 20.

The petitioners also cite a 1994 Environmental Protection Agency (EPA) enforcement action against Broomer Research, Inc., of Islip, Long Island, New York found as a result of an Internet search. EPA identified significant levels of radionuclides in the sludge from a plant where thorium fluoride was used in the manufacture of optical lenses. The petitioners do not believe that these cited cases are unique and are concerned that only one of the suppliers of thorium fluoride identified in an Internet search has provided a list of its Colorado customers as requested.

The petitioners also contend that waste disposal by these general licensees creates exposure hazards and believe that general licensees who possess source material do not view waste disposal as an issue because this waste is only ''Generally Licensed'' and can be disposed of as common trash. Disposal of radioactive waste is controlled for specific licensees by the requirements in 10 CFR part 20 that prohibit disposal as common trash or dilution of waste in order for it to pass undetected through monitoring alarms at landfills, unless specifically authorized by regulation or license condition. The petitioners are concerned that when radioactive waste from source material licensees is transferred, those who receive the waste may be unaware of any hazard and subject to potential exposure, and may pass the hazard to another waste handler who is also unaware of the potential exposure.

The petitioners considered three other regulatory alternatives to restricting the exemption for source material general licensees that included taking no action, separately licensing each entity who uses source material and could exceed part 20 exposure limits, and removing the exemption for all source material general licensees. The petitioners determined that taking no action is unacceptable because it allows general licensees to ignore basic radiation

protection standards and provides no protections to radiation workers.

The petitioners also determined that issuing a license to each source material general licensee would involve more expense than amending the regulations and would be unworkable because these types of licensees often go in and out of business. Also, the petitioners believe it would be inappropriate to apply conditions to each source material general licensee absent a rulemaking process and that the NRC would not be able to easily determine the scope of activities for each licensee. Lastly, the petitioners determined that removing the exemption in 10 CFR 40.22(b) for all source material general licensees would be inappropriate because many of these licensees use only small quantities of source material and pose very minimal risks to employees and the public.

The Petitioner's Conclusions

The petitioners conclude that 10 CFR 40.22(b) provides a blanket exemption for source material general licensees from the radiation protection and worker notification and instruction requirements contained in 10 CFR parts 19 and 20. The petitioners also conclude that no basis for this exemption exists because it allows these licensees to exceed currently specified dose limits, create areas where individuals may be exposed to significant levels of radiation, and dispose of radioactive waste in ways that are not permitted for other licensees. The petitioners request that the exemption in 10 CFR 40.22(b) be restricted as detailed in their petition for rulemaking to exclude source material general licensees who could exceed public dose limits or dose equivalent limits for an embryo/fetus or would require personnel monitoring or posting of a radiation area.

Dated at Rockville, Maryland, this 29th day of June, 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99–17190 Filed 7–6–99; 8:45 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

Pre-Disaster Mitigation Loans

AGENCY: Small Business Administration (SBA).

ACTION: Proposed rule.

SUMMARY: SBA proposes to amend its disaster loan program regulations to implement a pilot program authorized by Congress in 1999. The authorization covers 5 fiscal years (from 2000 to 2004) and will allow SBA to make low interest, fixed rate loans to small businesses to use mitigation measures in support of Project Impact, a formal mitigation program established by the Federal Emergency Management Agency (FEMA).

DATES: Submit comments on or before August 6, 1999.

ADDRESSES: Comments should be mailed to Bernard Kulik, Associate Administrator, Office of Disaster Assistance, Small Business Administration, 409 Third Street, S.W., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, 202–205–6734.

SUPPLEMENTARY INFORMATION: SBA proposes to amend part 123 of its regulations regarding disaster loans. The proposed amendments would allow small businesses to obtain low interest, fixed rate loans to use mitigation measures in support of Project Impact. In response to the problems of increasing costs and personal devastation caused by disasters, Congress has authorized a pilot program for 5 fiscal years from 2000 through 2004. The Administration has launched an approach to emergency management that moves away from the current reliance on response and recovery to an approach that emphasizes preparedness. SBA supports this approach and proposes offering pre-disaster mitigation loans to assist with disaster preparedness. SBA proposes to provide such loans to small businesses within Project Impact communities identified by FEMA. Currently, SBA disaster loans may be used only to repair or replace what was destroyed or damaged by disaster and provide an additional 20 percent for mitigation measures. Therefore, to promote preparedness, SBA proposes to amend this section of its regulations to provide pre-disaster mitigation loans for small businesses. Such pre-disaster mitigation loans will allow small businesses to install mitigation devices that may prevent future damage.

Compliance With Executive Orders 12612, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this proposed rule is not a significant rule within the meaning of Executive Order 12866, since it is not likely to have an annual economic effect of $100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the U.S. economy.

SBA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

SBA certifies that this proposed rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35.

For purposes of Executive Order 12612, SBA certifies that this proposed rule has no federalism implications warranting preparation of a Federalism Assessment.

For purposes of Executive Order 12988, SBA certifies that this proposed rule is drafted, to the extent practicable, to accord with the standards set forth in paragraph 2 of that Order.

List of Subjects in 13 CFR Part 123

Disaster assistance, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the Small Business Administration proposes to amend 13 CFR part 123 as follows:

PART 123—DISASTER LOAN PROGRAM

1. The authority citation for part 123 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(b), 636(c) and 636(f); Pub. L. 102–395, 106 Stat. 1828, 1864; and Pub. L. 103–75, 107 Stat. 739.

2. Revise § 123.107 to read as follows:

§ 123.107 What is mitigation?

Mitigation means specific measures taken by you to protect against recurring damage in similar future disasters. Examples include retaining walls, sea walls, grading and contouring land, relocating utilities and modifying structures. Pre-disaster mitigation is addressed in §§ 123.400 through 123.407. The money that you can borrow for mitigation is limited to the lesser of the cost of mitigation, or 20 percent of your loan to repair or replace your damaged primary residence and personal property. SBA will not accept a request for a loan increase for mitigation filed after final disbursement of your original loan unless you can show that your request was late because of substantial reasons beyond your control.

3. Add an undesignated centerheading and §§ 123.400 through 123.407 to read as follows:

Pre-disaster Mitigation Loans

Sec.
123.400 What is a pre-disaster mitigation loan?
123.401 What types of mitigating measures are eligible for a pre-disaster mitigation loan?
123.402 Is my business eligible to apply for a pre-disaster mitigation loan?
123.403 When would my business not be eligible to apply for a pre-disaster mitigation loan?
123.404 How much can my business borrow with a pre-disaster mitigation loan?
123.405 What is the interest rate on a pre-disaster mitigation loan?
123.406 How do I apply for a pre-disaster mitigation loan and which loans will be funded?
123.407 What happens if my pre-disaster mitigation loan application is denied or withdrawn?

Pre-disaster Mitigation Loans

§ 123.400 What is a pre-disaster mitigation loan?

Congress has authorized a pilot program for 5 fiscal years from 2000 through 2004 for SBA to make low interest, fixed rate loans to small businesses to use mitigation measures in support of Project Impact, a formal mitigation program established by the Federal Emergency Management Agency (FEMA).

§ 123.401 What types of mitigating measures are eligible for a pre-disaster mitigation loan?

Mitigation means specific measures taken by you to protect your real property or leasehold improvements from future disasters in Project Impact communities. If you are a landlord, the measures must be for protection of commercial rather than residential real property. Additionally, SBA will consider providing a pre-disaster mitigation loan for relocation if your commercial real property is located in a SFHA (Special Flood Hazard Area) and you relocate outside the SFHA but remain in the same Project Impact community. If the mitigation measures involved a flood hazard, the applicant small business must be located in an existing structure in a SFHA. The local Project Impact coordinator will confirm that your proposed project is in accordance with specific Project Impact priorities and goals of that community. SBA will verify each project to determine if the project will accomplish the desired mitigation results.

§ 123.402 Is my business eligible to apply for a pre-disaster mitigation loan?

Most small business concerns located in a FEMA Project Impact community are eligible to apply for a pre-disaster mitigation loan. Your small business may be a sole proprietorship, partnership, corporation, limited liability company, or other legal entity recognized under State law. Your small business must have been in existence for at least one year prior to submitting an application for this loan.

§ 123.403 When would my business not be eligible to apply for a pre-disaster mitigation loan?

Your business is not eligible for a pre-disaster mitigation loan if it fits into any of the categories in § 123.101, § 123.201, and § 123.301. Your business (together with its affiliates) must be small (as defined in part 121 of this chapter) and SBA must determine that the business and its owners do not have the financial resources to fund the mitigation measures without undue hardship.

§ 123.404 How much can my business borrow with a pre-disaster mitigation loan?

Pre-disaster mitigation loans are limited to $50,000 for each borrower together with its affiliates. Program funds will be allocated on a first come, first served filing basis. SBA will consider mitigation measures in excess of $50,000 if the business can show that the excess cost can be funded from other sources.

§ 123.405 What is the interest rate on a pre-disaster mitigation loan?

Your pre-disaster mitigation loan will have an interest rate of 4 percent per annum or less.

§ 123.406 How do I apply for a pre-disaster mitigation loan and which loans will be funded?

(a) Each State, the District of Columbia, Puerto Rico, and the Virgin Islands have at least one Project Impact community. Only those small businesses located in the Project Impact communities are eligible to apply for a pre-disaster mitigation loan. At the beginning of each fiscal year, SBA will publish a notice of the pre-disaster mitigation declaration in the **Federal Register** identifying the type of assistance available, the application filing deadline and locations for obtaining and filing loan applications. Additionally, SBA will use FEMA and the local media to inform potential loan applicants where to obtain loan applications. SBA will not accept any applications after the announced deadline unless SBA reopens the application filing period.

(b) Complete an SBA pre-disaster mitigation loan application package and attach a written statement from the local Project Impact coordinator that the project is in accordance with the specific priorities and goals of the local community. SBA will have a 30-day application filing period of November 1 through November 30 of each fiscal year. Additional application periods may be announced each year depending on availability of funds.

(c) Upon acceptance of a completed application package by the SBA Disaster Area Office, that office will notify the Office of Disaster Assistance (ODA) of the acceptance. Each application will be processed (approval, decline, or withdrawal) by the Area Office and that office will notify ODA of the action. ODA will then notify each Area Office of which completed approval actions to fund based on the date the completed application package was received and availability of loan funds.

§ 123.407 What happens if my pre-disaster mitigation loan application is denied or withdrawn?

(a) If your loan application is denied refer to § 123.13. Additionally, if your application is accepted for reconsideration or appeal, SBA will reflect the date of reconsideration or appeal as the date the application was received.

(b) If your loan application is withdrawn, the date of reacceptance will be considered as the date the application was received.

Dated: June 29, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–16999 Filed 7–6–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–87–AD]

RIN 2120–AA64

Airworthiness Directives; Precise Flight, Inc. Model SVS III Standby Vacuum Systems

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all U.S. owners and operators of aircraft equipped with Precise Flight, Inc. Model SVS III standby vacuum systems installed in accordance with the applicable supplemental type certificate (STC) or through field approval. The proposed AD would require

incorporating revised operating limitations for the affected standby vacuum systems into the airplane flight manual (AFM), and repetitively inspecting the push-pull cable, vacuum lines, saddle fittings, and shuttle valve for correct installation and damage (wear, chafing, deterioration, etc.). The proposed AD would also require immediately correcting any discrepancy found and conducting a function test of the vacuum system after the inspections. This AD results from reports of shuttle valve failure and standby vacuum system malfunction on aircraft. The actions specified by the proposed AD are intended to detect and correct problems with the standby vacuum system before failure or malfunction and to provide operating procedures for the pilot regarding the use and limitations of this system.

DATES: Comments must be received on or before August 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–87–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Precise Flight, Inc., 63120 Powell Butte Road, Bend, Oregon 97701; telephone: (800)–547–2558. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Della Swartz, Aerospace Engineer, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW, Renton, Washington 98055–4065; telephone: (425) 227–2596; facsimile: (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–CE–87–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–87–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received several reports of problems on aircraft equipped with Precise Flight, Inc. Model SVS III standby vacuum systems. In particular, the reports show 14 incidents of failed shuttle control valves and 2 accidents where improper use of the standby vacuum system was a factor. Other parts of the standby vacuum system that could fail include the saddle fittings, vacuum lines, and the push-pull cables.

The standby vacuum system is intended to provide emergency vacuum power for aircraft instruments when the primary vacuum system fails. The design of the Precise Flight, Inc. Model SVS III standby vacuum system is such that it may not be able to provide sufficient power to maintain altitude and operate the vacuum instruments.

Failure of the standby vacuum system in instrument flight rules (IFR) can lead to the pilot making incorrect decisions based on the data received from the instruments with consequent loss of control of the aircraft.

The Precise Flight, Inc. Model SVS III standby vacuum systems are installed on aircraft through a supplemental type certificate (STC) or through field approval. The Applicability section of the proposed AD lists the applicable STC's and aircraft that could have these standby vacuum systems installed. This list is not meant to be exhaustive nor does it include all aircraft with the systems installed through field approval.

Relevant Service Information

Precise Flight, Inc. has issued the following:

—Airplane Flight Manual Supplements (AFMS) for Standby Vacuum Systems (each document corresponds with the Applicable STC), which include operating procedures for the pilot regarding the use and limitations of the Model SVS III standby vacuum system; and

—Precise Flight Instructions for Continued Airworthiness (Section 3.3 of Installation Report No. 50050), Revision 25, dated August 26, 1996, which specifies procedures for inspecting the push-pull cables, vacuum lines, saddle fittings, and shuttle valve for correct installation and damage (wear, chafing, deterioration, etc.); immediately correcting any discrepancy found; and conducting a function test of the vacuum system after each inspection.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the above-referenced service information, the FAA has determined that AD action should be taken to detect and correct problems with the standby vacuum system before failure or malfunction and to provide operating procedures for the pilot regarding the use and limitations of this system.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in aircraft equipped with Precise Flight, Inc. Model SVC III standby vacuum systems, the FAA is proposing AD action. The proposed AD would require incorporating revised operating limitations for the affected standby vacuum systems into the airplane flight manual (AFM), and repetitively inspecting the push-pull cable, vacuum lines, saddle fittings, and shuttle valve for correct installation and damage (wear, chafing, deterioration, etc.). The proposed AD would also require immediately correcting any discrepancy found and conducting a function test of the vacuum system after each inspection.

Compliance Time of the Proposed AD

The compliance times of the proposed AD are presented in calendar time. Although malfunction or failure of the standby vacuum systems is only unsafe while the aircraft is in flight, the condition is not a direct result of repetitive aircraft operation. The unsafe

condition could exist on a standby vacuum system installed on an aircraft with only 50 hours time-in-service (TIS), but may not develop on another standby vacuum system installed on an aircraft until 1,000 hours TIS. The inspection compliance times are proposed to coincide with annual inspections so as to allow the owner/operator of the aircraft to have the proposed action accomplished at a time when he/she had already scheduled maintenance activities.

Cost Impact

The FAA estimates that 10,000 standby vacuum systems would be affected by the proposed AD, that it would take approximately 3 workhours per vacuum system to accomplish the proposed actions, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,800,000, or $180 per airplane.

These figures only take into account the costs of the initial inspection and initial functional test of the standby vacuum systems; subsequent inspections and functional tests and any corrective actions are not included in the cost impact. The FAA has no way of determining the number of repetitive inspections and functional tests each airplane owner/operator will incur over the life of an airplane incorporating one of the affected standby vacuum systems. The FAA also has no way of determining the number of standby vacuum systems that would require corrective action based on the inspection results.

Regulatory Impact

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.

For the reasons discussed above, I certify that this action (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) 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. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Precise Flight, Inc.: Docket No. 98-CE–87–AD.

Applicability: Model SVS III standby vacuum systems, installed on, but not limited to, the aircraft listed in the following chart. These systems can be installed either in accordance with the applicable supplemental type certificate (STC) or through field approval:

Affected STC	Make and model airplanes
SA2160NM	Raytheon Beech Models 23, A23, A23A, A23–19, 19A, B19, B19A, A23–24, B23, C23, A24, A24R, B24R, C24R, 35, A35, B35, C35, D35, E35, F35, G35, 35R, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 35–33, 35–A33, 35–B33, 35–C33, 35–C33A, E33, E33A, E33C, F33, F33A, F33C, G33, 36, A36, A36TC, B36TC, 4S(YT–34), A45(T–34A, B–45), D45(T–34B), and 77 Series.
SA2161NM	Raytheon Beech Model V35B.
SA2162NM	Cessna Models 120, 140, 140A, 150, 150A, 150B, 150C, 150D, 150E, 150F, 150G, 150H, 150J, 150K, 150L, A150L, 150M, 152, A152, A150K, A150M, 170, 170A, 170B, 172, 172A, 172B, 172C, 172D, 172E, 172F (USAFT–41A), 172G, 172H(USAFT–41A), 172I, 172K, 172L, 172M, 172N, 172P, 172Q, 175, 175A, 175B, 175C, P172D, R172E (USAFT–41B, USAFT41–3, and USAFT–41D), R172F (USAFT–41D and USAFT–41C), R172G (USAFT–41D), R172H (USAFT–41D), R172J, R172K, 172RG, 177, 177A, 177B, 177RG, 180, 180A, 180B, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K, 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 182R, 182RG, T182, T182RG, T182R, 185, 185A, 185B, 185C, 185D, 185E, A185E, A185F, 188, 188A, 188B, A188, A188B, T188C, 206, P206, P206A, P206B, P206C, P206D, P206E, TP206A, TP206B, TP206C, TP206D. TP206E, U206–A, U206–B, U206–C, U206–D, U206–E, U206–F, U206–G, TU206–A, TU206–B, TU206–C, TU206–D, TU206–E, TU206–F, TU206–G, 207, 207A, T207, T207A, 210, 210A, 210B, 210C, 210D, 210E, 210F, 210–5 (205), 210–5A (205A), T210F, 210G, T–210G, 210H, T–210H, 210J, 205P, T–210J, 210K, T–210K, T210L, 210L, 210M, T210M, 210N, P210N, T210N, 205T, 210R, P210R, 205U, T210R, 210–5, 210–5A, 305A (USAF 0–1A), 305C (USAF 0–1E), 305D (USAF 0–1F), 305F, 305B (USAF T0–1D), 305E (0–1D or 0–1F), and 321 (Navy 0E–2).
SA2163NM	Cessna Model U206G.
SA2164NM	Cessna Model 180Q.
SA2166NM	Cessna Model 177.
SA2167NM	The New Piper Aircraft, Inc. (Piper) Models L–14, PA–12, PA–12S, PA–14, PA–15, PA–16, PA–16S, PA–17, PA–18, PA–18A, PA–18S, PA–18–105 (Special), PA–18S–105(SP), PA–18–125 (Army L–21A), PA–18AS–125, PA–18S–125, PA–18–135, PA–18A–135, PA–18AS–135, PA–18S–135, PA–18–150, PA–18A–150, PA–18AS–150, PA–18S–150, PA–19 (Army L–18C), PA–19S, PA–20, PA–20S, PA–20–115, PA–20S–115, PA–20–135, PA–22, PA–22–108, PA–22–135, PA–22S–135, PA–22–150, PA–22S–150, PA–22–160, PA–22S–160, PA–24, PA–24–250, PA–24–260, PA–24–400, PA–25, PA–25–235, PA–25–260, PA–32–260, PA–32RT–300, PA–32RT–301T, PA–32–300, PA–32RT–300T, PA–32–301, PA–32S–300, PA–32R–301, PA–32–301T, PA–32R–300, PA–32R–301T, PA–28–140, PA–28–141, PA–28–150, PA–28–151, PA–28–160, PA–28S–160, PA–28–180, PA–28R–180, PA–28S–180, PA–28–235, PA–28S–235, PA–28–181, PA–28–161, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28–236, PA–28RT–201, PA–28RT–201T, PA–28–201T, PA–36–285, PA–36–300, PA–36–375, PA–38–112, and PA–46–31OP.
SA2168NM	Mooney Models M20, M20A, M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K, M20M , and M22.
SA2683NM	Aerocar, Inc. Model I.

Affected STC	Make and model airplanes
	Aerodifusion, S.L. Model Jodel D–1190S. Aeromere, S.A. Model Falco F.8.L. Aeronautica Macchi S.P.A. Models AL60, AL60–B, AL60–F5, and AL60–C5. Aeronautica Macchi & Aerfer Model AM–3. Aeronca Inc. Models 15AC and S15AC. Aerospatiale Model TB20 Trinidad. Arctic Aircraft Co., Inc. Models S–1A, S–1A–65F, S–1A–85F, S–1A–90F, S–1B1(Army L–67 XL–6), and S–1B2. Avions Mudry et Cie Model CAP 10B. American Champion Models (Bellanca, Aeronca) 7AC, 7ACA, S7AC (L–16A), 7BCM (L–16B), 7CCM, 7DC, S7DC, 7EC, S7EC, 7ECA, 7FC, 7GC, 7GCA, 7GCCA, 7GCB, 7GCBA, 7GCBC, 7HC, 7JC, 7KC, 7KCAB, 8KCAB, 8GCBC, 11AC, S11AC, 11BC, S11BC, 11CC, and S11CC. Bellanca Aircraft Corporation Models 14–9, 14–9L, 14–12F–3, 14–13, 14–13–2, 14–13–3, 14–13–3W, 14–19, 14–19–2, 14–19–3A, 17–30, 17–31, 17–31TC, 17–30A, 17–31A, and 17–31ATC. Biemond, C. Model Teal CB1. Board, G.R. Models Columbia XJL–1 and Bolkow Jr. Clark Aircraft, Inc. Models 12 and 1000. Falcon Aircraft Corporation Model F–1. Flug und Fahrzeugwerke AG Model AS 202/15 ''Brand''. Found Brothers Model FBA–2C Fuji Heavy Industries Models FA–200–160, FA–200–180, and FA–200–180AO. Funk Aircraft Model Funk C. Kearns, Edward Scott (Garcia, Henry S.) Model (Emigh) Trojan A–2. Swift Museum Foundation, Inc. Model (Globe) GC–1A, GC–1B. Goodyear Aircraft Model GA–22A. Great Lakes Aircraft Model 2T–1A–1 and 2T–1A–2. Grumman American Models G–164, G–164A, G–164B, AA–1, AA–1A, AA–1B, AA–1C, AA–5, AA–5A, and AA–5B. Commander Aircraft (Gulfstream) Models 112, (112A, 112B, 112TC, 112TCA, 114, and 114A. Helio Enterprises Models H–250, H–295 (USAF U–10D), H–391 (USAF YL–24), H–395 (SAF L–28A), H–395A, HT–295, and H–700. Prop-Jets, Inc. (Interceptor Corp., Aero Commander, Meyers) Models 200, 200A, 200B, 200C, and 200D. C. Itoh Aircraft Maintenance & Engineering Co. LTD. Model N–62. Jamieson Corporation Model J–2–L1B. Jodel, Avion Models D–140–B, DR–1050, D–1190, and 150. Lake Models C–1, C–2–IV, LA–4, LA–4–200, and LA–4–250. Luscombe Aircraft Corp. Models 8, 8A, 8B, 8C, 8D, 8E, 8F, T–8F, and 11A. Maule Aerospace Technology Corp. Models Bee Dee M–4, M–4, M–4C, M–4S, M–4T, M–4–180C, M–4–180S, M–4–210, M–4–201C, M–4–210S, M–4–210T, M–4–220S, M–4–220T, M–5–180C, M–5–200, M–5–210C, M–5–210TC, M–T–220C, M–5–235, M–5–235C, M–6–180, M–6–235, M–7–235, MX–7–180, MX–7–235. Messerschmitt–Bolkow Models BO–209–150. FV&RV, BO209–160 FV&RV, BO–209, and 150OFF. Nardi S.A. Model FN–333. Jimmie Thompson Enterprise (Navion Rangemaster Aircraft Corporation) Models Navion (L–17A). Navion A (L–17B, L–17C), Navion B, D, E, F, G, and H. White International Ltd. Models (Pitts) S–1S, S–1T, S–2, and S–2A. Procaer S.P.A. Models F 15/B, F 15/C, and F 15/E. Gulfstream Aerospace Corporation (Rockwell) Models 111, 112, 112B, 112TC, 112TCA, and 114. Aermacchi S.p.A Models S.205, S.205–18F, S.205–18/R, S.205–20/F, S.205–20/R, S.205–22/R, S.208, S.208A, F.260, and F.260B. Socata Groupe Aerospatiale Models Rallye Series MS880B, MS885, MS892–A–150, MS892E–150, MS893A, MS893E, MS894A, MS894E, TB9,TB10, and TB21. Stinson Models 108–2 and 108–3. Sud Aviation Models Gardan GY.80–1500, GY.80–160, and GY.80–180. Taylorcraft Aircraft Company Models F19, F21, and F21A. Univair Aircraft Corporation (Forney) Models F–1, F–1A, (ERCO)E, 415D, (ALON)A–2, A20a, (Mooney)M10, (Mooney) (ERCO) 415–C, and 415–CD. Augustair, Inc. (Varga Aircraft Corporation) Models 2150, 2150A, and 2180.

Note 1: The above list includes the aircraft where the Precise Flight, Inc. Model SVS III standby vacuum systems could be installed through STC. This list is not meant to be exhaustive nor does it include all aircraft with the systems installed through field approval.

Note 2: This AD applies to any aircraft with a standby vacuum system installed that is identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For aircraft that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct problems with the standby vacuum system before failure or malfunction and to provide operating procedures for the pilot regarding the use and limitations of this system, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, accomplish whichever (paragraph (a)(1) or (a)(2) below) of the following that applies:

(1) For airplanes with the affected standby vacuum system installed in accordance with the applicable STC, incorporate the applicable Precise Flight, Inc. Airplane Flight Manual Supplement (AFMS) for Standby Vacuum Systems (each document corresponds with the applicable STC as

presented in the chart below) into the Airplane Flight Manual (AFM), including installing all placards specified in these AFMS's; or insert a copy of the Appendix to this AD into the AFM, including installing all placards specified in the Appendix:

Applicable STC	AFMS Date
SA2160NM	May 7, 1998.
SA2161NM	August 6, 1998.
SA2162NM	August 6, 1998.
SA2163NM	August 6, 1998.
SA2164NM	August 6, 1998.
SA2166M	August 6, 1998.
SA2167NM	August 6, 1998.
SA2168NM	August 6, 1998.
SA2683NM	August 6, 1998; or.

(2) For airplanes with the affected standby vacuum system installed through field approval, insert the Appendix to this AD into the AFM, including installing all placards specified in the Appendix.

(b) Within the next 12 calendar months after the effective date of this AD, and thereafter at intervals specified in the following paragraphs, inspect the push-pull cable, vacuum lines, saddle fittings, and shuttle valve for correct installation and damage (wear, chafing, deterioration, etc.). Accomplish these inspections in accordance with Precise Flight Instructions for Continued Airworthiness (Section 3.3 of Installation Report No. 50050), Revision 25, dated August 26, 1996.

(1) Reinspect the push-pull cable, vacuum lines, and saddle fittings at intervals not to exceed 12 calendar months; and

(2) Reinspect the shuttle valve at intervals not to exceed 24 calendar months.

(c) Prior to further flight after each inspection required by paragraph (b) of this AD, accomplish the following in accordance with Precise Flight Instructions for Continued Airworthiness (Section 3.3 of Installation Report No. 50050), Revision 25, dated August 26, 1996.

(1) Correct any discrepancy found; and

(2) Conduct a function test of the vacuum system and assure proper function.

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

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW, Renton, Washington 98055–4065. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Precise Flight, Inc., 63120 Powell Butte Road, Bend, Oregon 97701; or may examine this/these document(s) at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

BILLING CODE 4910–13–U

Appendix to Docket No. 98–CE–87–AD

System Description

A Precise Flight Standby Vacuum System may be installed to provide a temporary vacuum system in the event of a primary vacuum failure. The Standby Vacuum System operates on the differential between the intake manifold and ambient air pressure and is directed through a shuttle valve system to drive your flight instruments.

I. Operating Limitations

A. Instructions

1. The Standby Vacuum System is for emergency or standby use only and not for dispatch purposes.

2. Vacuum powered add/or Vacuum gyro directed autopilot operation may be unreliable when the Standby Vacuum System is the sole source of vacuum. Vacuum powered or vacuum gyro directed autopilot should be OFF when operating with a failed primary vacuum system.

3. The Supplemental Vacuum System is not designed to operate pneumatic de-ice systems. DO NOT operate a pneumatic de-ice system when operating with a failed primary vacuum system.

4. Above 10,000 ft. pressure altitude, engine power settings may have to be significantly reduced to provide adequate vacuum power for proper gyro instrument operation.

5. The following placards are required to be in full view of pilot:

B. Placards

Placard to be located on the push/pull control cable.

Placard to be located around the LED for the pump inop warning light.

Placard to be placed in front and in full view of the pilot.

STANDBY VACUUM SYSTEM EQUIPPED: FOR OPERATING INSTRUCTIONS AND LIMITATIONS SEE SUPPLEMENT IN OWNERS MANUAL OR PILOTS OPERATING HANDBOOK

One of the following placards must be placed in full view of the pilot near the instrument vacuum indicator after appropriate entries have been made.

APPROXIMATE STANDBY VACUUM AVAILABLE—ALTITUDE-POWER CHART FOR AIRCRAFT WITH CONSTANT SPEED PROPELLER—MAXIMUM CONTINUOUS RPM.

Press alt. (Ft.)	RPM	Man. pressure	SVS vacuum in Hg. Min.
2000	Max. Cont.		
4000	Max. Cont.		
6000	Max. Cont.		
8000	Max. Cont.		
10,000	Max. Cont.		

APPROXIMATE STANDBY VACUUM AVAILABLE—ALTITUDE-POWER CHART FOR AIRCRAFT WITH A FIXED PITCH PROPELLER

Press alt. (Ft.)	RPM	SVS vacuum in Hg min.
2000		
4000		
6000		
8000		
10,000		

II. Operating Procedures

A. Normal Procedures

1. Ground Check

a. Cycle the Standby Vacuum Control Knob Out—ON—, and return Control Knob IN—OFF—position.

2. Before Takeoff

a. Idle Engine at low speed, momentarily pull the standby vacuum knob out—ON—and check vacuum gauge. Normally, the vacuum reading will be slightly higher. After checking system push Standby Vacuum System knob IN—OFF—. Check that vacuum gauge has returned to the previous reading.

3. Enroute

a. Regularly check vacuum gauge and monitor warning light for proper vacuum system operation.

B. Emergency Procedures

1. Primary Vacuum Failure Warning Light Illuminates

a. Pull the Standby Vacuum System knob OUT -ON- and adjust throttle setting as required to maintain adequate vacuum for the primary instruments—Suction Gauge Reading in the Green Arc—If necessary descend to a lower altitude to obtain a larger differential between manifold and ambient pressure. Vacuum power must be closely monitored by checking the vacuum gauge frequently.

b. The SVS is not designed for continued IFR flight. Immediate steps should be taken to return to VFR conditions or to land. If this

is not possible, IFR flight should be continued only as long as necessary to return to VFR conditions or land the airplane.

WARNING: FAILURE OF THE VACUUM SYSTEM STILL CONSTITUTES AN EMERGENCY SITUATION REGARDLESS OF THE INSTALLATION OF THE SVS. IT MAY NOT BE POSSIBLE TO MAINTAIN A SAFE ALTITUDE AND MAKE USE OF THE SVS. IN SUCH A SITUATION THE AIRPLANE MUST BE FLOWN USING NON-VACUUM POWERED INSTRUMENTS.

c. If descent is impractical:

- Periodically and temporarily reduce power as required to provide adequate vacuum to the aircraft primary instruments.
- Reapply power as required, while comparing vacuum driven gyros against the Turn and Bank Indicator, Turn Coordinator, VSI and/or other flight instruments.
- When an obvious discrepancy is noted between the vacuum driven instruments and other flight instrumentation. Periodically and temporarily reduce power as required to provide adequate vacuum to the aircraft primary instruments.

III. Performance

No change.

Issued in Kansas City, Missouri, on June 25, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–16911 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–13–AD]

Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Eurocopter France Model AS332C, L, and L1 helicopters. This proposal would require inspecting and replacing certain bolts that secure the hoist arm lower fitting. This proposal is prompted by a report of a failure of the bolts that secure the hoist arm lower fitting during a factory load test. The actions specified by the proposed AD are intended to prevent failure of the bolts that secure the hoist arm lower fitting, separation of components from the helicopter, impact with the main or tail rotor, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before September 7, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–13–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mike Mathias, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed 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 above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–SW–13–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 99–SW–13–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Eurocopter France Model AS332C, L, and L1 helicopters. The DGAC advises of the failure during a load test of certain incorrect bolts that were used to secure the hoist arm lower fittings.

Eurocopter France has issued Telex No. 00069, dated November 3, 1998, for Model AS 332C, L, and L1 helicopters that are not modified in accordance with modification AMS 0722955 to inspect each bolt that secures the hoist arm lower fitting to ensure that the correct bolt, part number (P/N) 22201BE080020L, is installed rather than the incorrect bolt, P/N 22201BC080017L. The DGAC classified this Telex as mandatory and issued AD 98–487–072(A), dated December 2, 1998, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS332C, L, and L1 helicopters of the same type design registered in the United States, the proposed AD would require inspecting the bolts that secure the hoist arm lower fitting and replacing each incorrect bolt, P/N 22201BC080017L, with an airworthy bolt, P/N 22201BE080020L.

The FAA estimates that four helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1.5 work hours to inspect and replace the bolts per helicopter, and that the average labor rate is $60 per work hour. Required parts would cost approximately $50 for four bolts. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $560.

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.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 99–SW–13–AD.

Applicability: Model AS332C, L, and L1 helicopters, that are not modified in accordance with modification AMS 0722955, certificated in any category.

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

Compliance: Required prior to the next use of the hoist, unless accomplished previously.

To prevent failure of the bolts that secure the hoist arm lower fitting, separation of components from the helicopter, impact with the main or tail rotors, and subsequent loss of control of the helicopter, accomplish the following:

(a) Remove the four bolts that secure the hoist arm lower fitting.

(b) Inspect each bolt as follows:

(1) Measure each bolt shank from beneath the bolt head to the shank end;

(2) Determine the part number (P/N) of the bolt; and

(3) Determine what engraved marking is present on the bolt head.

(c) Each bolt, P/N 22201BE080020L, inspected in accordance with paragraph (b), measuring 20 mm in length and having ''BE'' engraved on the bolt head may be reinstalled if otherwise airworthy.

(d) Any bolt inspected in accordance with paragraph (b), not measuring 20 mm in length and having ''BC'' or letters other than ''BE'' engraved on the bolt head must be replaced. Replace with an airworthy bolt, P/N 22201BE080020L, that measures 20 mm in length and has ''BE'' engraved on the bolt head.

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

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

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

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. 98–487–072(A), dated December 2, 1998.

Issued in Fort Worth, Texas, on June 28, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–17176 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–58–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100 and -300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100 and -300 series airplanes. This proposal would require modification of certain hydraulic systems that provide hydraulic pressure for the control of the rudder and for the main landing gear brakes. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent damage to certain hydraulic system components in the number 2 engine nacelle, which could result in loss of the number 1 and number 2 hydraulic systems, and consequent reduced controllability of the airplane.

DATES: Comments must be received by August 6, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–58–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Anthony Gallo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, Engine and Propeller

Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7510; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–58–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–58–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Aviation (TCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–100 and –300 series airplanes. TCA advises that it has received reports of hydraulic system damage in the number 2 engine nacelle caused by in-flight, fuel-fed engine fires; and in one incident, the complete hull of the airplane was lost. In each incident, the fire was caused by leaking and igniting fuel. However, the source of the fuel leak in each incident was a different source, as was the source of ignition.

Investigation revealed that the hydraulic system did not cause the fire in any of the incidents, however, the damage from the fires resulted in a total loss of hydraulic pressure in both hydraulic systems 1 and 2. These hydraulic systems supply hydraulic power for the control of the rudder and for the main landing gear (MLG) brakes. Further investigation revealed that the location of the number 2 standby power unit (SPU) and certain hydraulic components of the parking brake system (i.e., parking brake accumulator, charging valve, and viewing gauge) may have contributed to the hydraulic system damage. Such damage, if not corrected, could result in loss of the number 1 and number 2 hydraulic systems, and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

Bombardier has issued the following service bulletins which describe procedures for modification of certain hydraulic systems that provide hydraulic pressure for the control of the rudder and for the main landing gear brakes:

Bombardier Service Bulletin S.B. 8–32–128, Revision 'C,' dated March 27, 1998, describes procedures for modification of the parking brake accumulator and charging valve of the parking brake system. This service bulletin is divided into two parts, A and B, respectively.

Part A of the Accomplishment Instructions (Bombardier Modification 8/1982) is applicable to airplanes on which Bombardier Modification 8/1152 has been installed. Part A of the Accomplishment Instructions describes procedures for relocation of the parking brake charging valve from the number 2 engine nacelle to the right-hand wing root, modification of the wing root and installation of a new front access panel, support, cleat, and associated hydraulic tubes.

Part B of the Accomplishment Instructions (Bombardier Modifications 8/1152 and 8/1982) is applicable to airplanes on which Bombardier Modification 8/1152 has not been installed. Part B of the Accomplishment Instructions describes procedures for relocation of the parking brake accumulator, charging valve, and viewing gauge; and installation of a new support assembly, panel assembly, viewing port, and tube assemblies in the right-hand wing root.

Bombardier Service Bulletin S.B. 8–29–23, dated December 6, 1996, describes procedures for relocation of the number 2 SPU of the number 2 engine nacelle to the rear fuselage; and installation of a new support assembly, hydraulic isolation valve, tube assemblies, wiring, circuit breaker, caution indicator, and associated relays.

Bombardier Service Bulletin S.B. 8–29–29, dated February 27, 1998, describes procedures for installation of a hydraulic rudder isolation system that involves installation of two new hydraulic isolation valves, electrical wiring, caution lights, and tube assemblies. Accomplishment of Service Bulletin S.B. 8–29–29 is an alternative to the modification described in Service Bulletin S.B. 8–29–23.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. TCA has approved these service bulletins and issued Canadian airworthiness directives CF–96–25R1, dated January 16, 1997, and CF–96–25R2, dated September 10, 1998, in order to assure the continued airworthiness of these airplanes in Canada.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 148 airplanes of U.S. registry would be affected by this proposed AD.

For airplanes identified in Bombardier Service Bulletin S.B. 8–32–128, Revision 'C,' it would take between 15 and 40 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the

operators. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be between $133,200 and $355,200, or between $900 and $2,400 per airplane.

For airplanes identified in Bombardier Service Bulletin S.B. 8–29–23, it would take approximately 346 work hours per airplane to accomplish the proposed relocation, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $3,072,480, or $20,760 per airplane.

For airplanes identified in Bombardier Service Bulletin S.B. 8–29–29, it would take approximately 120 work hours per airplane to accomplish the proposed installation, at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the installation proposed by this AD on U.S. operators is estimated to be $1,065,600, or $7,200 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 97–NM–58–AD.

Applicability: Model DHC–8–100 and –300 series airplanes having serial numbers 003 through 405; except those airplanes on which Bombardier Modifications 8/1152 and 8/1982 have been installed, and on which either Bombardier Modification 8/1983 or 8/2781 has been installed; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to certain hydraulic system components in the number 2 engine nacelle, which could result in loss of the number 1 and number 2 hydraulic systems, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 18 months after the effective date of this AD, modify certain hydraulic systems that provide hydraulic pressure for the control of the rudder and for the main landing gear brakes by accomplishing the requirements of paragraph (a)(1) or (a)(2), as applicable, in accordance with Bombardier Service Bulletin S.B. 8–32–128, Revision 'C,' dated March 27, 1998.

(1) For all airplanes on which Bombardier Modification 8/1152 has been installed: Accomplish Part A of the Accomplishment Instructions of the service bulletin.

(2) For all airplanes on which Bombardier Modification 8/1152 has not been installed: Accomplish Part B of the Accomplishment Instructions of the service bulletin.

(b) Within 18 months after the effective date of this AD, accomplish the actions specified in either paragraph (b)(1) or (b)(2) of this AD.

(1) Relocate the number 2 standby power unit (SPU) of the number 2 hydraulic system in accordance with Bombardier Service Bulletin S.B. 8–29–23, dated December 6, 1996; or

(2) Install a hydraulic rudder isolation system in the number 1 and number 2 hydraulic systems in accordance with Bombardier Service Bulletin S.B. 8–29–29, dated February 27, 1998.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

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

Note 3: The subject of this AD is addressed in Canadian airworthiness directives CF–96–25R1, dated January 16, 1997, and CF–96–25R2, dated September 10, 1998.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17177 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–27–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace model BAe 146 and

Avro 146–RJ series airplanes. This proposal would require installation of modified roller sub-assemblies in both the main landing gear (MLG) door lock and the MLG uplock. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the roller sub-assemblies, which could result in failure of the MLG to retract and lock after takeoff, or to deploy properly for landing.

DATES: Comments must be received by August 6, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–27–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–27–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–27–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model BAe 146 and Avro 146–RJ series airplanes. The CAA advises that a report has been received indicating that the roller sub-assembly fitted in the main landing gear (MLG) door lock cracked and broke into segments. A roller sub-assembly of the same type is also fitted in the MLG uplock, and cracks have been reported in that location also. Dowty Hydraulics has established that the cracks were initiated during the manufacturing process. Modified rollers, which use a different manufacturing assembly process, are now available. Cracked or broken roller assemblies, if not corrected, could result in failure of the MLG to retract and lock after takeoff, or to deploy properly for landing.

Explanation of Relevant Service Information

British Aerospace has issued Service Bulletin SB.32–150–70656A, dated December 1, 1998, which describes procedures for installation of modified roller sub-assemblies in both the MLG door lock and the MLG uplock. Accomplishment of the actions specified in the service bulletin are intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 005–12–98, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 45 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed modification, and that the average labor rate is $60 per work hour. Required parts would be provided at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $32,400, or $720 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft (Formerly British Aerospace Regional Aircraft Limited, Avro International Aerospace Division; British Aerospace, PLC; British Aerospace Commercial Aircraft Limited): Docket 99–NM–27–AD.

Applicability: All Model BAe 146 and Avro 146–RJ series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the roller sub-assemblies in both the main landing gear (MLG) door lock and the MLG uplock, which could result in failure of the MLG to retract and lock after takeoff, or to deploy properly for landing, accomplish the following:

Modification

(a) Install a modified roller sub-assembly in the MLG door lock unit and the MLG uplock unit, in accordance with British Aerospace Service Bulletin SB.32–150–70656A, dated December 1, 1998, at the applicable time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD.

(1) For airplanes that have accumulated 30,000 total flight cycles or more as of the effective date of this AD: Within six months after the effective date of this AD.

(2) For airplanes that have accumulated 26,000 or more, but fewer than 30,000 total flight cycles as of the effective date of this AD: Within 12 months after the effective date of this AD.

(3) For airplanes that have accumulated 22,000 or more, but fewer than 26,000 total flight cycles as of the effective date of this AD: Within 18 months after the effective date of this AD.

(4) For airplanes that have accumulated fewer than 22,000 total flight cycles as of the effective date of this AD: Within 18 months after the accumulation of 22,000 total flight cycles.

(b) As of the effective date of this AD, no person shall install on any airplane a MLG door lock assembly, part number 200898001 or 200898002, or a MLG uplock assembly, part number 200885001 or 200885002.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in British airworthiness directive 005–12–98.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17178 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–332–AD]

RIN 2120–AA64

Airworthiness Directives; Israel Aircraft Industries, Ltd. (IAI), Model 1124 and 1124A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all IAI Model 1124 and 1124A series airplanes. This proposal would require installation of an independent circuit breaker and associated wiring changes for the hydraulic low pressure warning lights. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent loss of the hydraulic low pressure warning lights. Low pressure in the hydraulic system can result in reduced controllability of the airplane.

DATES: Comments must be received by August 6, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–332–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Galaxy Aerospace Corporation, One Galaxy Way, Fort Worth Alliance Airport, Fort Worth, Texas 76177. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed 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 summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–332–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–332–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Administration of Israel (CAAI), which is the airworthiness authority for Israel, notified the FAA that an unsafe condition may exist on all IAI Model 1124 and 1124A series airplanes. The CAAI advises that it is possible to lose the hydraulic low pressure warning lights on these airplanes if there is a malfunction of the nosewheel steering circuit. On all applicable models the nosewheel steering circuit and the hydraulic low pressure warning electrical circuit are connected to the same circuit breaker. Thus, if there is a failure of the steering circuit that causes the circuit breaker to trip, the low pressure hydraulic warning light will not function. Such a failure within the nosewheel steering circuit, if not corrected, could result in unknown low pressure in the hydraulic system. Low pressure in the hydraulic system can result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Israel Aircraft Industries, Ltd. (IAI), has issued 1124-Westwind Alert Service Bulletin 1124–29A–140, dated August 15, 1998, which describes procedures for installation of a three-ampere circuit breaker on the overhead circuit breaker panel and associated wiring changes. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition. The CAAI classified this alert service bulletin as mandatory and issued Israeli airworthiness directive 29–98–09–01, dated September 23, 1998, in order to assure the continued airworthiness of these airplanes in Israel.

FAA's Conclusions

These airplane models are manufactured in Israel and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAAI, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 218 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed modification, and that the average labor rate is $60 per work hour. Required parts would cost approximately $142 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $109,436, or $502 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Israel Aircraft Industries, Ltd.: Docket 98–NM–332–AD.

Applicability: All Model 1124 and 1124A series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area

subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the hydraulic low pressure warning lights which could result in unknown low pressure in the hydraulic system and consequent reduced controllability of the airplane accomplish the following:

(a) Within 400 hours time-in-service or 1 year after the effective date of this AD, whichever occurs first: Install an independent circuit breaker and associated wiring changes for the hydraulic low pressure warning lights, in accordance with IAI 1124-Westwind Alert Service Bulletin 1124–29A–140, dated August 15, 1998.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in Israeli airworthiness directive 29–98–09–01, dated September 23, 1998.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17179 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–39]

Proposed Modification of Class D Airspace; Belleville, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action to modify Class D airspace at Belleville, IL. This action would amend the effective hours of the Class D surface area to coincide with the airport traffic control tower (ATCT) hours of operation for Scott AFB/MidAmerica Airport. The purpose of this action is to clarify when two-way radio communication with the ATCT is required.

DATES: Comments must be received on or before August 23, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 99–AGL–39, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with these comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AGL–39.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class D airspace at Belleville, IL, by amending the effective hours to coincide with the ATCT hours of operation for Scott AFB/MidAmerica Airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing instrument approach procedures. The area would be depicted on appropriate aeronautical charts. Class D airspace designations are published in paragraph 5000 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 D designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an establishment body of technical regulations for which frequent and

routine amendments are necessary to keep them operationally current. Therefore, this proposed 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, 1997); 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 proposed 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).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, 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 Com., p. 389.

§ 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 5000 Class D Airspace

* * * * *

AGL IL D Belleville, IL [Revised]

Scott AFB/MidAmerica Airport, IL
(Lat. 38°32′41″ N., long. 89°50′01″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within an 4.8-mile radius of the Scott AFB/MidAmerica Airport. This Class D airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois, on July 18, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–17171 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–2]

Proposed Modification of Class E Airspace; Mojave, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify the Class E airspace area at Mojava, CA. The establishment of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SLAP) to Runway (RWY) 4 and GPS RWY 22 at Mojave 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 4 and GPS RWY 22 SIAP to Mojave Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Mojave Airport, Mojave, CA.

DATES: Comments must be received on or before August 2, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–2, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 90261.

The official docket may be examined in the Office of the Regional 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: Larry Tonish, Air Traffic 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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AWP–2.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, California 90261. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by modifying the Class E airspace area at Mojave, CA. The establishment of a GPS RWY 4 and GPS RWY SIAP at Mojave Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the GPS approach procedures at Mojave Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the GPS RWY 4 and GPS RWY 22 SIAP at Mojave Airport, Mojave, CA. Class E airspace

designations 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 171.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The FAA has determined that this proposed regulation only involves an estahished body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed 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, 1997); 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 proposed rule would 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).

The Proposed Amendment

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREA; 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.

§ 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 CAE5 Mojave, CA [Revised]

Mojave Airport, CA
(Lat. 35°03′30″N, long. 118°09′03″W)
Edward AFB, CA
(Lat. 34°54′18″N, long. 117°53′01″W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Mojave Airport, excluding the portion within the Edwards AFB, CA, Class E airspace area.

* * * * *

Issued in Los Angeles, California, on June 22, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–17172 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 57 and 75

RIN 1219–AB19

Safety Standards for Self-Rescue Devices in Underground Coal and Underground Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) is considering revising its safety standards for self-rescue devices based on MSHA's continuing evaluation of self-rescue devices and the public comments received during the recent Self-Rescue Conference held in Beckley, West Virginia. Self-rescue breathing devices, used in underground mines for over 25 years, have saved lives. The devices are subjected to harsh in-mine use conditions and are stored in a rugged mining environment. The rule would help assure that the devices will function as intended whenever they are needed in mine emergencies.

DATES: Submit comments on or before August 6, 1999.

ADDRESSES: Send comments to MSHA, Office of Standards, Regulations, and Variances, MSHA, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203. You are encouraged to submit comments on a computer disk or via e-mail to comments@msha.gov along with an original hard copy or via telefax to: 703–235–5551.

FOR FURTHER INFORMATION CONTACT: Carol Jones, Acting Director, Office of Standards, Regulations, and Variances, 703–235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

Miners wear breathing apparatus known as self-rescue devices to exit a mine during emergencies such as fires, explosions, or other incidents which contaminate the environment. There are two types of self-rescue devices used in underground mines. A filter self-rescue device (FSR) removes hazardous carbon monoxide through filtration of the mine air. A self-contained self-rescue device (SCSR) is a closed-circuit breathing apparatus that isolates the users' lungs providing breathable air. Because an SCSR functions in a closed circuit, all contaminants in the surrounding mine air can be eliminated from the air the miner is breathing.

MSHA and the National Institute for Occupational Safety and Health (NIOSH) held a joint self-rescue conference in Beckley, West Virginia on June 15 and 16, 1999. The conference provided an opportunity for an exchange of information between the agencies, self-rescuer manufacturers, mining industry representatives and labor representatives on a range of topics involving self-rescue devices. The participants addressed a number of significant self-rescue device issues. The discussion also raised additional questions for the Agency to consider. Following the conference, MSHA personnel met to consider the issues raised and the views expressed at the conference.

With this advance notice of proposed rulemaking (ANPRM), we are requesting the mining community to comment on issues developed at the conference and other issues raised by MSHA. It is our hope that by hearing the views of the mining community early in our rulemaking process we can formulate a workable approach to addressing self-rescuer issues that will best protect the safety of miners.

We have already announced in the Semiannual Regulatory Agenda published in April, 1999 that we intend to develop a proposed rule to address self-rescue devices. We will consider the comments we receive as a result of this ANPRM in developing the proposed rule.

II. Issues We Ask You To Consider in Your Comments

1. There have been some instances where self-rescue devices were not donned properly in an emergency. In addition, there are studies which show that a person's ability to retain the knowledge and skills necessary to properly don a self-rescuer decreases significantly over time.

a. How can we enhance training to assure that miners will be able to effectively don their self-rescuer?

b. Is annual training appropriate? Would quarterly or semiannual training

be better? Should the training be held in conjunction with fire fighting and evacuation drills?

c. Is the content of the current training appropriate? Should training include: expectations when wearing self-rescuers; donning procedures for all types of self-rescuers present in the mine; ways to maximize the useful life of a self-rescuer during an emergency; and effective techniques for transferring from one unit to another?

d. Should miners be trained using a breathing-resistance simulator, for example, a mouthpiece?

2. Some of the concerns with self-rescue devices were discovered only after the units were deployed in mines. The self-rescue devices are subjected to harsh in-mine use conditions and stored in a rugged environment that could contribute to a device not functioning as intended.

a. How can we ensure that miners continue to have confidence in self-rescue devices so that they will be used successfully in an emergency?

b. How should we improve the reliability of self-rescue devices?

c. What should we do to reasonably ensure that all devices function as intended?

d. Should the current service life requirements be modified?

e. If the allowable service life is reduced, would 5 years be an appropriate service life? If not, what would be an acceptable service life?

f. Should manufacturers periodically examine all of their self-rescue devices deployed in mines, including both external and internal components? How often? Should manufacturers certify that the examinations and tests have been conducted?

g. Should manufacturers develop and perform nondestructive tests that can be used in the field to detect degradation of self-rescuers?

h. Should mine operators be required to conduct more frequent examinations? If so, how frequent?

i. NIOSH and MSHA, in the long-term field evaluation program, work with mine operators to periodically obtain and test self-rescue devices that are deployed in mines. How should the sampling and testing methodology in this program be improved?

j. How should we involve interested parties in the early stages of problem identification and the subsequent problem resolution?

3. International Standards

Self-rescuer manufacturers sell their products in international markets. Yet, each country has its own approval criteria which limits the potential for a free market.

a. Should NIOSH/MSHA have as a goal to integrate international standards into the self-rescuer device approval process?

b. Are there other approaches to inspection of self-rescue devices or to service life issues that other countries implement and that we should consider for our nation's mines?

c. Should we allow the use of self-rescue devices that are approved by other countries?

4. There have been questions about the interpretation of the existing rule as it relates to storage plans and how the rule is being applied in the various MSHA Districts.

a. Are there areas of the rule which should be clarified?

b. Should the rule explicitly require the cache of additional self-rescuers in accordance with a plan that MSHA approves?

c. Should MSHA require operators applying for a storage plan to submit any additional information, such as the travel distance and time to the storage cache?

5. Over the years questions have come up concerning the distance from the miner that self-rescuers are stored in coal mines and the ability of the miners to reach the devices in a timely manner in the event of an emergency.

a. What should be the appropriate time necessary to reach the stored units?

b. Should we reduce the permitted travel time to caches?

c. Should we require the use of short-term duration SCSRs (anything less than 60 minutes) in lieu of using a FSR to reach a cache?

d. Where escape will take longer than 1 hour, should the standard for coal mines be revised to require caches of an adequate number of self-rescue devices to allow all miners to escape to the surface or a safe location?

e. MSHA and NIOSH, in conjunction with the MSHA state grants program, conducted a series of studies at various underground mines which determined the effect of heart rate as an indicator of workload during a mine escape. Should MSHA take this data into account in determining the location of these additional escape devices?

6. The devices currently required in metal and nonmetal mines are FSRs. SCSRs can be successfully used in a wider variety of mine emergencies than FSRs, and therefore are considered superior to FSRs. In 1987, MSHA began to require SCSRs in certain category V-A gassy metal and nonmetal mines (§ 57.22315).

a. Should SCSR requirements be expanded to other mines such as gassy metal and nonmetal mines categories I through V (approximately 20 mines and 4,800 miners), the group of metal and nonmetal mines that have the highest risk of fire and explosion from methane?

b. If expanded to these mines, should SCSR cache provisions be excluded where there are refuge chambers in metal and nonmetal mines?

III. Impact

Executive Order 12866 requires that regulatory agencies assess both the costs and benefits of intended regulations, and propose regulations on the basis that the benefits justify the costs. Regulatory agencies also are required to base decisions on the best reasonably obtainable scientific, technical, economic, and other data and information concerning the need for and the consequences of the proposed regulations.

We are exploring the development of a proposed rule addressing self-rescue devices. We anticipate that the benefit would be the prevention of fatalities which may occur if these devices are not used or not used as intended.

IV. Public Participation

We request comments on the specific issues addressed in this ANPRM. You are encouraged to be as specific as possible in addressing the issues and in suggesting alternatives. We also request that you include specific examples and cost estimates where possible to support your rationale. This will assist us in evaluating and analyzing your comments.

List of Subjects in 30 CFR Part 75

Mine safety and health, Underground mining.

Dated: June 29, 1999.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 99–17092 Filed 7–6–99; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–99–094]

RIN 2115–AA97

Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish two temporary safety zones for Staten Island fireworks displays located on Lower New York Bay and Raritan Bay. This action is necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic in a portion of Lower New York Bay and in one of Raritan Bay.

DATES: Comments must reach the Coast Guard on or before August 23, 1999.

ADDRESSES: Comments may be mailed to the Waterways Oversight Branch (CGD01–99–094), Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, or deliver them to room 205 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except federal holidays.

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

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–99–094) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Waterways Oversight Branch at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The fireworks programs are being sponsored by the Borough of Staten Island. This proposed rule would establish two temporary safety zones. First, in all waters of Lower New York Bay within a 360-yard radius of the fireworks barge located in approximate position 40°35′11″N, 074°03′42″W (NAD 1983), about 350 yards east of South Beach, Staten Island. The safety zone would be in effect from 8:30 p.m. until 10 p.m. on August 28, 1999. The rain date for this event would be August 29, 1999, at the same time and place. Second, in all waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″N, 074°15′35″W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595). The safety zone would be effective from 8:30 p.m. until 10 p.m. on September 4, 1999. The rain date of this event would be September 5, 1999, at the same time and place. The safety zones would prevent vessels from transiting a portion of lower New York Bay and Raritan Bay in the vicinity of the Raritan River Cutoff, Ward Point Bend (West). The safety zones are needed to protect boaters from the hazards associated with fireworks launched from two barges in the area. Marine traffic would still be able to transit through Lower New York Bay during the event off South Beach on September 4, 1999. Marine traffic would still be able to transit through the eastern 140 yards of the 230-yard wide Ward Point Bend (West) during the event on September 4, 1999. Traffic that could not transit through the closed Raritan River Cutoff would transit through Ward Point Bend (West) by using South Amboy Reach, Great Beds Reach, Ward Point Secondary Channel, and Ward Point Bend (East). Additionally, vessels would not be precluded from mooring at or getting underway from any marinas or piers at Perth Amboy, New Jersey, during the display in the Raritan River Cutoff. Public notifications will be made before the event by the Local Notice to Mariners and marine information broadcasts. The Coast Guard is limiting the comment period for this NPRM to 45 days because the proposed safety zones are only for one-and-a-half-hour-long local events.

Discussion of Proposed Rule

The proposed safety zones are for Staten Island Summer fireworks displays held on Lower New York Bay and Raritan Bay. These events will be held on August 28, 1999, on Lower New York Bay and on September 4, 1999, on Raritan Bay. If the events are cancelled for inclement weather, then the events will be held on the following day. This rule is being proposed to provide for the safety of life on navigable waters during the events and to give the marine community the opportunity to comment on these events.

Regulatory Evaluation

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, 1979). The Coast Guard Expects 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. This finding is based on the minimal time that vessels will be restricted from and zone and on the facts that vessels would not be precluded from getting under way, or mooring at, the marinas and piers in Perth Amboy, New Jersey; that marine traffic could still be able to transit through Lower New York Bay during the display on August 28, 1999; that marine traffic would safely transit to the east of the zone on September 4, 1999; and that advance notifications which will be made to be local maritime community by the Local Notice to Mariners and marine information broadcasts.

Small Entities

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

For reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will

not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Colleciton of Information

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

Federalism

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

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104–4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, $100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

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

List of Subjects in 33 CFR Part 165

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

Proposed Regulation

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

PART 165—[AMENDED]

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

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

2. Add temporary § 165.T01–094 to read as follows:

§ 165.T01–094 Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay.

(a) *Safety Zone A:*

(1) *Location.* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35′11″ N., 074°03′42″ W. (NAD 1983), about 350 yards east of South Beach, Staten Island.

(2) *Effective period.* This paragraph (a) is effective from 8:30 p.m. until 10 p.m. on August 28, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on August 29, 1999.

(b) *Safety Zone B:*

(1) *Location.* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″ N., 074°15′35″ W. (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(2) *Effective period.* This paragraph (b) is effective from 8:30 p.m. until 10 p.m. on September 4, 1999. If the event is canceled for inclement weather, then this paragraph is effective from 8:30 p.m. until 10 p.m. on September 5, 1999.

(c) *Effective Period.* This section is effective from 8:30 p.m. on August 28, 1999, until 10 p.m. on September 5, 1999.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

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

Dated: June 23, 1999.

R.E. Bennis,

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

[FR Doc. 99–17186 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE039–1021; FRL–6372–4]

Approval and Promulgation of Air Quality Implementation Plans; Delaware Enhanced Motor Vehicle Inspection and Maintenance (I/M) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Delaware. This action proposes approval of revisions to the enhanced motor vehicle inspection and maintenance (I/M) SIP submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). Because EPA has determined that the conditions of its May 19, 1997 conditional approval of Delaware's enhanced I/M SIP have now been satisfied, this action proposes to remove those conditions and to grant full approval of the enhanced I/M SIP.

DATES: Written comments must be received on or before August 6, 1999.

ADDRESSES: Written comments may be mailed to David Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Jill Webster, (215) 814–2033, or by e-mail at Webster.Jill@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

A. What is today's action?
B. Why is EPA taking this action?
C. Why did Delaware make these changes?

D. What are the new changes to Delaware's I/M program?
E. How did EPA review Delaware's submittal?
F. How did Delaware satisfy the deficiencies identified in the conditional approval?
G. What are the specifics of the new I/M program changes?
H. What is the process for EPA approval of this action?
I. Where can I get additional background information on this action?
J. How this document complies with the Federal Administrative Requirements for Proposed Rulemaking.

A. What is Today's Action?

On May 19, 1997, EPA conditionally approved Delaware's enhanced Inspection and Maintenance (I/M) program. On June 16, 1998, Delaware submitted a SIP revision to satisfy the conditions established in the May 19, 1997 conditional approval. Because EPA has determined that Delaware has satisfied all of the conditions of its May 19, 1997 conditional approval, EPA is proposing to approve the June 16, 1998 SIP revision submittal together with additional I/M SIP revisions submitted by DNREC on May 24, 1999.

B. Why is EPA Taking This Action?

EPA is proposing approval because Delaware has submitted an enhanced I/M SIP that meets the requirements of the I/M rule as found in 40 CFR 51.350 through 51.373 (the I/M rule). EPA believes that Delaware's I/M SIP submittal satisfies the deficiencies imposed in the May 19, 1997 conditional approval rule. Furthermore, EPA has determined that recent changes made by Delaware to its enhanced I/M program also meet the requirements of the I/M Rule.

C. Why did Delaware Make These Changes?

Delaware revised its I/M SIP to improve air quality and to meet requirements of the 1990 Clean Air Act Amendments (the Act) for an enhanced I/M program. The Act requires states to make changes to improve existing I/M programs or to implement new ones for certain nonattainment areas. Both Kent and New Castle counties, are part of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area. The DNREC submitted a revised SIP to EPA on February 17, 1995 that included enhancements to their I/M program. The intent of the revisions was to meet the requirements of the Act and the I/M rule. The submittal consisted of Regulation Numbers 26 and 33 of the Delaware Regulations Governing the Control of Air Pollution.

EPA identified numerous deficiencies of the February 17, 1995 submittal. On May 19, 1997, EPA granted Delaware a conditional approval of the program, contingent upon Delaware's commitment to submit a revised enhanced I/M SIP by June 18, 1998 correcting the deficiencies identified in EPA's conditional approval. On June 16, 1998, Delaware submitted Regulation 31-Low Enhanced Inspection and Maintenance Program, for the purpose of addressing the program deficiencies. Regulation 31 replaced Regulation 26 for Kent and New Castle counties. Regulation 33 was rescinded and also replaced by Regulation 31.

D. What are the New Changes to Delaware's I/M Program?

Delaware has also made new changes to its enhanced I/M program. Delaware has adopted regulations that incorporate Low Emitter Profile (LEP) modeling, expanded model year exemptions, and a two-speed idle test. The LEP modeling is commonly referred to as ''clean screening''. These revisions were submitted to EPA on May 24, 1999.

E. How did EPA Review Delaware's Submittal?

First, EPA reviewed the June 16, 1998 SIP revision submittal to verify that Delaware's enhanced I/M program satisfied the conditions imposed in the May 19, 1997 conditional approval. Second, EPA reviewed the new program changes submitted on May 24, 1999 to verify that Delaware's enhanced I/M program still conformed to requirements of the Act and the I/M rule.

F. How did Delaware Satisfy the Deficiencies Identified in the Conditional Approval?

As previously explained, EPA had identified various deficiencies of Delaware's I/M program. Most of these deficiencies related to insufficient administrative requirements and lack of supporting documentation. On June 16, 1998 and on May 24, 1999, DNREC submitted revisions to its conditionally approved enhanced I/M program. EPA used the ''Inspection and Maintenance Program SIP Requirements Checklist'' as a guideline for performing a detailed review of both the June 16, 1998 and May 24, 1999 submittals. The checklist is part of the technical support document (TSD) for this rulemaking. The details of the checklist review are not outlined in this notice, but are available in the TSD. The TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. This document will briefly describe the conditions satisfied by Delaware.

Table 1. briefly describes how Delaware satisfied the I/M requirement. The table also identifies the location in the Delaware submittal that contains the required information.

TABLE 1.

Deficiency	Corrective action taken by Delaware	Location in SIP submittal
Required provisions covering all requirements of Applicability, 40 CFR 51.350, including ZIP codes for all covered areas and statement by authorized Delaware official that the program requirement will not sunset.	Delaware Regulation 31 includes ZIP codes for all covered areas and letter from Secretary of the Delaware Department of Natural Resources & Environmental Control, Christophe A.G. Tulou, stating that the program will stay in place throughout attainment and maintenance period for ozone.	Delaware Regulation 31, section 1 and Appendix 1(d).
Did not submit modeling that demonstrated meeting the performance standard by failing to include provisions for an on-road testing program; Enhanced I/M Performance Standard 40 CFR 51.351.	Submittal included modeling that demonstrated meeting the performance standard with the new program changes, and included an on-road testing program.	Delaware Regulation 31, section 2; Plan for Implementation, section 2 and Appendix 2(b).
Insufficient network type description and a long term program evaluation; Network Type and Program Evaluation 40 CFR 51.353.	Delaware Regulation 31 includes network type description and the Plan for Implementation includes program evaluation description.	Delaware Regulation 31, section 3 and Appendix 3(a)(7); Plan for Implementation, section 3.

TABLE 1.—Continued

Deficiency	Corrective action taken by Delaware	Location in SIP submittal
Did not submit a resource Budget Plan and other requirements of Adequate Tools and Resources 40 CFR 51.354.	The Plan for Implementation includes resource budget plan necessary for program operation.	Plan for Implementation, section 4, Appendix 4(a), and Appendix 4(b).
Insufficient description of test frequency other requirements of Test Frequency and Convenience 40 CFR 51.355.	Delaware Regulation 31 describes the test frequency in detail, as well as how testing and short wait times are insured.	Delaware Regulation 31, section 4 and Plan for Implementation, section 5.
Lack of description of vehicles covered by the program and other requirements of Vehicle Coverage 40 CFR 51.356.	Delaware Regulation 31 provides the necessary description of vehicle coverage and the Plan for Implementation provides estimation of special exemptions.	Delaware Regulation 31, section 5 and Appendix 5(f). Plan for Implementation, section 6.
Insufficient detail regarding test procedures and evaporative test standards; Test Procedures and Standards 40 CFR 51.357.	Delaware Regulation 31 includes appropriate test procedures and standards*.	Delaware Regulation 31, section 6, Appendix 6(a), Appendix 6(a)(5), and Appendix 6(a)(8).
Lack of detail regarding test equipment, including specifications and other requirements of Test Equipment 40 CFR 51.358.	The Plan for Implementation includes all pertinent equipment specifications and other necessary equipment information.	Plan for Implementation, section 8 and Appendix 8(a).
Did not submit all necessary equipment calibration procedures and quality control measures; Quality Control 40 CFR 51.359.	The Plan for Implementation includes all necessary quality control and calibration procedures.	Plan for Implementation, section 9, Appendix 9(a)(1), Appendix 9(c), and Appendix 9(c).
Lack of necessary waiver requirement of minimum expenditure of at least $450, adjusted annually to reflect changes in the Consumer Price Index (CPI) and other requirements of Waivers & Compliance via Diagnostic Inspection 40 CFR 51.360.	Delaware Regulation 31 includes the necessary waiver expenditure requirement of minimum $450 adjusted annually to reflect changes in CPI compared to 1989**.	Delaware Regulation 31, section 7 and Appendix 7(a). Plan for Implementation, section 10.
Insufficient detail regarding Delaware's registration denial process and how it's linked with the inspection process; Motorist Compliance Enforcement 40 CFR 51.360.	Delaware Regulation 31 provides sufficient detail regarding Delaware's registration denial system and motorist compliance.	Delaware Regulation 31, section 8 and Appendix 8 (a). Plan for Implementation, section 11, Appendix 11(b), Appendix 11(c)(1).
Lack of detailed description of Delaware's quality assurance program including details of auditing procedures, inspector training, and fraud prevention as well as other requirements of Quality Assurance 40 CFR 51.363.	The Plan for Implementation details all of Delaware quality assurance procedures and all necessary quality assurance requirements.	Plan for Implementation, section 9, Appendix 9 (a)(1), Appendix 9(b), and Appendix 9(c).
Lack of detail regarding enforcement against stations, contractors, and inspectors; Enforcement Against Contractors, Stations, and Inspectors 40 CFR 51.364.	Delaware Regulation 31 provides sufficient detail of enforcement and disciplinary actions to be taken with regard to stations, contractors, and inspectors.	Delaware Regulation 31, section 9 and Appendix 9(a).
Submittal did not include data collection procedures or provisions for data collection and other requirements of Data Collection 40 CFR 51.365.	The Plan for Implementation details all data collection procedures and data collected.	Plan for Implementation, section 15.
Submittal did not include data analysis and reporting procedures required in Data Analysis and Reporting 40 CFR 51.366.	The Plan for Implementation details data analysis and reporting procedures.	Plan for Implementation, section 16.
Lack of description of Inspector training and training course; Inspector Training and Licensing or Certification 40 CFR 51.367.	The Plan for Implementation contains an overview of Inspector training and other requirements of inspector certification.	Plan for Implementation, section 17 and Appendix 17.
Submittal did not include measures/provisions that will be implemented to protect the consumer and provide for public awareness; Public Information and Consumer Awareness 40 CFR 51.368.	The Plan for Implementation describes Delaware's process for consumer protection and public education.	Plan for Implementation, section 18 and Appendix 18.
Submittal did not include a description of the steps Delaware will take to ensure effective repairs, as well as other requirements of Improving Repair Effectiveness 40 CFR 51.369.	The Plan For Implementation provides Delaware's procedures for ensuring repair effectiveness.	Delaware Regulation 31, section 10. Plan for Implementation, section 19.
Submittal did not include methods for ensuring that vehicles subject to emission related recalls receive necessary repairs prior to completing emission test/registration; Compliance with Recall Notices 40 CFR 51.368.	EPA advised Delaware to reserve this section in Regulation 31 Delaware will supplement the reserved section, subsequent to EPA issuing guidance with regard to recalls. EPA believes that by reserving compliance with recalls in the SIP, Delaware has satisfied this condition for the purpose of this rulemaking.	Delaware Regulation 31, section 11 and Plan for Implementation, section 20.
Lack of provisions for implementing an on-road testing program and other requirements of On-Road Testing 40 CFR 51.371.	Delaware Regulation 31 and the Plan for Implementation sufficiently provides for an on-road testing program.	Delaware Regulation 31, section 12 and Plan for Implementation, section 21.

*The two-speed idle test that Delaware will implement varies slightly from the EPA test procedure. The length of preconditioning is shortened as compared to EPA guidance. EPA has previously approved this test procedure change in other areas.

**Delaware will implement a waiver of $450 January 1, 2000. Delaware will not meet the requirement to implement a full waiver amount of $450, plus CPI adjustment until January 1, 2001.

G. What are the Specifics of the New I/M Program Changes?

LEP Modeling (Clean Screening)

As previously stated, Delaware has also promulgated new program changes to alleviate long motorist wait times. Delaware incorporated provisions that allow clean screening when motorists must wait more than 60 minutes for an inspection.

What is LEP modeling (clean screening) and how does it work? LEP modeling is the exemption of some vehicles based upon historical emissions test performance. The LEP model flags certain makes, model years, and engine families as likely low emitting vehicles. During busy hours of operations, the Delaware Division of Motor Vehicles (DMV) may exempt vehicles that the LEP model predicts to be low emitting. Clean screening exemptions will only occur when motorists must wait more than 60 minutes for an inspection. And the DMV will only exempt, by LEP modeling, a predetermined number of vehicles on an annual basis.

Additional information about the methodology of the LEP model is contained in a dKC del la Torre report titled ''Assessment of Alternative I/M Test Scenario,'' February 6, 1998. A copy of that report is in the rulemaking docket of this proposed rulemaking and is available for public inspection. Additional information regarding Delaware's process for LEP modeling (clean screening) and pertinent regulatory requirements, are also found in the TSD.

Delaware plans to implement LEP modeling provisions starting January 1, 2000.

Model Year Exemption Expansion and 2-Speed Idle Test

Delaware will expand the model year exemptions to the five newest model years. The implementation date of the exemption expansion is September 1, 1999. After this date, the newest five model year vehicles will be exempt from the emissions inspection process.

Delaware will also change the exhaust test that will be performed on 1981 and newer vehicles. The new test type will be a two-speed idle test. The two-speed idle test will measure vehicle emissions at idle speed and at 2500 rpm. Vehicles that are older than 1981 will continue to be tested with the current idle test. Delaware will implement the new test procedure on November 1, 1999.

H. What is the Process for EPA Approval of This Action?

EPA's review of this material indicates that Delaware has met their commitment to address the conditions identified in the February 5, 1997 conditional approval. EPA is proposing to approve the Delaware SIP revision for the Low Enhanced Inspection and Maintenance Program, which was submitted on June 16, 1998. EPA is also proposing to approve additional revisions to the I/M program, submitted on May 24, 1999. EPA is soliciting public comments on its proposed approval that Delaware's June 16, 1998 submittal satisfies the conditions imposed in the May 19, 1997 conditional approval and its proposed approval of additional revisions to the I/M program, submitted on May 24, 1999. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document. We will address all comments in a subsequent final rule. There will be no second comment period, so those wishing to comment must do so before the comment period closes.

I. Where can I Get Additional Background Information on This Action?

EPA proposed conditional approval of Delaware's Low Enhanced Inspection and Maintenance Program in a **Federal Register** action dated February 5, 1997, (62 FR 5361). We conditionally approved the program in a **Federal Register** action, dated May 19, 1997 (62 FR 27195).

J. How This Document Complies With the Federal Administrative Requirements for Proposed Rulemaking

A. Executive Orders 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, 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 EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget 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 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

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has 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 proposed rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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 EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, 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 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 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 proposed 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 a 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 proposed approval action 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, proposing to approve Delaware's I/M SIP, 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 to propose approval of Delaware's enhanced I/M SIP.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: June 28, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99–17210 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[IL188–1b; FRL–6371–6]

Approval of Hospital/Medical/Infectious Waste Incinerator State Plan for Designated Facilities and Pollutants: Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to approve Illinois' State Plan for Hospital/Medical/Infectious Waste Incinerators (HMIWI), submitted on May 28, 1999. The State Plan adopts and implements our Emissions Guidelines (EG) applicable to existing HMIWIs. Our approval means that we find the State Plan meets Clean Air Act (Act) requirements. In the final rules section of this **Federal Register**, the EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this action. Should the Agency receive such comment, it will publish a final rule informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before August 6, 1999.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6082.

SUPPLEMENTARY INFORMATION:

For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: June 23, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

[FR Doc. 99–17029 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300885; FRL–6088–4]

RIN 2070–AB18

N-Acyl sarcosines and Sodium N-acyl sarcosinates; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish an exemption from the requirement of a tolerance for residues of *N*-acyl sarcosines [*N*-oleoyl sarcosine (CAS Reg. No. 110–25–8); *N*-stearoyl sarcosine (CAS Reg. No. 142–48–3); *N*-lauroyl sarcosine (CAS Reg. No. 97–78–9); *N*-myristoyl sarcosine (CAS Reg. No. 52558–73–3); *N*-cocoyl sarcosine mixture (CAS Reg. No. 68411–97–2); and sodium *N*-acyl sarcosinates [*N*-methyl-*N*-(1-oxo-9-octodecenyl) glycine (CAS Reg. No. 3624–77–9); *N*-methyl-*N*-(1-oxooctadecyl) glycine (CAS Reg. No. 5136–55–0); *N*-methyl-*N*-(1-oxododecyl) glycine (CAS Reg. No. 137–16–6); *N*-methyl-*N*-(1-oxotetradecyl glycine (CAS Reg. No. 30364–51–3); and *N*-cocoyl sarcosine sodium salt mixture (CAS Reg. No. 61791–59–1)] when used as inert ingredients (surfactants) in pesticide formulations containing glyphosate. EPA is proposing this regulation on its own initiative.

DATES: Written comments should be submitted to EPA on or before September 7, 1999.

ADDRESSES: By mail, submit written comments 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, deliver comments to: Rm. 119, Crystal Mall 2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epa.gov. Follow the instructions under Unit V. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document 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 comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given in this unit, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Amelia M. Acierto, 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: Crystal Mall 2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–8377, acierto.amelia@epa.gov.

SUPPLEMENTARY INFORMATION: Prior to the enactment of the Food Quality Protection Act of 1996 (FQPA), EPA proposed that exemptions from the requirement of a tolerance be established for residues of *N*-acyl sarcosines [*N*-oleoyl sarcosine, *N*-stearoyl sarcosine, *N*-lauroyl sarcosine, *N*-myristoyl sarcosine, *N*-cocoyl sarcosine mixture] and sodium *N*-acyl sarcosinates [*N*-methyl-*N*-(1-oxo-9-octodecenyl) glycine; *N*-methyl-*N*-(1-oxooctadecyl) glycine; *N*-methyl-*N*-(1-oxododecyl)glycine; *N*-methyl-*N*-(1-oxotetracdecyl)glycine; and *N*-cocoyl sodium salt mixture], in response to a pesticide petition (PP 4E4417) submitted by Hampshire Chemical Company, 55 Hayden Avenue, Lexington, MA 02173 pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e). EPA published the proposed rule in the **Federal Register** of July 24, 1996 (61 FR 38423). There were no comments received in response to the proposed rule.

This document represents an EPA-initiated proposal to establish tolerance exemptions for the above noted substances to include the Agency's determination of safety for the tolerance exemptions in view of the FQPA amendments to section 408 of FFDCA. EPA is proposing this regulation on its own initiative pursuant to section 408(e)(1)(B) of FFDCA.

I. Risk Assessment and Statutory Authority

New section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food commodity) 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.'' These include exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(B) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption 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.''

II. Risk Assessment and Statutory Findings

N-acyl sarcosines and sodium *N*-acyl sarcosinates form a large class of chemical compounds where the acyl group is derived from fatty acids such as lauric, oleic and stearic acid and/or derived from the combined fatty acids of coconut oil. *N*-acyl sarcosine and sodium *N*-acyl sarcosinates are metabolized by humans to sarcosine and the corresponding fatty acids. Sarcosine is ubiquitous in biological materials and is present in such foods as egg yolks, turkey, ham, vegetables, legumes, etc.

Sarcosine is reported to be formed from dietary intake of choline and from the metabolism of methionine and is rapidly degraded to glycine, which, in addition to its importance as a constituent of protein, plays a

significant role in various physiological processes as a prime metabolic source of components of living cells such as glutathione, creatine, purines and serine. The concentration of sarcosine in blood serum of normal human subjects is reported to be 1.59 + 1.08 micromoles per liter.

Based upon the proposed use as an inert ingredient in glyphosate formulations, dietary (food) exposure to *N*-acyl sarcosines and/or sodium *N*–acyl sarcosinates would not be expected to exceed the theoretical maximum residue concentration (TMRC) of glyphosate to the U.S. population of 0.03 mg/kg/day. Dietary exposure to *N*-acyl sarcosines and/or sodium *N*-acyl sarcosinates at or below these levels would not result in any increases in the normal sarcosine blood serum concentrations found in humans.

Taking into account the proposed use in glyphosate formulations, the Agency has concluded with reasonable certainty that residues of *N*–acyl sacosines and/or the sodium *N*-acyl sarcosinates in drinking water would be negligible, and that no harm will result from aggregate exposure to *N*-acyl sacosines and/or the sodium *N*-acyl sarcosinates.

III. Cumulative Exposure to Substances with Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, 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 does not have, at this time, available data to determine whether *N*-acyl sarcosines and sodium *N*-acyl sarcosinates have a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, N-acyl sarcosines and sodium *N*-acyl sarcosinates do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that *N*-acyl sarcosines and sodium *N*-acyl sarcosinates have a common mechanism of toxicity with other substances.

A. Aggregate Risks and Determination of Safety

Based upon the ubiquitous presence of sarcosine in human tissue and the fact that *N*-acyl sarcosines are readily metabolized to the *N*-acyl sarcosines and their salts, the Agency believes that exposure to this chemical will not pose a dietary risk under any forseable circumstances to the U.S. population, including infants and children. The Agency has arrived at this conclusion because of the inconsequential increases in dietary exposure resulting from its use as an inert ingredient in glyphosate formulations. EPA concludes that there is a reasonable certainty of no harm from the establishment of this tolerance exemption.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects in calculating a dose level that accounts for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through the use of margin of exposure analysis or through using uncertainty factors (safety) in calculating a dose level that poses no appreciable risk to humans.

Due to the ubiquitous nature of sarcosine in human tissue and food, EPA has not used a safety factor analysis in assessing the risk of *N*-acyl sarcosines and sodium *N*-acyl sarcosinates. For the same reason, application of the additional safety factor for infants and children would not be appropriate.

B. Other Considerations

1. *Endocrine disruptors*. There are no reports of any estrogenic and other adverse effects to human population as a result of the use of *N*-acyl sarcosines and/or sodium *N*-acyl sarcosinates.

2. *Analytical enforcement methodology*. The Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation; therefore, the Agency has concluded that an analytical method is not required for enforcement purposes for *N*-acyl sarcosines and sodium *N*-acyl sarcosinates.

C. Existing Tolerances

No existing tolerances or exemptions from the requirement of a tolerance have been issued for *N*-acyl sarcosines and/or sodium *N*-acyl sarcosinates as pesticide chemicals in the United States.

D. International Residue Limits

No CODEX maximum residue levels have been established for *N*-acyl sarcosines and/or sodium *N*-acyl sarcosinates.

E. Conclusion

Therefore, based on the information and data considered, EPA is proposing an exemption from the requirement of a tolerance be established for residues of *N*-acyl sarcosines and sodium *N*-acyl sarcosinates when used as inert ingredients (surfactants) in pesticide formulations containing glyphosate at a concentration not to exceed 10% weight of the formulation.

IV. Comments

Under FFDCA section 408(e)(2), EPA must provide for a public comment period before issuing a final tolerance or tolerance exemption under section 408(e)(1). The public comment period is to be for 60 days unless the Administrator for good cause finds that it is in the public interest to reduce that comment period.

V. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number [OPP–300885] (including comments and data submitted electronically as described in this unit). 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 official rulemaking record is located at the Virginia address in **ADDRESSES** at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP–300885]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

VI. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This action proposes an exemption from the tolerance requirement under FFDCA section 408(e). 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).

In addition, this proposed 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 prior consultation as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or 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 special 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, under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), 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 was 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 proposed rule does not create an unfunded Federal mandate on State, local, or tribal governments. The proposed 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 proposed 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 proposed 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 proposed rule.

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 22, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

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

Authority: 15 U.S.C. 321(q), 346(a) and 371.

2. By adding new § 180.1207 to read as follows:

§ 180.1207 N-acyl sarconsines and sodium N-acyl sarcosinates; exemption from requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the following substances when used as inert ingredients (surfactants) at levels not to exceed 10% in pesticide formulations containing glyphosate:

Name	CAS Reg. No.
N-acyl sarcosines.	
N-oleoyl sarcosine	110–25–8
N-stearoyl sarcosine	142–48–3
N-lauroyl sarcosine	97–78–9)
N-myristoyl sarcosine	52558–73–3
N-cocoyl sarcosine mixture	68411–97–2
Sodium *N*-acyl sarcosinates.	
N-methyl-*N*-(1-oxo-9-octodecenyl) glycine	3624–77–9
N-methyl -*N*-(1-oxooctadecyl) glycine	5136–55–0
N-methyl-*N*- (1-oxododecyl) glycine	137–16–6
N-methyl-*N*-(1-oxotetradecyl glycine	30364–51–3
N-cocoyl sarcosine sodium salt mixture	61791–59–1

[FR Doc. 99–16933 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 27 and 73

[WT Docket No. 99–168; FCC 99–97]

Service Rules for the 746–764 and 776–794 MHz Bands and Revisions to the Commission's Rules Regarding Wireless Communications Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes new service rules for commercial licensing in the 746–764 and 776–794 MHz bands

that have been reallocated from use solely for the Broadcasting service. These proposed service rules include provisions for application licensing, technical and operating rules and competitive bidding. This action is another step in the Commission's program to implement sections of the Balanced Budget Act of 1997 which direct the Commission to complete reallocation of this spectrum by December 31, 1997, and commence competitive bidding for the commercial licenses of the reallocated spectrum after January 1, 2001. This document contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The general public and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

DATES: Comments are due on or before July 19, 1999 and reply comments are due on or before August 13, 1999. Written comments by the public and by other Government agencies on the proposed information collections are due September 7, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained in the NPRM should be submitted to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, D.C. 20554, or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Legal Information: Stan Wiggins, 202–418–1310. Technical Information: Ed Jacobs, 202–418–1310. For additional information concerning the information collections contained in the NPRM, contact Les Smith at 202–418–0217, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the NPRM in WT Docket No. 99–168, FCC 99–97, adopted May 13, 1999, and released June 3, 1999. The complete text of the NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), (202) 857–3800, CY–B400, 445 12th Street, S.W., Washington, D.C. 20054.

Introduction; Background

1. This Notice of Proposed Rulemaking (NPRM) proposes new service rules for commercial licensing in the 746–764 MHz and 776–794 MHz bands that have been reallocated from use solely for the Broadcasting service. These proposed service rules include provisions for application licensing, technical and operating rules, and competitive bidding. The revised spectrum allocation in the Reallocation Report and Order [1] provided for the potential provision of Fixed, Mobile, and Broadcasting services on these bands. This NPRM seeks comment on the degree of flexibility that should be afforded new licensees using this spectrum, and the technical and other service rules that should govern the range of services enabled. This NPRM also seeks comment on methods to assure continued protection of existing full service television stations that will continue to operate on these bands during the transition to digital television (DTV).[2] This NPRM is a further step in the Commission's proceeding to comply with section 337 of the Communications Act.[3] That section directs the Commission to complete the reallocation of this spectrum by December 31, 1997, and authorizes competitive bidding for commercial licenses on the reallocated spectrum after January 1, 2001. The Balanced Budget Act also expanded the Commission's competitive bidding authority to comprise mutually exclusive broadcast licenses, and the Commission recently implemented that authority in the Competitive Bidding (Broadcast) Order.[4]

Service Rules

A. In General

1. Permitted Services.

2. The NPRM first seeks comment on whether our service rules should permit a licensee to use the 746–764 MHz and 776–794 MHz spectrum bands for any use permitted within the United States Table of Frequency Allocations contained in part 2 of the Commission's Rules (*i.e.*, Fixed, Mobile, and Broadcasting services),[5] subject to international requirements and coordination.[6]

3. The Commission's allocation and designation decisions retained Broadcast services in the Table of Allocations, and so preserved the potential for service rules that would enable the full range of commercial broadcast services to the public. The extent to which the potential flexibility established for these bands by revisions to the Table of Allocations will ultimately be implemented by the service rules will respect the requirements stated in section 303(y) of the Communications Act, that such flexibility must not establish harmful interference, or discourage investment and development of new technologies. In accord with past Commission practice, inclusion of specific services in the Table of Allocations does not necessarily entail that service rules will be drafted to accommodate each such service, or that even flexible service rules will enable provision of the full range of allocated services.

4. The NPRM also states the Commission's continued interest in broader aspects of spectrum management. While the allocations involved here were specifically mandated by the Balanced Budget Act, commenters are encouraged to consider how innovative service rules developed for such a flexible use allocation might maximize the uses made of this spectrum. There is clear potential in this context for new technologies to affect the extent to which service rules effectively provide for flexible use. Thus, the NPRM seeks comment on how the Commission's rules might provide for such developments. Commenters who consider this issue should address what impact their suggested approaches would have on broadcasters also using the band, both during the transition to DTV and to the extent the service rules may provide for new broadcast services.

5. Whether the service rules developed will provide for sharing between broadcast and fixed and mobile wireless services, including the prospect of audio, video, or data services that may not closely resemble existing broadcasting configurations, depends in part on the resolution of several issues

[1] See *63 FR 0669, February 10, 1998.*

[2] See *Memorandum Opinion and Order, 63 FR 63798, November 17, 1998.*

[3] section 3004 of the Balanced Budget Act of 1997, which added 47 U.S.C. 337(a) and 337(b).

[4] See *First Report and Order, 63 FR 48615, September 11, 1998, recon.*, 64 FR 24523, May 7, 1999.

[5] The United States Table of Frequency Allocations is at 47 CFR 2.106. *See generally* 47 CFR part 2, Frequency Allocations and Ratio Treaty Matters; General Rules and Regulations. 00

[6] Section 303(y)(1) of the Communications Act, 47 U.S.C. 303(y)(1), limits the Commission's authority to allocate spectrum so as to provide flexibility of use to situations in which ''such use is consistent with international agreements to which the United States is a party.''

The NPRM uses the term ''sharing'' to refer to the use of spectrum bands by a variety of services, under licensing rules that accord each licensee exclusive use of specific spectrum blocks. The NPRM does not consider in this context the sharing of specific spectrum blocks.

that are not raised by flexible use allocations of narrower scope. These issues include the managing of interference between technically dissimilar services (at least in the familiar configurations of broadcast and wireless service), and the development and application of regulatory mechanisms suited to the range of services on these bands. To the extent that commenters suggest that the technical service rules enable services that closely resemble existing broadcast services, we start from the presumption that such services would be fully subject to part 73 of our Rules. The Commission asks that commenters consider whether there are any reasons that particular elements of part 73 should not similarly be applied to such services when provided on these spectrum blocks. Other prospective licensees might offer services that more closely resemble the existing fixed and mobile wireless services provided on other spectrum bands. As an initial matter the Commission would expect such services are more appropriately regulated by the framework of part 27.

6. Another respect in which broadcast and non-broadcast services operate in different regulatory contexts are the distinctive approaches to accessibility. The NPRM asks whether and how these differing accessibility requirements should affect the development of service rules for these spectrum bands. Additionally, the NPRM seeks comment on the implications of the Commission's service rule proposals, including technical and regulatory aspects, for the implementation of third generation wireless technology in this spectrum.

7. The full flexibility of use being considered for these bands may also require the Commission to develop auction procedures that recognize and reconcile the characteristic regulatory elements of broadcast and wireless licenses, and perhaps consider distinctive approaches.[7] In developing service rules for the commercial spectrum involved here, and determining the extent to which they can or should accommodate both familiar broadcast services and innovative services that would be licensed under parts 73 and 27 of the Commission's Rules, we are required by section 303(y) of the Communications Act to find that such a flexible approach: (1) would not result in harmful interference among users, (2) would not deter investment in communications services and systems, or technology development, and that (3) the allocation would be in the public interest. The Commission recognizes that proposals involving such a range of services make it especially important that our consideration of proposed ''flexible use'' allocations, mandated by section 303(y) of the Act, examine the elements of that statutory review in light of the specific factual considerations raised by the scope of these proposals.

8. In broad terms, the NPRM initially proposes to permit licensees to determine the services they will provide within their assigned spectrum and geographic areas, subject to the service rules, and to subject these licensees generally to part 27 of the Commission's Rules, which governs Wireless Communications Service.[8] Exceptions to this approach, if any, would arise from modifications the Commission may adopt to reflect: (1) the particular circumstances of this spectrum; and (2) statutory and other public interest requirements, gathered in part 73 of our Rules, that govern broadcasting. Thus, the NPRM asks whether broadcast services on these bands, to whatever extent they are subject to part 73 in other respects, can or should be subject to the part 27 licensing framework to facilitate the administrative coordination of these varied uses. Commenters are also invited to address whether broadcast services, if provided in the context of spectrum blocks governed generally by part 27, should be subject to different rules than now apply under part 73 to broadcast licensees.[9] Broadcast use of this spectrum in any case would necessarily be subject to broadcast-specific statutory provisions. The NPRM requests comment on the type of services that could be offered in this commercial spectrum, and on our proposal generally to subject the spectrum to part 27 and, when applicable, to other parts of the rules, including part 73. The Commission also seeks comment on alternative provisions that may minimize the economic impact of the proposals, if any, on small entities.

9. The NPRM seeks specific comment on whether this approach is consistent with the elements of section 303(y)(2) of the Communications Act. For example, section 303(y)(2)(B) of the Act addresses the possibility that too broad an approach to flexibility in spectrum use may have the undesired effect of deterring investments needed to provide communications services and develop new technologies on the newly allocated spectrum. The NPRM solicits comments from interested parties concerning what restrictions, if any, should be placed on licensee flexibility in order to ensure that the needed investments are made. Where commenters suggest that the Commission restrict how spectrum may be used by a licensee, the Commission is particularly interested in detailed quantitative analyses of the anticipated economic trade-offs between flexibility and investment that led to the proposed constraints. The NPRM also seeks specific comment on ways to ensure that the technical rules for the 746–764 MHz and 776–794 MHz bands satisfy the requirement of section 303(y)(2)(C), that flexible use allocations not result in harmful interference among users.

10. Finally, the NPRM seeks comment on the extent to which, consistent with the statute, the spectrum bands involved here can and should be available for private mobile and private fixed radio services. Commenters in this proceeding who are interested in bidding on these bands in order to provide private mobile or private fixed services, functioning as a Band Manager or through some other mechanism, should address the range of issues raised by the Balanced Budget Notice (64 FR 23571, May 3, 1999) in this regard.

11. The NPRM tentatively finds that making the spectrum available for flexible commercial use under part 27 of the rules is in the public interest because it will contribute to technological and service innovation, the creation of new jobs for the American workforce, the fostering of national economic growth, and the enhancement of opportunities for all Americans to utilize, and realize the benefits of, the national telecommunications infrastructure. The NPRM seeks comment on this tentative finding.

12. The Commission seeks to develop service rules that are not based on a Commission prediction of how these bands will ultimately be used, but instead reflect a record that enables the Commission to establish maximum practicable flexibility. The Commission will determine whether implementing the full range of allocated services is practicable on the basis of the record developed with regard to both technical rules, and to the application of policies and rules that are governed by the classification of the service in legal and administrative terms.

[7] The procedures for broadcast auctions are set forth by public notice prior to the individual auction, 47 CFR 73.5001. General procedures for wireless auctions are specified in part 1 of the Commission's Rules, 47 CFR part 1.

[8] For wireless services, a part 27 licensee could also be subject to part 22 if providing public mobile services, to part 90 if providing private land mobile services, and to part 101 if providing fixed microwave services. For broadcasting services, a part 27 licensee could be subject to part 73.

[9] *See* 47 CFR 73.1001 through 73.4280.

2. Spectrum for Each License

13. The NPRM requests comment on the appropriate amount of spectrum to be provided for each licensee in the two 18 megahertz spectrum blocks, and on the viability of licensees competing with existing fixed and mobile service providers. The NPRM further seeks comment on whether the spectrum should be licensed as one large block, or broken down into two or more bandwidths, and whether there should be a mixture of spectrum blocks.

14. The NPRM also seeks comment on the minimum spectrum blocks needed to enable competitive commercial services. Spectrum blocks of 1 or 2 megahertz may be sufficient to provide for paging and other messaging services, and the higher bound of our estimates of licensees affected is based on the pairs of 1 megahertz blocks as the minimum. Blocks of 6 or 9 megahertz may enable mobile voice service, analog or digital video services, or point-to-point microwave service. Existing analog and digital television broadcasters use 6 megahertz spectrum blocks, and the lower bound of our estimate of affected licensees is based on the use of 6 megahertz blocks as a minimum. Commenters should also consider the relationship between the amount of spectrum per license and the ability to coordinate operations with other licensees in this spectrum, including the protection of existing broadcast operations in this band during the transition to DTV.[10]

15. The Commission tentatively concludes that this spectrum should be licensed on a paired basis. While broadcasting would not require paired spectrum, it is essential that the spectrum be paired to enable a viable commercial mobile service. The separation of the 746–764 MHz and 776–794 MHz bands by 30 megahertz of spectrum is optimal for paired, two-way operations. The NPRM requests comment on whether the amount of spectrum for each license would affect the decision to license paired spectrum, and specifically whether a decision to license blocks large enough for conventional broadcast service should affect the decision to license paired spectrum. The NPRM particularly asks commenters to address how spectrum block issues relate to the specific findings required by review of flexible use allocations pursuant to section 303(y) of the Act. The NPRM thus requests comment on how the number of licensees and spectrum blocks established could affect the investment in and deployment of new services and technologies using these frequencies, and the extent to which new services offered in this spectrum would compete with other services. Whatever initial licensing approach is chosen, the Commission proposes to permit parties to bid for multiple licenses.

3. Size of Service Areas for Geographic-Area Licensing

16. Part 27 spectrum is licensed based on one of two kinds of service areas. Spectrum in the C and D frequency blocks is licensed using the 12 Regional Economic Area Groupings (REAGs). Spectrum in the A and B frequency blocks is licensed using the 52 Major Economic Areas (MEAs). REAGs and MEAs are based on the 172 Economic Areas (EAs) defined by the U.S. Department of Commerce, as modified by the Commission. The Commission has, however, licensed other wireless services occupying spectrum near the newly allocated commercial spectrum using other service areas. The NPRM requests comment on the type of service area or areas that should be used to license the 746–764 MHz and 776–794 MHz bands. (The Commission has used the Economic Areas in this summary to develop estimates of affected licensees, but has not specifically proposed any service area approach in the NPRM.)

17. The NPRM also seeks comment on how the possible use of this spectrum for broadcasting might affect our decision on service areas generally, and specifically on how the Commission could apply the concept of a broadcast station's serving the needs and interests of its community of license to a part 27 service area, depending on our geographic area and spectrum block choices. The relation between the geographic service area and the size of spectrum blocks is especially germane to the sharing of these bands between Commercial Mobile Radio Service (CMRS) and conventional broadcast services, which operate using significantly different power levels. The NPRM seeks comment on how such sharing would affect the overall relation between service areas, spectrum channelization, and power levels, compared to service rules that would constrain or preclude broadcast use.

18. The NPRM also seeks comment on procedures that would allow prospective bidders to bid on combinations or groups of licenses in a single bid, and to enter multiple alternative bids within a single bidding round, as well as alternatives that would rely on licensing by geographic area, by community of license, or by some combination of these approaches.

B. Licensing Rules

1. Regulatory Status

19. As noted, the NPRM seeks comment on whether to apply the existing licensing framework for part 27 services to the 746–764 MHz and 776–794 MHz bands. The Communications Act applies requirements to broadcasters or common carriers that are not applied to other licensees. The licensing framework for part 27 permits applicants to request common carrier status as well as non-common carrier status for authorization in a single license, rather than require the applicant to choose between common carrier and non-common services, and the Commission proposes that licensees in these redesignated spectrum bands similarly be authorized to provide a variety or combination of fixed and mobile, common carrier and non-common carrier, and broadcast services. The Commission tentatively concludes that this approach, as applied to the range of fixed and mobile wireless services, is likely to achieve efficiencies in the licensing and administrative process. The possible further inclusion of broadcasting service appears more problematic in this regard, and the NPRM seeks comment on the effect that enabling such services would have on the licensing and administrative process. In order to fulfill our enforcement obligations and ensure compliance with the statutory requirements of Titles II and III of the Communications Act, the Commission proposes to require applicants to identify whether they seek to provide common carrier services, broadcast service, or other service as permitted by the final Rules in this proceeding. The NPRM additionally seeks comment on the need to modify any appropriate form(s) for an applicant seeking to provide broadcast service, either solely or in conjunction with other services under a single license.

20. Under the existing part 27 framework, the Commission does not require applicants to describe the services they seek to provide beyond designating their regulatory status. The NPRM proposes that applicants and licensees in this 36 megahertz of commercial spectrum similarly be required only to indicate the regulatory status of any services they choose to provide. The NPRM also proposes that licensees must notify the Commission within 30 days of service changes that alter the regulatory status of their services. When the change results in the

[10] Commission records indicate that as of November 1998, there were 105 full power TV licensees and 1232 low power and translator TV licensees operating on these bands.

discontinuance, reduction, or impairment of the existing service, a different approach may apply. The NPRM also seeks comment regarding whether the inclusion of broadcast services may sometimes require the Commission to modify this approach. Conventional broadcast licensees are subject to different ownership rules and attribution standards than wireless licensees.

2. Eligibility; Spectrum Aggregation

21. Sections 27.12 and 27.302 of the Commission's Rules impose no restrictions on eligibility, other than the foreign ownership restrictions set forth in section 310 of the Communications Act. Thus, the NPRM proposes that there be no restrictions on eligibility for a license in the 746–764 MHz and 776–794 MHz bands. The NPRM seeks comment on whether opening this spectrum to as wide a range of applicants as possible will encourage entrepreneurial efforts to develop new technologies and services, while helping to ensure the most efficient use of this spectrum. Commenters also should address whether the Commission's proposed policy of universal eligibility should apply to broadcasting on these spectrum bands.[11] The NPRM also asks whether there are any reasons not to apply part 73 multiple ownership rules to part 27 licensees providing conventional broadcasting services.

22. Another example of broadcast-specific eligibility issues involves character qualifications. While the character qualification standards applied to broadcasters have provided guidance in common carrier proceedings, they are not directly applicable to that context. The NPRM seeks comment on whether there is any reason that conventional broadcasters who share spectrum with Part 27 wireless services, including wireless common carrier offerings, should not be governed by the existing standards applied to part 73 licensees. The Commission also seeks comment on whether there is any reason the Commission cannot apply our current rules to decide whether an entity that has been disqualified from holding a conventional part 73 broadcasting license pursuant to the character qualification rules should be eligible to provide non-broadcasting services pursuant to a part 27 license.

23. Currently, part 27 services do not count against the spectrum cap on CMRS spectrum licensees. The 746–764 MHz and 776–794 MHz bands may be used for mobile services that are comparable to the cellular, broadband Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) spectrum for which the CMRS cap was devised. While the Commission does not propose a spectrum cap for part 27 services generally, the NPRM seeks comment on whether these commercial spectrum bands, if used to provide CMRS, should count against the 45 megahertz spectrum cap that applies to certain CMRS licensees. If the CMRS spectrum cap is applied to this spectrum, the NPRM seeks comment on whether the spectrum cap should be adjusted in any way. The NPRM also seeks comment on whether there should be any restriction on the amount of spectrum that any one licensee may obtain in the 746–764 MHz and 776–794 MHz bands in the same licensed geographic service area. Commenters addressing this aggregation issue should consider the varying bandwidth requirements of the different types of services that could use the 36 megahertz of commercial spectrum.

3. Foreign Ownership Restrictions

24. Sections 310(a) and 310(b) of the Communications Act (47 U.S.C. 310(a) and (b)) impose foreign ownership and citizenship requirements that restrict the issuance of licenses to certain applicants. Section 27.12 of the Commission's Rules,[12] which implements section 310 of the Act, would by its terms apply to applicants for licenses in the 746–764 MHz and 776–794 MHz bands. An applicant requesting authorization only for non-common carrier or non-broadcast services would be subject to section 310(a), but not to the additional prohibitions of section 310(b). An applicant requesting authorization for broadcast or common carrier services would be subject to both sections 310(a) and 310(b).

25. The statutory foreign ownership restrictions will be applicable to the extent the restrictions apply to a particular service being offered in this commercial spectrum. In response to the World Trade Organization (WTO) Basic Telecommunications Agreement, the Commission recently liberalized its policy for applying its discretion with respect to foreign ownership of common carrier radio licensees under section 310(b)(4).[13] The Commission now presumes that ownership by entities from countries that are WTO members serves the public interest. Ownership by entities from countries that are not WTO members continues to be subject to the ''effective competitive opportunities'' test established by the Commission.

26. In the filing of an application under the Multipoint Distribution Service (MDS), Satellite, and Local Multipoint Distribution Service (LMDS) rules, the Commission requires any applicant electing non-common carrier status to submit the same information that common carrier applicants submit to address the alien ownership restrictions under section 310(b) of the Act.[14] The NPRM proposes to follow the same approach in the case of applicants for licenses in the 746–764 MHz and 776–794 MHz spectrum. Broadcasters, common carriers, and non-common carriers would not be subject to varied reporting obligations, but would all be required to file changes in foreign ownership information to the extent required by part 27 of the Commission's Rules. By establishing parity in reporting obligations, however, the Commission would not establish a single substantive standard for compliance. The Commission does not and would not disqualify an applicant requesting authorization exclusively to provide non-common carrier and non-broadcast services from obtaining a license simply because its citizenship information would disqualify it from a common carrier or broadcast license. The NPRM requests comment on this proposal.

4. Performance Requirements

27. Section 27.14(a) of the Commission's Rules requires Wireless Communications Service (WCS) licensees to provide ''substantial service'' to their service area within 10 years of being licensed; a failure to meet this requirement results in forfeiture of the license and the licensee's ineligibility to regain it. The Commission has stated that the construction requirement provides licensees with the flexibility to offer the full range of services under the allocations table, and to accommodate new and innovative services. The Commission proposes generally to subject licensees in the 36 megahertz of commercial spectrum to the same standard, and we propose and seek comment on the following ''safe

[11] *See, e.g.,* 47 CFR 73.3555. The Commission has underway a review of its broadcast ownership rules. *See* 1998 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MM Docket No. 98–35, Notice of Inquiry, 63 FR 15353, March 31, 1998.

[12] 47 CFR 27.12; *see also* 47 CFR 27.302.

[13] The Commission's rules for broadcast licenses, which are not covered by the WTO Basic Telecommunications Agreement, were not amended.

[14] *See* 47 U.S.C. 310(b).

harbors'' for the 746–764 MHz and 776–794 MHz bands: (1) For a licensee that chooses to offer fixed services or point-to-point services, the construction of four permanent links per one million people in its licensed service area at the 10-year renewal mark would constitute substantial service; (2) For a licensee that chooses to offer mobile services or point-to-multipoint services, a demonstration of coverage to 20 percent of the population of its licensed service area at the 10-year renewal mark would constitute substantial service. The NPRM also seeks comment on the distinct issues raised by applying this proposal to potential broadcast use of the spectrum. Broadcast permittees operating pursuant to part 73 are required to construct their facilities within three years. The NPRM requests comment on whether there are any reasons not to apply the part 27 construction rules to broadcasters on these bands.

28. The Commission tentatively concludes that the existing part 27 build-out requirements applied to wireless licensees, and the part 73 construction requirements applied to Broadcast permittees, fulfill the Commission's obligations under section 309(j)(4)(B) of the Act to establish performance requirements for licenses obtained by competitive bidding. The Commission also tentatively concludes that the auction rules that we propose to apply to these services, together with the service rules that we are proposing and our overall competition and universal service policies, constitute effective safeguards and performance requirements for licensing this spectrum. The Commission would reserve the right to review our construction requirements in the future if we receive complaints related to section 309(j)(4)(B), or if a reassessment is warranted because spectrum is being warehoused or otherwise is not being used despite demand. The Commission also will reserve the right to impose additional, more stringent construction requirements on licenses in the future in the event of actual anticompetitive or universal service problems. The NPRM solicits comment on these proposals and views regarding performance requirements.

5. Disaggregation and Partitioning of Licenses

29. The NPRM next proposes to permit licensees in the 746–764 MHz and 776–794 MHz bands to partition their service areas and to disaggregate their spectrum. The Commission tentatively concludes that geographic partitioning and spectrum disaggregation can result in efficient spectrum use and economic opportunity for a wide variety of applicants, including small business, rural telephone, minority-owned, and women-owned applicants, as required by section 309(j)(4)(C) of the Communications Act. The Commission also tentatively concludes that this proposed approach will provide a means to overcome entry barriers through the creation of smaller licenses that require less capital, thereby facilitating greater participation by rural telephone companies and other smaller entities, many of which are owned by minorities and women.

30. Section 27.15 of the Commission's Rules provides that licensees may apply to partition their licensed geographic service areas or disaggregate their licensed spectrum at any time following the grant of their licenses. The part 27 rules permit: (1) geographic partitioning of any service area defined by the partitioner and partitionee, (2) spectrum disaggregation without restriction on the amount of spectrum to be disaggregated, and (3) combined partitioning and disaggregation. The NPRM requests comment on the Commission's proposal that licensees in the 746–764 MHz and 776–794 MHz bands be similarly eligible to partition service areas and disaggregate spectrum.

31. Pursuant to § 27.15, the partitioning licensee must include with its request a description of the partitioned service area and a calculation of the population of the licensed geographic service area, and the partitioned service area. Section 27.15 also contains provisions against unjust enrichment. The NPRM proposes to adopt these provisions, as well as the remaining provisions governing partitioning and disaggregation in § 27.15, for licensees in the 746–764 MHz and 776–794 MHz bands.

32. The NPRM proposes to allow parties to partitioning agreements to choose between two options for satisfying the construction requirements. Under the first option, the partitioner and partitionee would each certify that it will independently satisfy the substantial service requirement for its respective partitioned area. If a licensee fails to meet its substantial service requirement during the relevant license term, the non-performing licensee's authorization would be subject to cancellation at the end of the license term. Under the second option, the partitioner certifies that it has met or will meet the substantial service requirement for the entire market. If the partitioner fails to meet the substantial service standard during the relevant license term, however, only its license would be subject to cancellation at the end of the license term. The partitionee's license would not be affected by that failure.

33. The NPRM similarly proposes to allow parties to disaggregation agreements to choose between two options for satisfying the construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the substantial service requirement for the geographic service area. If parties choose this option, both parties' performance will be evaluated at the end of the relevant license term and both licenses could be subject to cancellation. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the substantial service requirement for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the non-performing party would be subject to cancellation.

6. License Term; Renewal Expectancy

34. Part 27 of the Commission's Rules limits license terms to 10 years from the date of original issuance or renewal. Section 27.14(c) establishes a right to a renewal expectancy. The Communications Act, however, states that the license term for a broadcast station shall not exceed eight years, and specifies renewal criteria for broadcast stations.[15] The NPRM seeks comment on the appropriate license term for all licensees in the proposed 746–764 MHz and 776–794 MHz bands, including those potentially offering broadcast service. The NPRM further seeks comment on whether it would be appropriate to have different license terms, depending on the type of service offered by the licensee, and on the distinctions between the statutory and part 73 renewal criteria for conventional broadcast stations and our part 27 renewal expectancy criteria for, *e.g.*, datacasting and other wireless services. The NPRM additionally seeks comment on how the Commission should administer such an approach, particularly if licensees provide more than one service in their service area, or decide to change the type of service they plan to offer.

35. The NPRM proposes, in the event that a license is partitioned or disaggregated, that any partitionee or disaggregatee be authorized to hold its

[15] 47 U.S.C. 307(a).

license for the remainder of the original licensee's term, and that the partitionee or disaggregatee may obtain a renewal expectancy on the same basis as other part 27 licensees (or, if subject to part 73, on the same basis as other part 73 licensees). The NPRM further proposes that all licensees meeting the substantial service requirement will be deemed to have met this facet of the renewal expectancy requirement regardless of which of the part 27 construction options the licensees chose. The Commission tentatively concludes that this approach is appropriate because a licensee, through partitioning, should not be able to confer greater rights than it was awarded under the terms of its license grant. The NPRM also seeks comment on whether a non-broadcast renewal applicant involved in a comparative renewal proceeding should include at a minimum the showing in § 27.14(c) of the Commission's Rules to claim a renewal expectancy, and similarly, what showing a broadcast renewal applicant should include to claim the renewal expectancy established by section 309(k) of the Act.

7. Public Notice

36. Sections 309(b) and 309(d) of the Communications Act require public notice for initial applications and substantial amendments filed by broadcasters or radio common carriers. These requirements state that no such application shall be granted earlier than 30 days following the issuance of public notice by the Commission, and that the Commission may not require petitions to deny such applications to be filed earlier than 30 days following the public notice. The same provision also grants the Commission the authority to impose public notice requirements for other licenses, even though public notice is not required by the statute. However, the administrative procedures for spectrum auctions adopted by section 3008 of the Balanced Budget Act of 1997 permit the Commission to shorten notice periods in the auction context to a five-day petition to deny period and a seven-day public notice period, notwithstanding the provisions of section 309(b) of the Communications Act.[16] The Commission tentatively concludes that services in the 746–764 MHz and 776–794 MHz spectrum will be auctionable services, so that the seven-day public notice period is applicable. We note, however, that in the Part 1 Second Further Notice the Commission has sought comment on whether longer periods should be generally applicable for some services.[17]

37. In light of the potential for sharing of this spectrum between broadcast and wireless services, and the differences between their regulatory requirements, the NPRM seeks comment on whether the Commisison should exercise our statutory discretion to require a minimum period of 15 days for public notice of applications of wireless common carriers and broadcast stations, in instances where the Commission's Rules establish a notice requirement, and a minimum period of 10 days for the filing of petitions to deny the applications of wireless common carriers and broadcast stations. Commenters should address whether imposing a 15-day notice requirement would be an undue burden on such applicants, and whether it would be administratively useful by enabling the Commisison to ensure that any applicant filing for both common carrier and non-common carrier authorizations in a single license is in compliance with (1) the licensing requirements for common carriers and broadcasters established in Title III of the Communications Act; and (2) any related requirements the Commission may adopt. Commenters also should address whether the Commission should allow all licensees to make subsequent status changes under reduced notification requirements.

C. Operating Rules

38. The NPRM proposes to subject licensees in the 746–764 MHz and 776–794 MHz bands to the part 27 rules that govern operations, except for modifications that the Commission may adopt for this spectrum as a result of this proceeding. The NPRM seeks comment generally on the applicability of these rules to this spectrum. Additionally, the NPRM seeks comment on whether any operating rules contained in other parts of the Commission's Rules should be adopted for the 746–764 MHz and 776–794 MHz bands. The NPRM further asks commenters to suggest any alternatives to such regulations governing a licensee's operations in order to minimize the potential significant economic impact, if any, from such rules on small entities.

1. Applicability of General Common Carrier Obligations

39. Title II of the Communications Act imposes a variety of obligations on the operations of common carriers that are not otherwise imposed on wireless communications services. There are a number of statutory operational requirements that apply generally to common carriers concerning the filing of tariffs, maintaining of records, liabilities, and discontinuance of service, among others. The Commission has previously forborne from applying many of those requirements in certain situations, and section 10 of the Communications Act (47 U.S.C. 160) directs the Commission to forbear from additional provisions of the Communications Act when specific criteria are satisfied.

40. The NPRM thus seeks comment in this context on whether the Commission should exercise our authority under section 10 of the Act to forbear from applying to non-CMRS licensees of this spectrum the specific Title II requirements that the Commission previously has determined to forbear from applying to CMRS licensees. Specifically, the NPRM seeks comment on application of each of the three elements of the forbearance standards specified by section 10 of the Act, in the context of services in the 746–764 MHz and 776–794 MHz bands. Under the first two parts of the test, the NPRM requests comment on the definition of ''consumer,'' what information the Commission should consider when performing these evaluations, and examples of applying these tests in order to evaluate whether forbearance would be appropriate. With respect to the third condition, the NPRM seeks comment on the appropriate market that would apply to fixed, common carrier licensees in the 746–764 MHz and 776–794 MHz bands. The NPRM notes that the Commission has not forborne from regulation of fixed wireless services in service rule proceedings for the 24, 28, and 39 GHz bands. The NPRM therefore also asks commenters to address how, if at all, that should affect the Commission's forbearance decisions in this proceeding.

41. Because it may take longer for the Commission to conduct this forbearance analysis than to adopt service rules for the 746–764 MHz and 776–794 MHz bands, the NPRM proposes during the interim: (1) to adopt a discontinuance provision that is consistent with the common carrier obligations set forth in subpart E of part 1 and in part 61 through part 64 of the Commission's Rules; and (2) to apply other parts of the Commission's Rules to ensure compliance of fixed common carriers with Title II of the Communications Act.

42. Section 214(a) of the Communications Act requires that no common carrier may discontinue, reduce, or impair service without

[16] 47 U.S.C. 309(j) nt 3.

[17] 63 FR 770, January 7, 1998.

Commission approval. The NPRM proposes that if a fixed, common carrier part 27 licensee voluntarily discontinues, reduces, or impairs service to a community or part of a community, it must obtain prior authorization as provided under § 63.71 of the Commission's Rules, but an application would be granted within 30 days after filing if no objections were received. The NPRM additionally proposes that if a non-common carrier part 27 licensee voluntarily discontinues, reduces, or impairs service to a community or part of a community, it must give written notice to the Commission within seven days. The NPRM also proposes, however, that neither a fixed common carrier, nor non-common carrier part 27 licensee, need surrender its license for cancellation if discontinuance is a result of a change in status from common carrier to non-common carrier or the reverse.

43. The NPRM further proposes that if the service provided by a fixed common carrier part 27 licensee is involuntarily discontinued, reduced, or impaired for a period exceeding 48 hours, the licensee must promptly notify the Commission, in writing, as to the reasons for the discontinuance, reduction, or impairment of service, including a statement indicating when normal service is to be resumed. The NPRM proposes that when normal service is resumed, the licensee must promptly notify the Commission. The NPRM seeks comment on these proposals.

44. Section 312(g) of the Communications Act provides that the license of any broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period. In addition, § 3.1750 of the Commission's Rules states that a licensee of a broadcast station shall notify the Commission of permanent discontinuance of operation at least two days before operation is discontinued. The NPRM asks whether any considerations may suggest that the Commission should adopt different provisions for broadcast services provided over this spectrum under part 27.

2. Equal Employment Opportunity

45. Part 27 does not include an explicit Equal Employment Opportunity (EEO) provision. Nor do parts 24 (PCS) or 26 (General Wireless Communications Service). The NPRM notes that there are specific EEO provisions for fixed service providers in parts 21 and 101, including both common carrier and non-common carrier LMDS licensees;[18] and for common carrier mobile service providers in parts 22 and 90, though these latter provisions do not apply to PMRS providers because they are not common carriers. In addition, part 25 contains EEO rules for entities that use an owned or leased fixed satellite service facility to provide more than one channel of video programming directly to the public,[19] and part 73 contains rules for broadcasters.[20]

46. The Commission has initiated a rulemaking on our part 73 EEO rules,[21] and in the present proceeding, seeks comment on whether there are any reasons not to apply part 73 EEO rules to conventional broadcasters operating in these spectrum bands and licensed under part 27. As to non-broadcast services on these bands, the NPRM seeks comment on whether the Commission should include a separate EEO provision in part 27 and, if so, which of the Commission's EEO rules we should adopt. Commenters should address the advisability of having different EEO requirements depending on the service a licensee provides. Commenters who support the adoption of EEO requirements should comment on what statutory authority should be invoked to support these requirements and how these rules should be tailored.

D. Technical Rules

47. The general provisions of part 27 include rules related to equipment authorization, frequency stability, antenna structures and air navigation, international coordination, environmental requirements, quiet zones, and disturbance of AM broadcast antenna patterns. The NPRM seeks comment on applying these rules to the spectrum that is the subject of this NPRM, and specifically on any rules that would be affected by the Commission's proposal to apply elements of the part 27 framework, whether separately or in conjunction with part 73 requirements, to conventional broadcast services. The NPRM also seeks comment on proposals to adopt the rules concerning in-band interference control, out-of-band and spurious emission limits, special considerations for use of channels 66 and 67, and Radiofrequency (RF) safety requirements. The NPRM proposes that all of these technical rules would apply to all licensees in the 746–764 MHz and 776–794 MHz bands, including licensees who acquire their licenses through partitioning or disaggregation.

1. In-Band Interference Control

48. The Commission does not have reliable information at this time on the technical parameters for services that will be provided in the 746–764 MHz and 776–794 MHz bands. Our allocation and designation decision permits the range of uses in the Allocation Table, and we also cannot be certain what wireless services will be operating in adjacent spectrum. A broad range of technologies may share this spectrum, and the nature of the services and technologies can affect the potential for interference between licensees using the same spectrum in adjacent service areas. The Commission is particularly interested in potential interference issues should the range of uses extend to full power broadcast service.

49. While the Commission has considered a range of approaches to managing interference in other service rule proceedings, these spectrum bands present an additional consideration. Section 337(d)(1) requires the Commission to establish ''interference limits at the boundaries of the spectrum block and service area.'' One possible interpretation of this provision is that the Commission is directed to adopt field strength limits, or some similarly generic requirement, even if it considers that a coordination approach establishes sufficient, and more flexible, protection against interference.

50. The Commission tentatively concludes that either a coordination or field strength method, when properly applied, can provide a satisfactory means of controlling harmful interference or determining the interaction between systems, although there may be reasons to prefer one method over the other in the 746–764 MHz and 776–794 MHz bands. Even with a boundary limit, some degree of coordination and joint planning between bordering licensees appears likely to be needed to ensure efficient use across the boundary.

51. Parties are therefore asked to provide their analysis of the advantages and disadvantages of both approaches, or approaches that combine a boundary limit and a coordination procedure.

[18] *See, e.g.,* 47 CFR 101.311.

[19] 47 CFR 25.601.

[20] Section 73.2080 of the Commission's Rules was struck down as unconstitutional as respects the outreach portions of the Commission's EEO program requirements for broadcast stations, and remanded to the Commission for a determination whether the non-discrimination rule is within its statutory authority. *See* Lutheran Church-Missouri Synod v. FCC, Case No. 97–1116, 141 F3rd 344, *reh'g denied,* 154 F.3d 487 (D.C. Cir 1998).

[21] Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, MM Docket No. 98–204, and Termination of the EEO Stream-lining Proceeding, MM Docket No. 96–16, Notice of Proposed Rulemaking, 63 FR 66104, December 1, 1998.

Comments should address the advantages of different approaches in managing the electromagnetic environment at geographic boundaries in the 746–764 MHz and 776–794 MHz bands, the kinds of incentives each may create for undesirable strategic or anti-competitive behavior, and the effects on licensee costs.

52. The NPRM also seeks comment regarding whether to permit licensees in adjacent service areas to coordinate their operations and agree to an alternative field strength along their shared border. The NPRM invites comment on this approach to control of interference in the context of the 746–764 MHz and 776–794 MHz bands, both generally and if used in conjunction with power flux density or field strength standards. If commenters suggest that power flux densities or field strength standards should be established as interference limits, in conjunction with a coordination process, they should propose specific values for such limits. Commenters should also address any special considerations that might be appropriate in an environment where disparate services might be using the same spectrum in adjacent service areas.

53. Regarding whether a general coordination approach should be used, comments are invited on specific aspects of procedures. While § 101.103 of the Commission's Rules can serve as a useful framework for coordination in the 746–764 MHz and 776–794 MHz bands, our objective is to ensure that licensees receive protection from harmful interference with the minimum regulation necessary. If a general coordination approach is adopted, the Commission tentatively concludes that the coordination concepts of § 101.103 generally should be applied to licensees in the 746–764 MHz and 776–794 MHz bands and should be incorporated into part 27 of the Rules for these bands. The NPRM seeks comment on the best way to effect this incorporation, including comment on which provisions of § 101.103 may be appropriate for incorporation into part 27. For purposes of the Commission's considering a coordination approach for the 746–764 MHz and 776–794 MHz bands, the NPRM seeks comment on what the appropriate distance should be to trigger this coordination, and whether there should be any other criteria, in addition to distance to the service area boundary, that would trigger a need to coordinate.

54. The NPRM seeks comment on what, if any, limits for equivalent isotopically radiated power (EIRP) are necessary or appropriate under either a coordination or field strength limit approach. Transmitters used in the private land mobile service, cellular radio service, and fixed microwave services typically employ substantially different output powers. The substantial differences between these services, however, are minor in comparison to the output powers of full power broadcast services. Accordingly, if commenters believe that power limits are necessary, they should comment as to what those limits should be and the basis for the suggested limits. The NPRM also solicits views as to whether the Commission should establish limits on output power for all transmitters, or just mobile equipment.

55. Finally, § 27.64 of the Commission's Rules states generally that part 27 stations operating in full accordance with applicable Commission rules and the terms and conditions of their authorizations are normally considered to be non-interfering, and provides for Commission action, after notice and hearing, to require modifications to eliminate significant interference. In view of the variety of services that might be provided by part 27 licensees on these bands, the NPRM solicits comment on whether the Commission should apply this rule to these spectrum bands. The NPRM also seeks comment regarding whether interference protection can be guaranteed and whether § 27.64 of the Rules, if retained, should be changed to direct adjacent service area licensees to cooperate to eliminate or ameliorate interference. The Commission also seeks comment on whether the Commission should apply any changes with respect to § 27.64 to the 2.3 GHz band.

2. Out-of-Band and Spurious Emission Limits

56. Generally, different types of technical parameters would be used to limit out-of-band and spurious emissions to ensure interference protection of services outside the licensee's assigned spectrum, depending on whether the system involves fixed, mobile, or other communications. Because the Commission may permit licensees in the 746–764 MHz and 776–794 MHz bands to use the spectrum for the various services in the Table of Allocations, it would appear we should develop technical operating parameters that can accommodate the several types of communications.

57. In addition to the characteristics of different technical approaches, section 337(d)(4) of the Act emphasizes the importance of avoiding harmful interference from television broadcasters to public safety licensees in adjacent bands. Section 337(d)(4) refers explicitly to the spectrum bands reallocated and reserved for public safety services, and we have already adopted service rules for the public safety bands. The potential for new broadcasting services on the commercial 746–764 MHz and 776–794 MHz bands, however, raises the further issue of whether a more stringent approach to interference may be required on the commercial bands, to ensure that public safety licensees in adjacent bands do not experience harmful interference. The NPRM therefore seeks comment on the relation of section 337(d)(4) to protection of public safety licensees from interference caused by broadcast services that may be permitted to operate on the 36 megahertz of commercial spectrum.

58. The NPRM proposes to require licensees in the proposed commercial spectrum to attenuate the power below the transmitter power (P) by at least $43 + 10 \log_{10}(P)$ watts or 80 decibels, whichever is less, for any emission on all frequencies outside the licensee's authorized spectrum. To implement sharing between conventional broadcast and other commercial services, different interference limits may be indicated. The NPRM requests comment on this proposal and any other emission limits that commenters believe are appropriate.

3. RF Safety

59. Section 27.52 of the Commission's Rules subjects licensees and manufacturers to the RF radiation exposure requirements specified in §§ 1.1307(b), 2.1091, and 2.1093 of the Commission's Rules, which list the services and devices for which an environmental evaluation must be performed. Routine environmental evaluations for RF exposure are required by applicants desiring to use the following types of transmitters: (1) fixed operations, including base stations and radiolocation transmitters, when the effective radiated power (ERP) is greater than 1,000 watts; (2) all portable devices; and (3) mobile devices, if the ERP of the station, in its normal configuration, will be 1.5 watts or greater.

60. With regard to RF safety requirements, the NPRM proposes to treat services and devices in the 746–764 MHz and 776–794 MHz bands in a comparable manner to other services and devices that have similar operating characteristics. The Commission tentatively concludes that the requirements in § 27.52, adopted for licensees in the 2.3 GHz band, will apply to the same extent to licensees in the 746–764 MHz and 776–794 MHz bands. Guidance on acceptable methods

of evaluating compliance with the Commission's exposure limits is contained in OET Bulletin No. 65.[22]

61. The NPRM proposed to adopt the 1,000 watts ERP threshold for operation in the 746–764 MHz and 776–794 MHz bands to recognize the flexibility with respect to use, power, location, and other factors that will presumably be accorded licensees operating in these bands. The NPRM also proposed to modify §§ 1.1307(b), 2.1091, and 2.1093 of the Commission's Rules to include services and devices applicable to the 746–764 MHz and 776–794 MHz bands. The NPRM invites comment on these proposals and any alternatives.

4. Special Considerations for Use of Channels 65, 66 and 67

62. In the Public Safety Spectrum Second Notice on the use of channels 63, 64, 68, and 69 by Public Safety Services,[23] the Commission sought comment on the potential for interference to GLONASS [24] and GPS [25] satellites from public safety systems operating in the 794–806 MHz band (TV channels 68–69). In the present context, as with public safety systems, the second harmonic transmissions of commercial services operating on TV channels 65–67 fall within the bandwidth identified by NTIA as being used by the GPS (1563.42–1587.42 MHz). Therefore, the use of the 776–794 MHz band by commercial services raises many of the same concerns. NTIA recommends that stringent standards be adopted to ensure that equipment operating in these bands does not cause radio frequency interference to the Global Navigation Satellite System (GNSS) when used for precision approach and landing. The Commission recognizes that this issue will be of critical importance to both navigation and commercial interests, and therefore we desire to obtain as complete a record as possible before making a decision. The Commission believes that additional information is needed before we arrive at a final decision with respect to this matter.

63. Of particular concern is the impact of imposing the standards recommended by NTIA on the design of commercial equipment. NTIA specifically advocates that out-of-band emissions be limited to -70 dBW/MHz equivalent isotropically radiated power (EIRP) for wideband emissions, and -80 dBW/700 Hz EIRP for narrowband emissions, and that these limits be applied to all spurious emissions, including second harmonics in the 1559–1610 MHz range. These limits are based on international recommendations by RTCA and ETSI specifically for mobile earth terminals in the Mobile Satellite Service (MSS). Full power broadcast use of this spectrum could pose additional difficulties for the GNSS system. Because conventional full power broadcast stations would operate at power levels several orders of magnitude larger than those used by commercial fixed and mobile stations, additional attenuation of out-of-band emissions may be required to protect the GNSS systems. NTIA has recommended, in this case, that an emission limit of -110 dB below the average transmitter power should be included as the proposed unwanted emission limit, including harmonics, for DTV transmitters operating in the 746–764 MHz and 776–794 MHz bands. NTIA notes that the current DTV mask requires that emissions, including harmonics that are more than 6 MHz from the channel edge, must be attenuated by this amount. It believes that this value is consistent with the current harmonic suppression levels that can be achieved by television transmitters, and will protect GNSS precision approach landing operations.

64. The Commission is committed to ensuring that the GNSS is protected adequately against interference. We note that the standard recommended by NTIA is necessary only to protect the GNSS band at 1559–1605 MHz. Based on the information before us at this time, we tentatively propose to adopt the NTIA recommended emissions limits, but to apply them only to emissions that fall within the GNSS band. Outside the 1559–1605 MHz GNSS band, we propose that the standard addressed earlier in the section on out-of-band spurious emissions (i.e., 43 + 10 log P) would apply. The Commission believes that it is imperative that all parties fully understand the need for and ramifications of the NTIA proposed standard on use of the 700 MHz band for commercial wireless services. Therefore, the NPRM requests comment on the standard recommended by NTIA to protect GNSS operations. The NPRM also invites comment as to whether extenuating conditions such as low antenna height, propagation losses, body suppression of signals, and wall attenuation should be taken into account in calculating the out-of-band emission requirements. In addition, the Commission is interested in obtaining a better understanding of the levels of radio energy that currently exist in the GNSS spectrum as a result of spurious emissions from other communications systems and electronic equipment.

65. The Commission observes that stringent out-of-band emissions limits are generally more difficult to meet for mobile and hand-held transmitters than for base and control stations or for fixed service stations. The standard recommended by NTIA would require approximately 85–90 dB suppression for typical full-power mobile equipment, and approximately 75–80 dB for handhelds and portables.[26] The NPRM expresses concern about whether the proposed emissions standard would severely curtail the availability of the 36 MHz of spectrum designated by Congress for commercial use, and requests factual data and technical information as to the impact this proposal may have on the use of the 700 MHz band for commercial wireless services. The NPRM also seeks information on how the proposed emmissions standard may affect the equipment cost, size, weight and battery life of handheld or portable equipment. Global Mobile Personal Communications via Satellite (GMPCS) terminals have been proposed to meet the same standard proposed in the NPRM. The NPRM invites comment as to whether it is feasible for commercial fixed and mobile equipment to meet the same standards as these commercial mobile satellite systems. The NPRM solicits suggestions as to any and all alternative approaches or measures that the Commission can take to alleviate the impact of the proposed standard.

E. Competitive Bidding

1. Statutory Requirements

66. Section 337 of the Communications Act requires that the licenses for this proposed commercial spectrum be granted through

[22] OET Bulletin No. 65 (Edition 97–01) was issued on August 25, 1997. It is available for downloading at the FCC Web Site: www.fcc.gov/oet/rfsafety. Copies of OET Bulletin No. 65 also may be obtained by calling the FCC RF Safety Line at (202) 418–2464.

[23] Second Notice of Proposed Rulemaking, in WT Docket No. 96–86, 62 FR 60199, November 7, 1997 (Public Safety Spectrum Second Notice).

[24] GLONASS is the Russian Federation Global Orbiting Navigation Satellite System which will use the 1598–1605 MHz portion of the Radionavigation-Satellite Service (space-to-Earth) allocation at 1559–1610 MHz, when the GLONASS system reaches its final frequency configuration after 2005.

[25] GPS (Global Positioning System) is also in operation, and it will be the United States component of the Global Navigation Satellite System (GNSS). GPS utilizes the lower portion of the Radionavigation-Satellite Service (space-to-Earth) allocation from 1559–1610 MHz on a primary basis, and is maintained by the United States Department of Defense.

[26] For the purposes of the GLONASS standard, the Commission has assumed the narrowband limit of -80 dBW/700 Hz would be sufficient for commercial services bandwidths of up to 150 kHz.

competitive bidding. Section 337(a)(2) directs how the commercial segment of the spectrum between 746 megahertz and 806 megahertz is to be assigned: ''6 megahertz of that spectrum for commercial use [is] to be assigned by competitive bidding pursuant to section 309(j).'' Section 337(b)(2) further directs the Commission to ''commence competitive bidding for the commercial licenses created pursuant to subsection (a) after January 1, 2001.'' The proposed commercial spectrum therefore is not to be licensed for public safety radio services, which are excluded from spectrum auction authority by section 3002 of the Communications Act.

67. Although this spectrum is dedicated by statute for commercial rather than public safety licenses, the issue arises whether public safety entities might successfully bid for and be licensed to use the spectrum. The Commission is concerned that the exclusion from our statutory auction authority might: (1) preclude us from licensing a public safety entity that participated in an auction of commercial spectrum; or (2) nullify or otherwise adversely affect our authority to license the spectrum involved through competitive bidding, if public safety entities participate in such an auction.

68. The Commission has not previously addressed the issue whether public safety entities are prohibited from participation as bidders in an auction process. The Commission believes that such participation, subject to the same bidding and service rules applicable to commercial applicants, cannot compromise the Commission's auction authority where, as here, that authority has been directly conferred by statute. We are considering in a separate proceeding the broader issue of exemption from our general auction authority of some public safety services. In light of the importance attached by the Congress to ensuring the availability of reallocated spectrum to public safety uses, however, the Commission believes these commercial bands should be open to application by any public safety entities that are qualified and prepared to bid under the same rules applied to commercial applicants. The NPRM therefore requests comment on what effect the changes in Commission auction authority, made by section 3002 of the Communications Act have on: (a) the possible participation of public safety entities in an auction of commercial spectrum, and on (b) their eligibility to obtain a license through the subsequent acquisition of spectrum initially assigned by auction.

69. The Communications Act (at 47 U.S.C. 309(j)(3)) also directs the Commission to provide for the ''design and conduct (for purposes of testing) of competitive bidding using a contingent combinatorial bidding system that permits prospective bidders to bid on combinations or groups of licenses in a single bid and to enter multiple alternative bids within a single bidding round.'' The Commission has contracted for the development of such procedures. The NPRM seeks comment on whether the auction of these spectrum bands, especially if our service rules provide for broadcast services, may present a suitable context for combinatorial procedures. Commenters should consider: (a) whether, absent the application of combinatorial rules, the existing standardized auction rules in Part 1 are adequate for the juxtaposition of broadcast and wireless bidding entities; or (b) whether modifications of standardized Part 1 auction rules, to facilitate participation by entities interested in providing broadcast service, are desirable. The Commission is especially interested in comment on how, absent combinatorial rules, our auction methodology should recognize the divergence between geographic licensing applied to wireless spectrum bands, and the focus on communities of license in the assignment of broadcast spectrum.

2. Incorporation by Reference of Part 1 Standardized Auction Rules

70. The NPRM proposes to conduct the auction for initial licenses in the 746–764 MHz and 776–794 MHz bands in conformity with the general competitive bidding rules set forth in part 1, subpart Q of the Commission's Rules, which are substantially consistent with the bidding procedures that have been employed in previous Commission auctions. Specifically, the NPRM proposes to employ the part 1 rules governing designated entities, application issues, payment issues, competitive bidding design, procedure and timing issues, and anti-collusion, subject to possible modification. The NPRM seeks comment on this proposal, and on whether any of the part 1 rules would be inappropriate in an auction for these spectrum blocks, especially with regard to possible inclusion of broadcast services in our auction methodology.

3. Provisions for Designated Entities

71. The Communications Act provides that, in developing competitive bidding procedures, the Commission shall consider various statutory objectives and consider several alternative methods for achieving them.[27]

a. Small Business Definitions. 72. In the Competitive Bidding Second Memorandum Opinion and Order, the Commission stated that it would define eligibility requirements for small businesses on a service-specific basis, taking into account the capital requirements and other characteristics of each particular service in establishing the appropriate threshold.[28] The Part 1 Third Report and Order,[29] while it standardizes many auction rules, continues a service-by-service approach to defining small businesses. For the 36 megahertz of commercial spectrum, the NPRM proposes to define a small business as any firm with average annual gross revenues for the three preceding years not in excess of $40 million.

73. The Commission observes that the capital costs of operational facilities in the 746–764 MHz and 776–794 MHz bands are likely to vary widely based on the services provided. Accordingly, the NPRM proposes to adopt small business size standards that afford licensees the greatest flexibility. Thus, in addition to our proposal to adopt the general small business standard used in broadband PCS, 2.3 GHz, and 39 GHz service rules, the NPRM also proposes to adopt the definition for very small businesses used for 39 GHz licenses and for the PCS F Block licenses, namely, businesses with average annual gross revenues for the three preceding years not in excess of $15 million.

74. The NPRM seeks comment on the use of these standards, with particular focus on the appropriate definitions of small and very small businesses as they relate to the size of the geographic area to be covered, and the spectrum allocated to each license. For the proposed definitions of small business and very small business, the NPRM proposes to include the entity's affiliates and controlling interests when determining eligibility by gross revenue criteria. In discussing these issues, commenters are requested to address the expected capital requirements for services in the 746–764 MHz and 776–794 MHz bands. Commenters also are invited to compare these proposals with other services for which the Commission has established auction procedures, as a basis for their comments regarding the appropriate definitions for small and very small

[27] See 47 U.S.C. 309(j)(3), 309(j)(4).

[28] Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93–253, Second Memorandum Opinion and Order, 59 FR 44272, August 26, 1994.

[29] See 63 FR 2315, January 15, 1999.

businesses. The NPRM also seeks comment on whether the proposed designated entity provisions, if adopted and applied to the services in these bands, would be sufficient to promote participation by businesses owned by minorities and by women, and participation by rural telephone companies. To the extent that commenters propose additional provisions to ensure participation by minority-owned and women-owned businesses, they are also invited to address how such provisions should be crafted to meet the relevant standards of judicial review.[30] In all other respects, the Commission proposes to apply the competitive bidding procedures that the Commission adopted in the Part 1 Third Report and Order, subject to (1) any modifications the Commission may adopt in response to the Second Further Notice and (2) pending petitions for reconsideration of the Part 1 Third Report and Order.

III. Protection of Television Services

A. Background

75. The NPRM discusses technical requirements for protecting incumbent broadcast licensees and planned DTV allotments against interference. The Commission tentatively concludes that the factors and considerations examined in the Public Safety Spectrum Report and Order[31] are equally relevant with respect to the use of the 746–764 MHz and 776–794 MHz bands for commercial mobile services.[32] Thus, the NPRM proposes to adopt the same criteria to protect TV and DTV operations from commercial mobile operations that were adopted in the Public Safety Spectrum Report and Order.[33] The Commission tentatively concludes that the sharing criteria applicable to mobile service base stations would be sufficient to protect TV and DTV operations from fixed service operations also, but seeks comment on this tentative conclusion. With respect to protection of TV and DTV operations from new broadcast operations on these frequencies, however, the Public Safety Spectrum Report and Order provides no guidance, since broadcasting stations and services are not permitted on the public safety frequencies. A different approach or criteria may therefore be appropriate, depending on the types of broadcasting services permitted.

B. Protection of TV Stations

76. The Commission concluded in the Public Safety Spectrum Report and Order that the use of a 40 dB D/U signal ratio for co-channel operations and a 0 dB D/U signal ratio for adjacent channel operations was supported by our experience using this standard to protect TV service from interference from land mobile operations in the New York metropolitan area without serious adverse consequences, and that the Commission would, therefore, adopt such standards for calculating geographic separation requirements. The Commission concluded that the 40 dB D/U signal ratio is a reasonable value that will provide sufficient TV protection, as required by the Balanced Budget Act of 1997.[34] Co-channel land mobile base station transmitters would be limited to producing a maximum signal strength at the hypothetical TV Grade B contour 40 dB below 64 dBu, or 24 dBu. The Commission also adopted a 0 dB D/U signal ratio for adjacent channel operations. Adjacent channel land mobile transmitters would be limited to a maximum signal that can equal the TV Grade B signal of 64 dBu at the TV station Grade B contour, defined here as 87.7 km (55 miles).[35] The Commission tentatively concludes in this NPRM that the same criteria should be applied to commercial mobile and fixed operations in the 746–764 MHz and 776–794 MHz bands. The NPRM thus proposes to adopt rules similar to those reflected in § 90.545 of the Commission's Rules,[36] with the following proposed modification. Because the Commission is not proposing any specific antenna height or transmitter power limitations for part 27 licensees, part 27 licensees who propose to operate stations with antenna heights or transmitter powers that exceed those specified in § 90.545(b) must provide to the Commission for approval a detailed technical analysis demonstrating that the required interference protection criteria are met prior to placing such stations into operation. The NPRM invites comment as to the appropriate criteria that should be used to protect TV broadcasting against interference from fixed operations.

C. Protection of DTV Stations

77. In the Public Safety Spectrum Second Notice, the Commission noted that its proposals were based on protecting analog TV, and asked for comments on the appropriate D/U signal ratios that should be applied to protect DTV. After examining the record, the Commission decided to apply similar criteria, adopted in the Public Safety Spectrum Report and Order for protecting reception of analog TV stations, to protecting DTV reception.[37] Since the Commission allocated DTV channels to replicate existing TV station service areas, it allowed public safety stations to provide the same field strength at the equivalent Grade B contour of the DTV station as they do for an analog TV station, and adjust the D/U ratio accordingly. The Commission therefore provided for a TV station to have protection ratios of 40 dB for co-channel and 0 dB for adjacent channel at its 64 dBμ field strength contour. The equivalent ratios for a DTV station that has a Grade B signal strength contour of 41 dBμ are 17 dB and -23 dB, respectively.

78. In making this determination, the Commission noted that in the DTV Sixth Report and Order it had specified a minimum geographic separation of 250 kilometers (155 miles) between: (1) DTV stations and (2) the city-center in areas where there are existing land mobile co-channel operations. Section 90.305(a) of the Commission's Rules provides that maximum facility land mobile base stations can be located up to 80.5 km (50 mi) from the city-center of one of the specified cities. Consequently, under the geographic separation adopted in the DTV Sixth Report and Order, a maximum facility land mobile base station could choose to locate its station as close as 169.5 km (250 km–80.5 km), or 105 mi. At this distance, the land mobile base station would provide a co-channel signal at the DTV station's 88.5 km (55 mi) equivalent Grade B contour that would provide less than a 40 dB D/U protection ratio to a DTV receiver. Thus, the Commission's decision to require 700 MHz land mobile systems to

[30] *See* Adarand Constructors v. Peña, 515 U.S. 200 (1995); United States v. Virginia, 518 U.S. 515 (1996).

[31] 63 FR 58685, November 2, 1998.

[32] This would include consideration of TV stations outside this spectrum, i.e., on Channel 59. The adjacent channel protection criteria proposed to be established herein would apply equally to Channel 59 stations, and new licensees in the Channel 60 spectrum block will need to recognize the existence of such adjacent channel use in designing their systems and services. Moreover, use of Channel 59 may change as DTV service is relocated to the core digital channels. Any interference or protection criteria involvng different uses of Channel 59 would necessarily be established in a later proceeding.

[33] To the extent that our pending reconsideration of that Order results in subsequent changes to the rules adopted in that proceeding, those changes may need to be reflected as they apply or are relevant here.

[34] *See* 47 U.S.C. 337(d).

[35] *See* 47 CFR 73.610.

[36] 47 CFR 90.545.

[37] A TV station's hypothetical Grade B contour is plotted based on a 64 dBμ signal strength using the F(50,50) curve. *See* 47 CFR 73.699. A DTV station's equivalent contour is based on a 41 dBμ signal strength using the F(50,90) curve. *See* 47 CFR 73.625.

provide signal ratios for DTV stations that will allow approximately the same separation distance as we did for analog TV stations represented a reasonable balance between the needs of both DTV stations and public safety entities.

79. The Commission tentatively concludes that the same criteria should be applied to commercial mobile and fixed operations in the 746–764 MHz and 776–794 MHz bands. The NPRM thus proposes to adopt rules similar to those reflected in § 90.545 of the Commission's Rules, with the following proposed modification. Part 27 licensees who propose to operate stations with antenna heights or transmitter powers that exceed those specified in § 90.545(b) must provide to the Commission for approval a detailed technical analysis demonstrating that the required interference protection criteria are met, prior to placing such stations into operation.

D. TV Protected Service Contour Alternatives

80. In the Public Safety Spectrum Report and Order the Commission found that a geographic separation distance table based on a standard 88.5 km Grade B service contour (equivalent Grade B for DTV) would be the most convenient form. Limiting TV/land mobile separation to distances specified in a table, however, may prevent public safety entities from fully utilizing the spectrum in a number of major metropolitan areas until after the transition period. Thus, the Commission allowed public safety applicants to select one of three ways to meet the TV/DTV protection requirements: (1) utilize the geographic separation specified in the Table; (2) submit an engineering study to justify other separations, which is subject to Commission approval; or (3) obtain concurrence from any applicable TV/DTV station. The NPRM proposes that these same alternatives be available to Part 27 licensees and seeks comment on this approach.

81. Also, in the Public Safety Spectrum Second Notice the Commission requested comment on whether the size of the reference TV contour should be increased because some TV stations have facilities exceeding those upon which the 88.5 km (55 mi) contour was based. The Commission stated that a TV station with parameters of 5 megawatts with an antenna height above average terrain (HAAT) of 610 meters could have a Grade B contour distance of 107 km (66.5 mi). In order to protect certain TV/DTV stations, which have extremely large contours due to unusual height situations, the Commission incorporated an additional factor that must be used by all public safety base, control, and mobile stations to protect these few TV/DTV stations and afford the land mobile stations the necessary protection from the TV/DTV stations. The NPRM proposes that this additional factor also be applicable to all Part 27 licensees operating in these bands. The NPRM thus proposes to adopt a rule similar to that reflected in § 90.545(c)(2)(iii) of the Commission's Rules [38] to address this situation.

E. Other Issues

82. In the DTV Sixth Report and Order,[39] the Commission raised the possibility that, in negotiating among themselves for changes in allotments and assignments, TV licensees could include agreements for compensation. The NPRM proposes to permit new licensees in this spectrum similarly to reach agreements with licensees of protected TV stations, including holders of construction permits, compensating them for converting to solely DTV transmission before the end of the DTV transition period, accepting higher levels of interference than those allowed by the protection standards, or otherwise accommodating new licensees in these bands.

83. Finally, because the NPRM proposes to license this spectrum for broadcasting, as well as for the fixed and mobile uses, comment is also requested on interference protection standards for any new broadcast operations that may be licensed in this spectrum.[40] The NPRM further requests comment on whether the Commission should establish standards for geographic separations between any TV broadcasting in this spectrum, authorized pursuant to this or a successor rulemaking proceeding, and from current analog TV or new DTV stations authorized before this proceeding; whether the Commission should treat any broadcast licenses on a case-by-case basis; or whether there are other approaches we should use to consider interference to and from broadcast operations.

V. Administrative Matters

A. Ex Parte Presentations

84. For purposes of this permit-but-disclose notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted, except during the ''Sunshine Agenda'' period, provided they are disclosed under the Commission's Rules. *See generally* 47 CFR 1.1202, 1.1203, 1.1206(a).

D. Pleading Dates

85. Pursuant to Sections 1.415 and 1.419 of the Commission's Rules (47 CFR 1.415, 1.419) interested parties may file comments on or before July 19, 1999, and reply comments on or before August 13, 1999. Comments and reply comments should be filed in WT Docket No. 99–168. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, with a copy to Stan Wiggins, Policy Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, D.C. 20554.

86. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and a reference to WT Docket No. 99–168. Parties may also submit an electronic comment by Internet E-Mail. To obtain filing instructions for E-Mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your E-Mail address>.''

87. Comments and reply comments will be available for public inspection during regular business hours at the FCC Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Services, Inc., (202) 857–3800, CY–B400, 445 12th Street, S.W., Washington, D.C. 20054.

B. Initial Regulatory Flexibility Analysis

88. As required by section 603 of the Regulatory Flexibility Act, the

[38] *See* 47 CFR 90.545(c)(2)(iii).

[39] 62 FR 26684, May 14, 1997.

[40] Stations transmitting broadcast signals are likely to produce interference effects to analog TV and DTV stations that differ from those of land mobile or fixed stations.

Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the NPRM but they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of the NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Public Law 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Initial Regulatory Flexibility Analysis Statement

A. Need for, and Objectives of, the Proposed Rules

89. This rulemaking is being initiated to adopt certain service, licensing, and competitive bidding rules for the 746–764 and 776–794 MHz segments of the 746–806 MHz band. The Congress directed the Commission, in the Balanced Budget Act of 1997, to allocate 36 megahertz of this band for commercial use, and to license that spectrum by competitive bidding. In the Reallocation Report and Order, the Commission reallocated 36 megahertz of this band to commercial use and determined that the potential range of commercial services would include all services permitted under the U.S. Table of Allocations—Fixed, Mobile, and Broadcasting services. In this NPRM, we propose to license the 746–764 MHz and 776–794 MHz commercial bands under a flexible framework established in part 27 of the Commission's Rules. We expect that provisions of part 27 will be modified to reflect the particular characteristics and circumstances of services offered through the use of spectrum on these bands. These modifications may also reference or incorporate rules in other parts of the Commission's Rules, such as part 73 governing broadcast services. We believe that this flexible approach will encourage new and innovative services and technologies in this band without significantly limiting the range of potential uses for this spectrum.

90. Our objectives for the NPRM are: (1) to auction licenses for these commercial spectrum blocks as directed by the Balanced Budget Act; (2) to accommodate the introduction of new uses of spectrum and the enhancement of existing uses; (3) to implement the section 303(y) requirement that flexible use allocations not create harmful interference or discourage investment; (4) to facilitate the awarding of licenses to entities that value them the most. The Commission seeks to develop a regulatory plan for these commercial spectrum blocks that will allow for efficient licensing and intensive use of the band, eliminate unnecessary regulatory burdens, enhance the competitive potential of the band, and provide a wide variety of radio services to the public.

B. Legal Basis for Proposed Rules

91. The proposed action is authorized under sections 1, 4(i), 7, 10, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 315, 317, 324, 331, 332 and 336 of the Communications Act of 1934, 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 315, 317, 324, 331, 332, 336.

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

92. For the purposes of this NPRM, the RFA defines a ''small business'' to be the same as a ''small business concern'' under the Small Business Act,[41] unless the Commission has developed one or more definitions that are appropriate to its activities.[42] Under the Small Business Act, a ''small business concern'' is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).[43]

93. The proposals in this NPRM affect applicants who wish to provide services in the 746–764 and 776–794 MHz bands. Pursuant to 47 CFR 24.720(b), the Commission has defined ''small entity'' for Blocks C and F broadband PCS licensees as firms that had average gross revenues of less than $40 million in the three previous calendar years. This regulation defining ''small entity'' in the context of broadband PCS auctions has been approved by the SBA. With respect to applicants for licenses in the 746–764 and 776–794 MHz bands, we propose to use the small entity definition adopted in the Broadband PCS proceeding.

94. The Commission, however, has not yet determined or proposed how many licenses will be awarded, nor will it know how many licensees will be small businesses until the auction is held. Even after that, the Commission will not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. In view of this uncertainty regarding the number of entities that will be granted licenses in the 746–764 and 776–794 MHz bands, we have assumed, for purposes of our evaluations and conclusions in the IRFA, that all of the prospective licenses are small entities, as that term is defined by the SBA or our proposed definitions for these bands. We invite comment on this analysis.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

95. Entities interested in acquiring spectrum in the 746–764 and 776–794 MHz bands will be required to submit license applications, and high bidders will be required to apply for their individual licenses. The proposals under consideration in this item also include requiring commercial licenses to make showings that they are in compliance with construction requirements, file applications for license renewals, and make certain other filings as required by the Communications Act and Commission regulations. In addition to the general licensing requirements of parts 27 and 73 of the Commission's Rules, other parts may be applicable to commercial licensees, depending on the nature of service provided. We request comment on how these requirements can be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

96. We have reduced burdens wherever possible. With specific regard to the potential for use of these bands by dissimilar services such as broadcast and commercial fixed and mobile, we have sought comment on different approaches to minimizing the burdens of interference management, consistent with the statutory mandate to protect both public safety uses and television service. To minimize any negative impact, we have also proposed certain incentives for the benefit of small entities. These provisions include partitioning and spectrum disaggregation. We have also sought comment on combinatorial auction procedures, which may enable small entities to participate in the licensing

[41] 15 U.S.C. 632.

[42] *See* 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 5 U.S.C. 632).

[43] 15 U.S.C. 632.

process with more flexibility. The regulatory burdens we have retained, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of innovative new services, or enhanced existing services, in a prompt and efficient manner, and generally apply existing regulatory procedures to the new licensees expected to occupy these bands. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. We seek comment on significant alternatives commenters believe we should adopt.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

97. None.

VI. Ordering Clauses

98. Accordingly, *it is ordered* that these actions are taken pursuant to sections 1, 4(i), 7, 10, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 315, 317, 324, 331, 332 and 336 of the Communications Act of 1934, 47 U.S.C. 151, 154(i), 157, 160, 201, 202, 208, 214, 301, 303, 307, 308, 309(j), 309(k), 310, 311, 315, 317, 324, 331, 332, 336.

99. *It is further ordered* that notice is hereby given of the proposed regulatory changes described in this NPRM, and that comment is sought on these proposals.

100. *It is further ordered* that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act of 1980, Public Law 96–354, 94 Stat. 1164, 5 U.S.C. 601–612 (1980).

Paperwork Reduction Act

101. This NPRM contains a proposed or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the possible information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Written comments must be submitted by the public and by other Agencies on the proposed information collections on or before September 7, 1999. Comments should address: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number:

Title: Service Rules for the 746–764 and 764–794 MHZ Bands and Revisions to Part 27.

Form No.: FCC Forms 175, 301, 302, 346, 347, 601, and 603 will almost surely be affected either by revision to the form or revision of the number of respondents subject to the requirement. Other FCC Forms may also be modified or the number of respondents increased, depending on the final rules adopted in this proceeding.

Type of Review: New Collection.

Respondents: Business and other for-profit and non-profit institutions.

Number of Respondents: The Commission expects a range of between 1,056 and 3,168 respondents.

Estimated Time Per Response: Between 4 hours and thirty minutes (cumulative figure based on the time to fill out several of the wireless universal service forms rather than any one form) and 115 hours and 12 minutes. (based on the time to fill out several broadcast forms rather than any one form). Note these estimates are not based on the time needed to complete any individual form, but are cumulative figures.

Needs and Uses: This Notice of Proposed Rulemaking seeks comment on the service rules and auction procedures to be developed for the licensing of spectrum bands recently allocated to fixed and mobile wireless use, as well as broadcasting. The service rules will encompass a variety of technical and interference provisions, as well as substantive policy deriving from both statutory and regulatory requirements. In the latter regard, the rules will need to consider the requirements applicable to common carrier and non-common carrier services, and the broadcast-specific requirements established in the Communications Act and by Commission regulations. In recognizing the potential convergence of the wireless and broadcast regulatory contexts, the service rules will address a wide range of requirements, such as license eligibility and attribution of ownership interests. The primary effect of these rules will be to enable licensing of these spectrum bands, and thus to expand the number of licensees affected by existing regulatory requirements, including both service rules and auction procedures. The initial burden estimate that follows is developed from that premise, and relies on the straightforward extension of paperwork burdens associated with existing Commission licensing requirements to entities that will bid in the auction and, if successful, obtain licenses on these spectrum bands. Assumptions about the number of entities that will be licensed on this spectrum to provide particular categories of service are necessarily speculative, because the proposed service rules would not determine the extent to which these bands may be used for specific service applications, or the method of spectrum use adopted by licensees. The burden estimate was instead developed to specify in terms that describe the potential range of paperwork burdens associated with different uses of the spectrum. Depending on the record developed, especially with regard to new services and technologies on these bands, the Commission may, for example, develop and implement auction procedures that vary from existing broadcast or wireless procedures. Other existing requirements may be altered, depending on the record developed and the types of service expected to be licensed. Disclosure of ownership interests germane to eligibility determinations, compliance with existing Commission reporting requirements for EEO obligations, and statutory accessibility and political broadcast requirements suggest, but do not exhaust, the range of requirements potentially affected. A more thorough listing of those requirements is contained in the synopsis of the full text of the NPRM, as well as in the NPRM itself. The NPRM seeks comment on means by which to minimize the effect of any paperwork burdens arising from the accommodation of divergent technical and regulatory requirements for these different services. The Commission generally expects that such burdens will, overall, not exceed existing burdens for established services, excepting the proposed requirement that licensees apprise the Commission of changes in service offerings that entail changes in their regulatory status. In developing an initial burden estimate, the Commission has assumed that the bands will initially be licensed to 176 geographic areas, based on Department of Commerce Economic Areas (EAs), following Commission practice.[44] The Commission has assumed, solely for the

[44] *See* 47 CFR 26.102 and 27.6.

purpose of preparing its estimate of affected entities, that licensing in each geographic area will be exclusively based on either a broadcast or non-broadcast structure. Under the conventional broadcast structure, each geographic area would include six spectrum blocks, each occupying six megahertz. That assumed emphasis on broadcast services generates the following burden estimate. Assuming 176 licensed areas, and 6 licensees per area, broadcast licensing burdens would be extended to approximately 1056 licensees. For a nonbroadcast structure, again using the EA figure of 176 licensed areas but assuming 18 licensees per area, based on each licensee implementing a paired wireless service using 1 MHz in each direction, the expected number of licensees affected would be about 3,168.

List of Subjects

47 CFR Part 27

Communications common carriers, Communications equipment, Reporting and recordkeeping requirements.

47 CFR Part 73

Communications equipment, Equal employment opportunity, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17143 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 99–5891]

RIN 2127–AH14

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments.

SUMMARY: The agency is issuing this document to obtain information that will help NHTSA determine whether Safety Standard No. 213, ''Child Restraint Systems,'' should be amended in response to a petition for rulemaking from Kathleen Weber of Ann Arbor, Michigan. The petition concerns the availability of child booster seats for older children (ages about 4 and older) that can be used in older cars whose rear seats are equipped with only lap belts instead of both lap and shoulder belts. To make it easier for child restraint manufacturers to produce child restraints for these children, the petition asks that Standard 213 be amended such that compliance tests of booster seats may be conducted with a top tether attached.

In the past, many drivers did not attach tethers when they used tether-equipped child restraints in vehicles that lack user-ready tether anchorages. Given that the vehicles in question lack user-ready tether anchorages, the agency seeks comments on the extent to which vehicle drivers would attach the booster seat's top tether. The agency also seeks comments on the extent to which currently available vests, harnesses, and other restraint systems (e.g., shoulder belt retrofits) address the problem raised by the petitioner. Comments are requested on the feasibility of redesigning boosters such that the restraints can meet Standard 213's requirements when attached to the vehicle with only a lap belt, and without the use of a tether.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than September 7, 1999.

ADDRESSES: You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC, 20590.

You may call Docket Management at 202–366–9324. You may visit the Docket from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Mike Huntley of the NHTSA Office of Crashworthiness Standards, at 202–366–0029.

For legal issues, you may call Deirdre Fujita of the NHTSA Office of Chief Counsel at 202–366–2992.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC., 20590.

SUPPLEMENTARY INFORMATION:

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I. Background
- a. The booster seats in question became unavailable after upgrade to Standard 213
- b. Petitioner seeks to make boosters available by allowing them to be tethered in compliance test
- c. The safety concern is that tethers often were not used in vehicles lacking a user-ready tether anchorage, even by parents who were aware of the importance of attaching the tether
- d. The recent regulation requiring user-ready tether anchorages to improve tether use will not apply to vehicles manufactured before September 1999

II. Issues
III. Comments
Appendix A—Calspan Study
APPENDIX B-NHTSA TEST PROGRAM

I. Background

On December 4, 1997, Ms. Kathleen Weber of the University of Michigan Child Passenger Protection Research Program, submitted a petition for rulemaking to amend Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems'' (49 CFR 571.213). The petition, which NHTSA granted on January 30, 1998, concerns the manufacture of booster seats that can be used by families using pre-1989 model year vehicles. These vehicles have only lap belts in rear seating positions.

a. *The Booster Seats in Question Became Unavailable After Upgrade to Standard 213*

Booster seats are designed for children who have outgrown a convertible or toddler child restraint system. They are generally designed for children who are about 4 to 8 years old. There are two main types of booster seats currently produced. One type is called a ''shield booster'' due to use of a shield-like barrier to restrain the upper torso of a child in a crash. Shield boosters attach to the vehicle by the vehicle's lap belt (Type I belt) or lap belt portion of a lap and shoulder belt (Type II belt). The other type of booster is called a ''belt-positioning seat,'' which is a booster designed to use both portions of a vehicle's Type II belt to restrain the child. A belt-positioning seat is not directly attached to the vehicle seat, but is held in place by the child's mass and the vehicle's Type II belt, which is strapped over the child's lap and torso, just as the Type II belt is used to restrain an adult occupant. A belt-positioning seat must not be used with a vehicle's lap belt alone, since the seat lacks structure or an internal belt to restrain the child's upper torso.

Shield booster seats, which are capable of being used with only a vehicle's lap belt, were available in the past, but became unavailable for children weighing over 18 kilograms (kg) (approximately 40 pounds, lb) subsequent to an upgrade that NHTSA made to the standard pursuant to the Intermodal Surface Transportation Efficiency Act (''ISTEA'') of 1991 (Pub. L. 102–240). That Act directed NHTSA to initiate rulemaking on a number of safety matters, including child booster seat safety (section 250). The legislative

history for the directive indicated that its impetus was a study [1] that found that shield booster seats then manufactured could not adequately restrain test dummies representative of the children for whom manufacturers typically recommended for the seats. In the study, the boosters could not adequately restrain a 22 kg (48 lb) test dummy (representing a 6-year-old) when dynamically tested under Standard 213. The boosters were ineffective at limiting head excursions to within the requirements of Standard 213, and two of the boosters failed structurally. The boosters also failed to prevent the ejection of a 9 kg (20 lb) test dummy (representing a 9-month-old child) in the dynamic test. These phenomena were observed notwithstanding the recommendation of some booster seat manufacturers that their seats were suitable for children weighing from 9 up to 32 kg (20 up to 70 lb).[2]

In response to this study and to the ISTEA directive, NHTSA amended Standard 213 to permit the manufacture of belt-positioning seats, which were considered to be a new, superior type of booster seat (59 FR 37167, July 21, 1994). Belt-positioning boosters were believed to be better able than shield boosters at accommodating a wider range of child sizes. These boosters have since replaced shield boosters in the marketplace, as many commenters to the rulemaking, including the petitioner for this document, Kathleen Weber, had hoped they would. NHTSA also incorporated the 6-year-old and 9-month-old dummies into the standard's compliance test protocols, to ensure a more thorough evaluation of the ability of a child restraint to adequately restrain children recommended for the restraint, as compared to testing done with only the 3-year-old dummy. Beginning in September 1996, any child restraint recommended for children weighing over 18 kg (40 lb) must be able to comply with the standard when tested with the 6-year-old child dummy (60 FR 35126, July 6, 1995; 60 FR 63651, December 12, 1995).

Comments from manufacturers and others on the proposal to use the 6-year-old dummy in compliance tests did not indicate that shield boosters manufactured at the time of the rulemaking could not comply. To the extent there were any shield boosters that could not pass the standard's requirements with the 6-year-old dummy, NHTSA anticipated that manufacturers might (1) design their seats to achieve compliance (such as by raising the height of the shield relative to the child's torso), (2) relabel shield boosters as being suitable for children weighing less than 18 kg (and thus avoid testing with the 6-year-old dummy), or (3) replace production of shield boosters with belt-positioning boosters. While the latter two responses to the final rule have occurred, manufacturers have not redesigned shield boosters to pass Standard 213 with the 6-year-old dummy. Thus, the shield boosters manufactured today are not recommended for use by children over 18 kg (40 lb).

b. Petitioner Seeks To Make Boosters Available by Allowing Them To Be Tethered in Compliance Test

Petitioner does not want to see the renewed sale of shield booster seats, because she does not believe the restraints provide adequate upper torso restraint. Instead, the petitioner suggests that Standard 213 be amended to allow—

> ''hybrid'' toddler/booster restraints (forward facing with internal harness/high-back belt-positioning booster) to be used by a (20 kg) 45 lb child in the toddler mode with its internal harness and installed with a lap belt and top tether strap.

The petitioner is referring to child restraints that can be used with a Type I (lap) belt and with a Type II (lap/shoulder) belt. An example of such a seat is Century's Breverra booster car seat, which is recommended for children 14 to 27 kg (30 to 60 lb). The Breverra has a removable 5-point harness system. When used with children weighing up to 18 kg (40 lb), the Breverra is used with the 5-point harness, and the restraint is secured to the vehicle seat by either a Type I or Type II belt. (In vehicles equipped with Type II belt systems, a locking clip may be required for proper installation of the restraint.) This configuration (using the restraint system with children weighing up to 18 kg (40 lb), and restraining them with the internal 5-point harness) is what the petitioner refers to as the ''toddler mode.'' The Breverra is also designed for use as a belt-positioning seat with children 14 to 27 kg (30 to 60 lb). Parents are instructed to remove the 5-point harness from the booster seat, and to use the car's Type II belt to restrain the child. Because seats such as the Breverra are designed for use both as a ''toddler seat'' and as a ''belt-positioning booster seat,'' petitioner refers to them as ''hybrid'' restraints.

Petitioner seeks to permit hybrid restraints to be certified as meeting the standard when recommended for children up to 20 kg (45 lb) in the toddler mode (using the 5-point harness, attached to the vehicle by lap belt). Currently, restraints recommended for children up to 20 kg are tested with the 6-year-old dummy. Hybrid restraints cannot meet the head excursion limit, untethered, when tested with the 6-year-old dummy in the toddler mode (using the 5-point harness). Presumably, they can meet it tethered.

A number of parties have written to NHTSA in support of the petition, including Safe Ride News and SafetyBeltSafe (both reiterated the views of the petitioner). The American Academy of Pediatrics (AAP) said that a high-back booster would help in physically restraining young toddlers who can easily escape from Type II belts. The National Transportation Safety Board (NTSB) expressed concern that the lack of child restraints for older children complicates efforts to encourage states to enact legislation to require children to ride in the back seat. However, NTSB did not support measures that required use of a tether or retrofitting a vehicle with a rear seat shoulder belt (these approaches, and others, are discussed further below). NTSB hoped that NHTSA will ''work with the child restraint manufacturers to expedite efforts to provide child restraint systems for children who have outgrown their convertible restraint systems to be used with lap-only belts.''

c. The Safety Concern Is That Tethers Often Were Not Used in Vehicles Lacking a User-Ready Tether Anchorage, Even by Parents Who Were Aware of the Importance of Attaching the Tether

Tether use in vehicles not originally equipped with tether anchorages has been very low in this country. Because of the low use rate for tethers, NHTSA amended Standard 213 in 1986 to require tethered child restraints to pass the 48 kph (30 mph) test without attaching a tether (51 FR 5335). NHTSA amended the standard because surveys that had been conducted for the agency consistently showed that tethered restraints were used in those vehicles without the tether strap attached more than 80 percent of the time. Seventy-eight (78) percent of persons not using the tether strap knew that its use was necessary for their child's protection, but still did not attach the tether. Given the low level of tether strap use in vehicles lacking a user-ready tether anchorage and the high level of awareness that the strap must be used,

[1] Calspan Corporation (DOT HS 807 297, May 1988). A detailed discussion of this study can be found in Appendix A to today's document.

[2] Because at that time only a 3-year-old dummy was used in Standard 213's compliance test, the boosters could meet the standard when tested with that dummy and were thus certified as complying with the standard.

the agency did not believe that a tether strap could continue to be permitted as a device necessary for the adequate protection of children.

Child restraint harnesses and vests were not affected by the rulemaking. This is because the potential for misuse of harnesses and vests seemed to be significantly less than for tethered child seats. With child harnesses and vests, it would be obvious to parents that if the tether were not attached, the child would be completely unrestrained in a crash. NHTSA also noted that its data on the non-use and misuse of tethers did not study the extent to which the tethers are improperly used on harnesses and vests. To date, harnesses and vests are tested with the tether strap secured.

d. The Recent Regulation Requiring User-Ready Tether Anchorages to Improve Tether Use Will Not Apply to Vehicles Manufactured Before September 1999

To promote higher tether use, NHTSA has recently issued a final rule that requires vehicle manufacturers to install factory-installed, user-ready tether anchorages (with hardware) in new vehicles, beginning September 1, 1999.[3] We believe, as do Canada and Australia, that tether use improves when factory installed tether anchorages are provided on vehicles as standard equipment. However, the requirement for user-ready tether anchorages applies to vehicles manufactured on or after September 1, 1999, and will not apply to the vehicles that are the subject of the petition (older vehicles with only lap belts in rear seating positions).

II. Issues

The agency seeks comments that will help it to assess whether NHTSA should amend Standard 213 to permit booster seats, and possibly other child restraint systems, to be tethered in determining compliance with the head excursion requirements, and possibly with other requirements as well.

NHTSA notes that the circumstances that gave rise to the petition are diminishing. Vehicles manufactured in 1989 and after are required to have Type II (lap and shoulder) belts installed in rear outboard seating positions, enabling the use of belt-positioning booster seats, with the Type II belts, for children weighing more than 18 kg. Pre-1989 vehicles are at the root of the issue, because they typically have no Type II (lap and shoulder) belts in the rear seats. However, these vehicles are steadily declining in number and eventually will be replaced by vehicles with rear seat Type II belts.

This document sets forth below a number of requests for comments and data. For easy reference, the requests are numbered consecutively. In providing a comment on a particular matter or in responding to a particular question, commenters should provide any relevant factual information to support their conclusions, including but not limited to cost and statistical data, and the source of such information.

Question 1. How Likely Are Tethers To Be Used in Vehicles That Lack User-Ready Tether Anchorages?

Tether use in vehicles not originally equipped with tether anchorages has been very low in this country. Are there data that show that tether use in vehicles not originally equipped with a tether anchorage will be greater than it has been in the past?

The petitioner's approach would delete the head excursion requirement when the seat is tested untethered with the 6-year-old dummy, i.e., in the manner that data show the seat is likely to be used in a vehicle that did not have an originally-installed tether anchorage. NHTSA conducted testing at our Vehicle Research and Test Center (VRTC) in March 1998, to evaluate the performance of various types of child restraints in limiting the amount of head excursion of the 6-year-old dummy. The test program is discussed in Appendix B, and a test report has been placed in the general reference docket for Standard 213, NHTSA–99–5426. Our testing showed that untethered seats were unable to meet the head excursion requirement. The seats generally allowed between 795 and 851 mm (31.29 and 33.52 inches) of head excursion. Nonuse of the tether will affect the possible advantages of petitioner's suggested change.

Question 2: Is a Child Better Off in an Untethered Booster or Seated Directly on the Vehicle Seat and Restrained by a Lap Belt? Are There Alternative Approaches?

NHTSA's March 1998 testing program showed head excursions of the 6-year-old dummy of up to 851 mm (33.52 inches) for untethered restraints. Data are unavailable for head excursions for dummies restrained only by a lap belt.

A preliminary study conducted by NHTSA, based on data from the Fatality Analysis Reporting System (FARS) from 1988 through the first 6 months of 1997, compared the experience of unrestrained rear seat occupants to some children using a lap belt only and to other children using both lap and shoulder belts. The study found that for children ages 5–14, use of a lap belt only while seated in a back outboard seat of a car is 38 percent effective in reducing fatalities and use of a back seat lap/shoulder belt is 52 percent effective in reducing fatalities. The study shows that these children appear to derive the greatest incremental benefit from using back seat lap/shoulder belts rather than just a lap belt when compared to the other age and sex groups evaluated in the study. In comparison, NHTSA estimates that child restraints are potentially 71 percent effective in reducing the likelihood of death.[4]

The same study also showed that, based on FARS and Multiple Cause of Death (MCOD) data from 1988–1994, children ages 5–14 do not have an increased risk of abdominal injuries compared to occupants in other age groups. Lap belted and lap/shoulder belted children have abdominal injury rates slightly higher than unrestrained children in frontal crashes (12 and 15 per 100, respectively as compared to 9 per 100 for unrestrained). These rates are at or below the injury rate of lap belted and lap/shoulder belted occupants of all ages in frontal crashes. However, the same data indicate that the head injury rate for children ages 5–14 in the back seat in frontal crashes restrained by a lap belt only is double that (50 versus 25 per 100) of those children restrained with a lap and shoulder belt (and thus provided with upper torso protection similar to what could be expected through the use of child restraint systems).

Head excursions beyond that limited by Standard 213 reduce the level of performance now required by 213. However, some believe that using a lap belt without an upper torso restraint could result in ''seat belt syndrome,'' which refers to bruising across the abdomen, internal injuries and lower spine fractures which, allegedly, are caused mainly by a lap belt that is used incorrectly or that moves off the child's pelvis during a crash. Are children restrained only by a lap belt experiencing seat belt syndrome? Should we reduce the protection required in the standard against head

[3] The rule also amended Standard 213 to add a 720 millimeter (mm) (28 inch) head excursion limit for forward-facing child restraints, which manufacturers may meet by attaching a tether. The existing 813 mm (32 inch) head excursion requirement will also have to be met, with the tether unattached, to maximize head protection even when the tether is not attached by a consumer.

[4] Kahane, Charles J. (1986), *An Evaluation of the Effectiveness and Benefits of Safety Seats*, U.S. Department of Transportation, National Highway Traffic Safety Administration, DOT HS 806 889, p. 305. The agency believes that this figure remains valid.

impacts to broaden the protection against seat belt syndrome?

If there were no head excursion limit when a booster seat is tested untethered with the 6-year-old dummy, this would seem to require no more of booster seats than what is expected when the dummy is seated directly on the vehicle seat and restrained by just a lap belt. An alternative approach could be to increase Standard 213's head excursion limit from 813 mm (32 inches) to 838 mm (34 inches) when testing a booster seat untethered with the 6-year-old dummy. Under that approach, there would be a limit to head excursion, even in the untethered condition. Comments are requested on this approach.

Question 3: Should the Test That Evaluates Child Restraint Performance Without Attaching the Tether Be Deleted for All Restraints, Not Just Hybrid Toddler/Booster Restraints? Should the Test Be Deleted When Testing With Dummies Other Than the 6-Year-Old?

If a tether were permitted to be attached when testing with the 6-year-old dummy, should tethers be attached with testing with the 3-year-old as well, such as when testing convertible child restraints (which are usually recommended for children from birth to 18 kg (40 lb))? The agency believes that deleting the test for these other restraints and in tests with other dummies is inadvisable at this time, in the absence of data indicating whether tethers would be properly used. However, what reasons would justify distinguishing between tether use rates among hybrid boosters and other types of child seats or otherwise justify why a tether could be attached for some restraints and not for others?

Question 4: Why Are Shield Boosters No Longer Manufactured for Children Weighing over 18 kg (40 lb)?

In the March 1998 test program at VRTC, the agency tested four currently available types of shield booster seats with the 6-year-old dummy. Two units of one of these shield boosters were tested, and in each instance, they appeared to meet all performance criteria of Standard 213, including the head injury criterion (HIC), chest acceleration limits, and the head and knee excursion limits. Yet, the booster was recommended for use by children only up to 18 kg (40 lb). NHTSA later tested 3 other available shield-type booster seats using the 6-year-old dummy and found that each exceeded the 813 mm (32 inch) head excursion limit of Standard 213.

NHTSA requests information, particularly from child restraint manufacturers, concerning the reasons why shield boosters are no longer marketed for children weighing more than 18 kg (40 lb), especially with respect to those boosters that appear to meet all performance criteria of Standard 213. Were some manufacturers unable to certify that the seats would meet Standard 213's requirements when tested with the 6-year-old dummy? If they did so conclude, was it solely the head excursion requirement, or other requirements as well? Were there test failures, and if so, what were the margins of failure? Can shield boosters be redesigned to achieve compliance with the standard? Why have manufacturers not redesigned these boosters to achieve compliance?

Question 5: What Is the Feasibility of Redesigning Hybrid/Toddler Booster Restraints Such That the Restraint Can Be Certified for Use With Older Children, Without the Use of a Tether?

NTSB hoped that NHTSA will ''work with the child restraint manufacturers to expedite efforts to provide child restraint systems for children who have outgrown their convertible restraint systems to be used with lap-only belts.'' NHTSA requests comments on the feasibility of designing a hybrid booster seat such that the booster can meet the current requirements of Standard 213 in the ''toddler mode'' when tested with the 6-year-old dummy, and when attached to the standard seat assembly with just a lap belt and without a tether.

Question 6: Is the Suggested Amendment Warranted When There Are Products Now Available for Older Children That May Perform Better Than a Tethered Seat at Limiting Head Excursion?

E–Z–On Products, Inc., manufactures vest and harness restraint systems for use with a lap belt and tether. Vests and harnesses are ''child restraint systems'' under Standard 213 and are certified as meeting all requirements of the standard.

The vest and harness systems employ a top tether to meet Standard 213's requirements. As explained above, Standard 213 permits a tether on a vest or harness system (both are referred to as ''harnesses'' in the standard) to be attached in the 48 km/h (30 mph) test, but does not allow a tether to be attached on a conventional child restraint system (such as a convertible child restraint or a high-back booster, such as the Breverra). The reason for the different treatment is because it is more obvious that a tether needs to be attached with vests and harnesses than it is with conventional child seats. If a tether were not used for a vest or harness, it would be clear to the parent that the child's upper torso would have no restraint.

The E–Z–On Vest is designed to slip over the child, with a back zipper closure. The vest is custom-made, using the child's waist measurement. E–Z–On's Universal Harness is in the shape of an upside down ''Y.'' There are two straps at the bottom of the upside down ''Y'' with loops at each end, that the lap belt is threaded through. The upper part of the upside down ''Y'' has a tether hook which attaches to the vehicle's tether anchor. E–Z–On has informed NHTSA that its vest and harness systems are readily available through its distributors. A vest or harness can be shipped to the consumer within 2 weeks. The price of the vest is approximately $73 to $95, a cost comparable to that of convertible seats. The harness costs approximately $45.

NHTSA's March 1998 test program at VRTC evaluated the performance of various types of child restraints, including vests and harnesses, hybrid boosters and convertible restraints, in limiting the amount of head excursion of the 6-year-old dummy (see Appendix B). In brief, the tethered vest and harness performed much better than the tethered hybrid booster or tethered convertible restraint at limiting head excursion. Test data for the tethered restraints were as follows:

TABLE 1.—Summary of Sled Test Results for Tethered Restraints

Restraint configuration	HIC	3 ms chest clip (G)	Head excursion (mm)	Knee excursion (mm)	Test No.
FMVSS No. 213 limit	1000	60	813	914	
Century Breverra Contour/5-pt. Harness Lap Belt w/Top Tether	332	38.9	760.22	904.49	UMP03
Century Breverra Contour/5-pt. Harness Lap Belt w/Top Tether	307	40.5	718.82	880.62	UMP05
E–Z ON 86–Y Harness Lap Belt w/Top Tether	463	52.5	495.30	540.26	UMP07

TABLE 1.—Summary of Sled Test Results for Tethered Restraints—Continued

Restraint configuration	HIC	3 ms chest clip (G)	Head excursion (mm)	Knee excursion (mm)	Test No.
E–Z ON 103Z Vest Lap Belt w/Top Tether	702	59.3	558.29	635.76	UMP08
E–Z ON 86–Y Harness Lap Belt w/Top Tether	461	52.9	473.71	539.75	UMP09
Britax Roundabout Lap Belt w/Top Tether	270	42.3	622.55	798.83	UMP11
Britax Roundabout Lap Belt w/Top Tether	303	43.4	574.04	736.09	UMP13
Britax Elite Lap Belt w/Top Tether	554	51.2	640.08	782.32	UMP15
Britax Elite Lap Belt w/Top Tether	614	58.9	580.39	719.84	UMP17

Based on this test program, NHTSA believes that vests and harnesses could address petitioner's concerns and those of the other parties. The E–Z–On Vest, with a back zipper closure, could address AAP's desire for a product that can restrain young toddlers who have reached 18 kg (40 lb), but who are too immature behaviorally to use Type II belts. There may be perceived drawbacks to vests and harnesses. A vest may not be as convenient as a hybrid booster. The vest wraps around the child's torso and has to be unclipped from the tether mounting strap to be placed on a child. Also, vests and harnesses do not ''look like'' traditional child restraint systems so they might not be as readily accepted by some consumers as a tethered hybrid seat might be. Yet, owners of older vehicles who are seeking any product to fix a perceived problem concerning their youngsters may be more motivated to accept a harness than consumers generally.

NTSB did not support measures that required use of a tether, given the high non-use rates of tethers in this country. Yet, the likelihood that parents will attach the tether on a harness could be higher than that for conventional child seats, given that it would be more obvious to a parent that the tether has to be attached on a vest or harnesses than on a restraint such as a hybrid booster, which would be designed to be used both with and without a tether, depending on the size of the child occupant.

While the hybrid booster might be preferred by some consumers over a vest or harness because of the expectations of consumers as to what a child restraint system ought to look like, an untethered hybrid booster does not restrict head excursion as well as a tethered vest or harness.

Question 7: Would Adoption of the Suggested Amendment Inappropriately Encourage Some Parents To Position Restraints in the Center Rear Seating Position?

Petitioner only addressed the need of consumers with pre-1989 cars, but adoption of the suggested amendment could also affect the preference of parents who wish to install a booster seat in the center rear position. The center rear position typically has only a Type I (lap) belt, not a Type II (lap and shoulder) belt system. Some of these parents may welcome having booster seats that can be used in the center rear seat with only a Type I belt. However, optimal performance of the restraint is dependent on attachment of the tether. An untethered seat in the center rear seat is not likely to perform as effectively as an untethered belt-positioning booster used at the outboard seating position with a Type II belt system. Would the suggested amendment encourage consumers to move belt-positioning seats from outboard seating positions to the center rear seat? How likely will consumers attach a tether[5] when using the seat with children weighing more than 18 kg (40 lb)?

Question 8: What Is the Feasibility of Retrofitting a Rear Seat Shoulder Belt in Pre-1989 Vehicles?

Retrofitting vehicles with a rear seat shoulder belt is another option. While this approach is more expensive than installing a tether anchorage (assuming there are structural elements for the tether anchorage already in the vehicle), a shoulder belt can benefit children who have completely outgrown a child restraint, and can also benefit adults, seated in the rear. Many vehicle manufacturers offer shoulder belt kits for rear seating positions, although availability and cost of these kits vary widely. Because of the long term benefits associated with this option as described above, we have suggested this approach to many consumers who have contacted the agency in search of alternatives. The majority of these consumers were unaware that vehicle manufacturers offered such retrofit kits, and were generally very receptive to having the retrofit kits installed in their vehicles. A minority expressed reservations given the disproportionate cost of the retrofit kit parts and installation when compared to the limited value of their older vehicle.

[5] Our March 1999 final rule excludes belt-positioning seats from the head excursion limit that requires a tether on the child restraint. Thus, a belt-positioning seat that is not also a hybrid toddler seat might not even have a tether.

III. Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential

business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under DATES. To the extent possible, we will also consider comments that Docket Management receives after that date.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(2) Go to the Docket Management System (DMS) Web page of the Department of Transportation (http://dms.dot.gov/).

(3) On that page, click on ''search.''

(4) On the next page (http://dms.dot.gov/search/), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were ''NHTSA–1999–1234,'' you would type ''1234.'' After typing the docket number, click on ''search.''

(5) On the next page, which contains docket summary information for the docket you selected, click on the desired comments.

You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments are not word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Appendix A—Calspan Study

Both of the rules that amended Standard 213 to permit the manufacture of belt-positioning booster seats and to adopt new test dummies into the standard for compliance tests responded to sections 2500–2509 of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240), which directed NHTSA to initiate rulemaking on a number of safety matters, including child booster seat safety (§ 2503). The legislative history for the directive indicated that the directive evolved in large part from the findings of a study entitled, ''Evaluation of the Performance of Child Restraint Systems,'' performed for NHTSA by the Calspan Corporation (DOT HS 807 297, May 1988). Congress believed that the study showed that some booster seats ''may not restrain adequately a child in a crash . . . .'' Senate Committee on Commerce, Science, and Transportation, S. Rep. No. 83, 102d Cong., 1st Sess. 6, 18 (1991). Concerns about shield boosters had arisen from the recommendations by child restraint manufacturers about which children could appropriately use a particular booster. Particular designs or models of boosters were typically recommended for a broad range of children, often for children weighing from 9 to 32 kg (20 to 70 lb). At the time of the study, such a child restraint was tested for compliance with Standard 213 with just the 3-year-old (15 kg) (33 pound) dummy. So tested, these restraints met Standard 213. However, there were questions whether the boosters could provide adequate protection for children at the extremes of the weight ranges that had been recommended by the manufacturer as being suitable for the restraint, i.e., those ranging from nine-month-old infants (average weight 9 kg) to 6-year-old (22 kg) and older children.

In the Calspan program, the nine-month-old infant and the 6-year-old child dummies were used in addition to the 3-year-old dummy. The Calspan research program tested all 11 models of booster seats that were on the market during the summer of 1987. In tests with the 6-year-old dummy, Standard 213's 813 mm (32 inch) head excursion limit was exceeded by 10 out of 11 booster seat models, with measurements in the range from 813 to 899 mm (32.0 to 35.4 inches). One model ejected the dummy.

Following the Calspan study, NHTSA conducted additional research on boosters. Nine booster seats were tested with the three dummies used in the Calspan study. The seats met the performance measures of Standard 213 when tested with the 3-year-old dummy. However, 7 of 9 allowed excessive head excursions with the 6-year-old dummy, and two of the seats also had structural failures with the dummy. ''Evaluation of Booster Seat Suitability for Children of Different Ages and Comparison of Standard and Modified SA103C and SA106C Child Dummies,'' VRTC–89–0074, February 1990.

Appendix B—NHTSA Test Program

NHTSA developed and conducted a test program at VRTC from March 16–20, 1998, to evaluate the performance of various types of child restraints in restricting the amount of head excursion of the 6-year-old dummy. In developing this test program, NHTSA asked child restraint manufacturers and the NTSB for suggestions as to which approaches and products should be evaluated. One objective of this test program was to obtain baseline information on the dynamic performance of a ''typical'' shield-type booster seat, tested with the 6-year-old dummy while secured to the vehicle seat by a lap belt only. It is the presumed inability of this type of seat to meet the 813 mm (32 inch) head excursion requirement of Standard 213 that has apparently resulted in child restraint manufacturers limiting these restraints to use for children weighing no more than 18 kg (40 lb). Pre-test discussions with restraint manufacturers confirmed that Standard 213's head injury criterion (HIC), chest acceleration, and knee excursion parameters did not pose concerns when testing this type of restraint with the 6-year-old dummy. Rather, because of the increase in height and weight of the 6-year-old dummy as compared to the 3-year-old dummy—1168 versus 965 mm standing height (46 versus 38 inches), and 22 versus 15 kg in weight (48 versus 33 lb)—the shield portion of the restraint apparently does not provide adequate upper torso restraint to limit the head excursion within acceptable limits when subjected to Standard 213's dynamic test. NHTSA chose the Cosco Grand Explorer as a representative shield-type booster for this baseline test.

The test program also evaluated a representative high-back belt-positioning booster seat, utilizing its internal 5-point harness, secured to the vehicle seat by a lap belt and a top tether. This represents the specific configuration recommended in the Weber petition. NHTSA chose the Century Breverra, which comes with an optional top tether, as a representative seat for the test program.

NHTSA also tested a few convertible seats. Pre-test conversations with restraint manufacturers indicated that there may be some convertible restraints that are equipped with tethers that may also perform adequately when attached to the vehicle seat with a lap belt only, when restraining the 6-year-old dummy. Not all convertibles are equipped with a top tether strap, and not all convertible seats will be able to accommodate the 6-year-old dummy. Britax Child Safety, Inc. indicated that they currently manufacture two convertible restraints, the ''Roundabout'' which comes with a standard top tether, and the ''Elite'' which comes with an optional top tether attachment, which they felt would perform satisfactorily in a crash test with the 6-year-old dummy with the restraint secured to the vehicle seat by a lap belt and top tether. Accordingly, NHTSA included each of these

convertible restraints in the subject test program.

Currently, the only commercially available products that are marketed specifically for children weighing over 18 kg (40 lb) and secured with a lap belt only are the Y-harness and vest systems produced by E–Z On Products. Both of these systems require the use of a top tether. The Y-harness system consists of two shoulder straps which extend from the top tether anchorage, with looped ends to allow the vehicle lap belt to be routed through and fastened over the pelvic area. Similarly, the tether strap is attached to the vest system by attaching the two snap hooks on end of the tether strap to rings located on the shoulders of the vest, and the vehicle lap belt is threaded through the web loops on the bottom of each side of the vest. Both the Y-harness and the vest systems were included in the test program for evaluation.

The dynamic sled tests were conducted at NHTSA's Vehicle Research and Test Center, (VRTC), and were based on the test conditions and procedures prescribed in S6 of Standard No. 213. However, it must be emphasized that this test program was intended for research only and did not precisely replicate compliance testing. The VRTC tests evaluated the ability of the restraints at limiting head excursion, HIC, chest acceleration, and knee excursion. The test conditions were fixed throughout the sled test series, with the only variable being the particular restraint being tested and its attachment method (i.e. tethered or untethered). With the exception of the baseline test utilizing the Cosco Grand Explorer shield booster seat, each restraint was tested in each attachment configuration on two separate sled runs to enhance the repeatability of the test results. Two Cosco Grand Explorer restraints were tested, but on the same sled run versus separate sled runs as with the other restraints.

All tests were conducted using the 6-year-old dummy, and each of the restraints—whether tethered or untethered—was attached to the vehicle test seat using a lap belt only. Standard 213's limits are as follows: HIC—1000; chest acceleration—60g; head excursion—813 mm (32 inches); and knee excursion—914 mm (36 inches). The full test results are provided in Table 2. It is important to note that in each of the tests conducted, values for both the HIC and chest acceleration parameters were typically significantly below the established limits prescribed in Standard 213 and that none exceeded the maximum allowable limits.

TABLE 2.—SUMMARY OF SLED TEST RESULTS FOR ALL RESTRAINTS

Restraint configuration	HIC	3 ms chest clip (G)	Head excursion (mm)	Knee excursion (mm)	Test No.
FMVSS No. 213 limit	1000	60	813	914	
Cosco Grand Explorer Lap Belt w/Sm. Shield	424	32.9	697.74	614.17	UMP01
Cosco Grand Explorer Lap Belt w/Sm. Shield	417	32.2	748.79	660.15	UMP02
Century Breverra Contour/5-pt. Harness Lap Belt w/ Top Tether	332	38.9	760.02	904.49	UMP03
Century Breverra Contour/5-pt. Harness Lap Belt; No Top Tether	273	30.8	851.41	925.83	UMP04
Century Breverra Contour/5-pt. Harness Lap Belt w/ Top Tether	307	40.5	718.82	880.62	UMP05
Century Breverra Contour/5-pt. Harness Lap Belt; No Top Tether*	243	50.2	NA	NA	UMP06
E–Z ON 86–Y Harness Lap Belt w/Top Tether	463	52.5	495.30	540.26	UMP07
E–Z ON 103Z Vest Lap Belt w/Top Tether	702	59.3	558.29	635.76	UMP08
E–Z ON 86–Y Harness Lap Belt w/Top Tether	461	52.9	473.71	539.75	UMP09
E–Z ON 103Z Vest Lap Belt w/Adj. CAM-Wrap	315	35.9	713.23	597.92	UMP10
Britax Roundabout Lap Belt w/Top Tether	270	42.3	622.55	798.83	UMP11
Britax Roundabout Lap Belt; No Top Tether	477	39.3	810.26	895.60	UMP12
Britax Roundabout Lap Belt w/Top Tether	303	43.4	574.0	736.09	UMP13
Britax Roundabout Lap Belt; No Top Tether	425	36.1	794.77	864.36	UMP14
Britax Elite Lap Belt w/Top Tether	554	51.2	640.08	782.32	UMP15
Britax Elite Lap Belt; No Top Tether	377	39.2	820.17	867.66	UMP16
Britax Elite Lap Belt w/Top Tether	614	58.9	580.39	719.84	UMP17
Britax Elite Lap Belt; No Top Tether	377	43.1	821.69	878.08	UMP18
Century Breverra Contour/5-pt. Harness Lap Belt; No Top Tether (Repeat of UMP06).	299	31.2	843.79	917.96	UMP19 (Repeat of UMP06)

*HIC based on head contact w/CRS as dummy slipped out of failed 5-pt. harness.

While NHTSA anticipated that shield-type boosters could not meet the 32-inch head excursion limit of the standard when tested with the 6-year-old dummy, test results showed that when tested in this configuration, the Cosco Grand Explorer shield booster seats used for the baseline testing satisfactorily limited head excursion to under 762 mm (30 inches) in both instances. In addition, knee excursion was measured to be 254 to 279 mm (10–11 inches) below the 914 mm (36 inch) limit. These test results are in direct contrast with the Calspan and VRTC studies (see Appendix A, *supra*) conducted in support of NHTSA's ISTEA rulemakings on booster seats.

Following conduct of the baseline test with the shield-type booster seat, the agency tested the hybrid boosters and the convertible seats both with and without the top tether strap. In the tethered configuration, head excursion was measured to be below 762 mm (30 inches), and knee excursion was measured to be below the 914 mm (36 inch) limit (although only marginally so in one instance (904.49 mm) (35.61 inches)). However, in each of the test runs conducted using the untethered configuration, head and knee excursions beyond the respective 813 and 914 mm (32 and 36 inch) limits were measured, with marginal reductions in both the HIC and chest acceleration parameters. It should be noted that a total of three test runs was conducted using the untethered configuration, as the test dummy slipped out of the child restraint during the second test run due to a failure of the 5-point harness, voiding the measurement of head and knee excursion. Interestingly, a comparison between the untethered shield-type booster used in the baseline testing and the tethered hybrid booster (forward facing with internal harness/high-back belt-positioning booster) indicates that the untethered shield booster performs marginally better (on average) with respect to limiting head excursion and significantly better with respect to limiting knee excursion than the hybrid booster.

Two convertible restraints were evaluated in the same manner, first with a top tether strap attached and then without. In the tethered configuration, the Britax Roundabout limited head excursion to 622.3 and 574.04 mm (24.5 and 22.6 inches) in the two tests performed, well below the 813 mm (32 inch) limit prescribed in the standard and also well below the results observed in the baseline test with the shield-type booster. Knee excursion measurements were also well below the established limit. However, whereas the untethered hybrid toddler/booster restraint configuration resulted in unacceptable head and knee excursions, the untethered Roundabout configuration limited both head and knee excursion within acceptable limits (although only marginally

with respect to head excursion in the first test at 810.26 mm (31.90 inches)). Additionally, while the untethered hybrid toddler/booster restraint tests resulted in reduced HIC and chest acceleration measurements, the untethered Roundabout tests resulted in reduced chest acceleration measurements but increased HIC values.

The second convertible restraint, the Britax Elite, demonstrated similar results. In the tethered configuration, head excursion was limited to 640.08 and 580.39 mm (25.2 and 22.85 inches) in the two tests performed, again well below the 813 mm limit prescribed in the standard and also well below the results observed in the baseline test with the shield-type booster. Knee excursion measurements were also well below the established limit. However, each of the tests conducted in the untethered configuration resulted in head excursion measurements that marginally (820.02 and 821.69 mm) (32.29 and 32.35 inches) exceed the 813 mm limit, while knee excursion measurements remained within acceptable limits.

The two different E–Z On products, the Y-harness and the vest, are the only products currently marketed for children over 18 kg (40 lb) that do not require the use of a shoulder harness to attach to the vehicle. Both of these systems require the use of a tether. Test results show that the Y-harness system dramatically limited head excursion to 495.3 and 473.71 mm (19.5 and 18.65 inches) on the two tests, or approximately 33 percent below the 813 mm limit prescribed in the standard, and significantly below the other tethered systems. Knee excursion was also limited to values well below established limits.

E–Z On markets two different styles of the vest system. The first is an adjustable vest, which can be adjusted for fit as the child grows via three different zipper locations on the back of the vest. This was not used in this test program, as the vest, when configured in its smallest size, was still too large to properly fit the 6-year-old test dummy. E–Z On also manufactures sized vests, provided to the consumer based on anatomical measurements of the child as provided to E–Z On. NHTSA utilized a fitted vest in this testing program, although it should be noted that the vest provided by the manufacturer for this testing was very tight on the 6-year-old dummy, and the next larger size would likely have provided a better fit. The E–Z On vest system was tested utilizing a top tether strap. The head and knee excursion values were both well below established limits. The chest acceleration was 59.3 g, marginally below the limit of 60 g. This high value for chest acceleration may be partially attributable to the very snug fit of the vest on the test dummy.

Given the excessive head excursion measured in 17 of the 20 tests performed in the Calspan and VRTC studies, combined with the assumption that child restraint manufacturers are not currently marketing shield-type booster seats for children over 18 kg due to an inability to meet the head excursion requirement when testing with the 6-year-old dummy, NHTSA chose to include only one representative shield-type booster seat (the Cosco Grand Explorer) to serve as a baseline test for the current test program. However, given the favorable results with respect to both head and knee excursion parameters seen with this seat as noted above, NHTSA conducted a second set of testing to evaluate three other currently available shield-type booster seats (the Gerry Double Guard, Evenflo Sidekick, and Fisher Price T-Shield). As before, each seat was tested twice, on separate test runs, to enhance the repeatability of the test results. In each instance, the measured head excursion significantly exceeded the 813 mm (32 inch) limit of Standard 213, ranging from 876.3 to 1016 mm (34.5 to 40.0 inches). Full test results are provided in Table 3. These results more closely parallel those recorded in the earlier tests conducted by Calspan and VRTC. Physical examination of each of the four shield-type booster seats tested in this test program revealed no obvious, discernable variations in construction, i.e., height of the shield, etc., that would explain the difference in performance of the Cosco Grand Explorer versus the others with respect to head excursion.

TABLE 3.—ADDITIONAL SHIELD BOOSTER TESTS

Restraint configuration	HIC	3 ms chest clip (G)	Head excursion (mm)	Knee excursion (mm)	Test No.
FMVSS No. 213 limit	1000	60	813	914	
Gerry Double Guard Lap Belt w/sm. Shield	748	35.8	979.9	825.5	UMP21
Evenflo Sidekick Lap Belt w/sm. Shield	721	37.8	873.8	762.0	UMP22
Fisher Price T-Shield Lap Belt w/sm. Shield	349	26.1	927.1	767.1	UMP23
Evenflo Sidekick Lap Belt w/sm. Shield	820	35.9	876.3	749.3	UMP24
Gerry Double Guard Lap Belt w/sm. Shield	780	34.6	1016	838.2	UMP25
Fisher Price T-Shield Lap Belt w/sm. Shield	525	31.5	955.0	784.9	UMP26

Issued on June 29, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–17235 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 64, No. 129
Wednesday, July 7, 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

Farm Service Agency

National Drought Policy Commission

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of Commission meeting and public hearing and request for comments.

SUMMARY: The National Drought Policy Act of 1998 (Pub. L. 105–199) and Departmental Regulation No. 1042–131 established the National Drought Policy Commission (Commission). The Farm Service Agency (FSA) was identified to provide support to the Commission. The Commission shall conduct a thorough study and submit a report to the President and Congress on national drought policy. This notice seeks comments on issues that the Commission should address and recommendations that the Commission should consider as part of its report. The first meeting of the Commission will be held July 22, 1999, and the first public hearing will be held July 23, 1999. All meetings are open to the public; however, seating is limited and available on a first-come basis.

DATES: The Commission will meet on July 22, 1999, from 10:00 a.m. to 4:00 p.m. in the Williamsburg Room, Jamie L. Whitten Building, 12th and Jefferson Drive, SW, Washington, DC. All times noted are Eastern Daylight Time. The first part of the meeting will be devoted to the organization of the Commission. The remainder of the meeting will be dedicated to informational presentations and committee business.

The Commission will conduct a public hearing on July 23, 1999, from 9:00 a.m. to 5:00 p.m. in the Jefferson Auditorium, South Agriculture Building, 1400 Independence Avenue, SW, Washington, DC. Anyone wishing to make an oral presentation to the Commission must contact the Executive Director, Leona Dittus, in writing (by letter, fax or internet) no later than 12 noon, July 16, 1999, in order to be included on the agenda. Presenters will be approved on a first-come basis. The request should identify the name and affiliation of the individual who will make the presentation and an outline of the issues to be addressed. Thirty-five copies of any written presentation material shall be given to the Executive Director by all presenters no later than the time of the presentation for distribution to the Commission and the interested public. Oral presentations will be limited to 5 minutes. Those wishing to testify, but who are unable to notify the Commission office by July 16, 1999, will be able to sign up as a presenter the day of the hearing (July 23) between 9:00 a.m. and 11:30 a.m. These presenters will testify on a first-come, first-served basis and comments will be limited based on the time available and the number of presenters. Written statements will be accepted at the meeting, or may be mailed or faxed to the Commission office. Comments must be received by September 17, 1999.

ADDRESSES: Comments and statements should be sent to Leona Dittus, Executive Director, National Drought Policy Commission, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Room 6701–S, STOP 0501, Washington, DC 20250–0501.

FOR FURTHER INFORMATION CONTACT: Leona Dittus, Executive Director, National Drought Policy Commission, at the address above or telephone (202) 720–3168; FAX (202) 720–4293; internet Leona__Dittus@WDC.FSA.USDA.GOV.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to provide advice and recommendations to the President and Congress on the creation of an integrated, coordinated Federal policy, designed to prepare for and respond to serious drought emergencies. Tasks for the Commission include developing recommendations that will (a) better integrate Federal laws and programs with ongoing State, local, and tribal programs (b) improve public awareness of the need for drought mitigation, prevention, and response and (c) determine whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency, and, if so, identify the agency. The Commission will be chaired by the Secretary of Agriculture or his designee, and a Vice Chair shall be selected from among the members who are not Federal officers or employees. In the absence of the Chair, the Vice Chair will act in his stead. Administrative staff support essential to the execution of the Commission's responsibilities shall be provided by USDA, FSA.

Commission members specifically cited in Public Law 105–199 include the Secretaries of Agriculture, Interior, Army, and Commerce, the Director of the Federal Emergency Management Agency, and the Administrator of the Small Business Administration; two persons nominated by the National Governors' Association, a person nominated by the National Association of Counties, and a person nominated by the Conference of Mayors. Those four members are to be appointed by the President. Six additional Commission members have been appointed by the Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of the Army. The six at-large members represent groups acutely affected by drought emergencies, such as the agricultural production community, the credit community, rural and urban water associations, Native Americans, and fishing and environmental interests.

If special accommodations are required, please contact Leona Dittus, at the address specified above, by COB July 16, 1999.

Signed at Washington, DC on July 1, 1999.

Parks Shackelford,

Acting Administrator, Farm Service Agency.

[FR Doc. 99–17216 Filed 7–6–99; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notice, Comment and Appeal of Decisions for Pacific Northwest Region, Oregon and Washington

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On June 2, 1998, the Forest Service published a listing of the newspapers that would be used by all Ranger Districts, Forests, and the Regional Office of the Pacific Northwest Region to publish legal notice of all

decisions subject to appeal under 36 CFR parts 215 and 217 and to publish notice for public comment and notice of decisions subject to the provisions of 36 CFR part 215. That notice was to inform interested members of the public which newspapers would be used to publish the legal notice for public comment and decision. This allows the public to receive constructive notice of decisions, to provide clear evidence of timely notice, and to achieve consistency in administering the appeal process. There is no change to the listing of newspapers published in the June 2, 1998 **Federal Register** (63 FR 29971).

FOR FURTHER INFORMATION CONTACT: Roger Ogden, Acting Regional Appeals Coordinator, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208–3623, phone: (503) 808–2426.

Dated: June 29, 1999.

Roy Roosevelt,

Acting Deputy Regional Forester.

[FR Doc. 99–17126 Filed 7–6–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (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). This request is being submitted under the emergency processing procedures of the Paperwork Reduction Act.

Agency: Technology Administration.

Title: National Medal of Technology.

Agency Form Number: None.

OMB Approval Number: 0692–0001.

Type of Request: Revision of a currently approved collection—Emergency Clearance Request.

Burden: 2,550 hours.

Needs and Uses: The National Medal of Technology is the highest honor bestowed by the President to America's leading innovators. The Medal is given to individuals, teams, or companies for accomplishments in the innovation, development, commercialization, and management of technology, as evidenced by the establishment of new or significantly improved products, processes, or services. This collection is being revised to include a ''new'' nomination category for ''environmental technology.'' The information provided is used by the Nomination Evaluation Committee in determining the merit and eligibility of nominees.

Affected Public: Individuals and companies.

Frequency: Annually.

Respondent's Obligation: Required to obtain a benefit.

OMB Desk Officer: Peter Weiss, (202) 395–3630.

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 5327, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent by July 9, 1999, to Peter Weiss, OMB Desk Officer, 725 17th Street, NW, Washington, DC 20501.

Dated: June 30, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–17138 Filed 7–6–99; 8:45 am]

BILLING CODE 3510–18–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–814, A–428–816, A–405–802, C–412–815, C–428–817]

Certain Cut-to-Length Carbon Steel Plate From Finland, Germany and the United Kingdom: Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty and Countervailing Duty Reviews, and Intent To Revoke Orders in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances antidumping duty and countervailing duty reviews, and intent to revoke orders in part.

EFFECTIVE DATE: July 7, 1999.

SUMMARY: On May 12, 1999, the Department of Commerce (the Department) received a request on behalf of Bethlehem Steel Corporation and U.S. Steel Group—A Unit of USX Corporation (Bethlehem & U.S. Steel), petitioners in these cases, for changed circumstances antidumping (AD) and countervailing duty (CVD) reviews and an intent to revoke in part the AD and CVD orders with respect to specific cut-to-length carbon steel plate from Germany and the United Kingdom and the AD order with respect to specific cut-to-length carbon steel plate from Finland. A telephone conversation on May 17, 1999, with counsel on behalf of all other petitioners (Inland Steel Industries, Inc., LTV Steel Company, Inc., National Steel Corporation, AK Steel Corporation, Gulf States Steel Inc. of Alabama, Sharon Steel Corporation, and WCI Steel Inc.) confirmed petitioners' lack of interest in the continuation of the AD and CVD orders with respect to the subject merchandise defined in the Scope of the Review section below (See Memorandum to the File).

Interested parties are invited to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Linda Ludwig (AD reviews on Finland and the United Kingdom), James Doyle or Becky Hagen (AD review on Germany), Robert Copyak (CVD reviews on Germany and the United Kingdom), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–3833, (202) 482–0159, (202) 482–1102, or (202) 482–2209, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351.

Background

On August 17, 1993, the Department published the CVD orders on certain cut-to-length carbon steel plate from Germany and the United Kingdom (58 FR 43756 and 43748, respectively). On August 19, 1993, the Department published the AD orders on certain cut-to-length carbon steel plate from Finland, Germany and the United Kingdom (58 FR 44165, 44170, and 44168, respectively).

On May 12, 1999, Bethlehem Steel and U.S. Steel, petitioners, requested partial revocation of the AD and CVD orders pursuant to section 751(d)(1) of the Act, with respect to specific carbon steel plate imports from the United Kingdom, Germany and Finland described below.

Scope of the Review

The products covered by these AD/CVD orders constitute one ''class or kind'' of merchandise: certain cut-to-length carbon steel plate. These

products include hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been ''worked after rolling'') for example, products which have been beveled or rounded at the edges. Excluded is grade X–70 plate. These HTS item numbers are provided for convenience and Customs purposes. The written description remains dispostive.

Merchandise covered by these changed circumstances reviews and partial revocations are shipments of certain carbon cut-to-length steel plate with a maximum thickness of 80 mm in steel grades BS 7191, 355 EM and 355 EMZ, as amended by Sable Offshore Energy Project specification XB MOO Y 15 0001, types 1 and 2.

Initiation and Preliminary Results of Changed Circumstances AD and CVD Reviews, and Intent To Revoke Orders in Part

At the request of the petitioners, in accordance with sections 751(d)(1) and 751(b)(1) of the Act and section 351.216 of the Department's regulations, the Department is initiating changed circumstances reviews of certain cut-to-length carbon steel plate from Finland, Germany and the United Kingdom to determine whether partial revocation of the AD and CVD orders is warranted with respect to the cut-to-length carbon steel plate subject to these requests. Section 782(h)(2) of the Act and section 351.222(g)(1)(i) of the Department's regulations provide that the Department may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order, in whole or in part. In addition, in the event the Department determines that expedited action is warranted, section 351.221(c)(3)(ii) of the regulations permits the Department to combine the notices of initiation and preliminary results.

In accordance with section 751(b) of the Act and sections 351.222(g)(l)(i) and 351.221(c)(3) of the Department's regulations, we are initiating these changed circumstances reviews and have determined that expedited action is warranted. Our decision to expedite these reviews stems from the domestic industry's lack of interest in applying the AD and CVD orders to the specific carbon steel plate covered by these requests.

Based on the expression of no interest by petitioners and absent any objection by any other domestic interested parties, we have preliminarily determined that substantially all of the domestic producers of the like product have no interest in continued application of the AD and CVD orders to the plate subject to these requests. Therefore, we are notifying the public of our intent to revoke, in part, the AD and CVD orders as they relate to imports of plate described above from Finland, Germany and the United Kingdom.

Public Comment

Interested parties may submit case briefs and/or written comments no later than 14 days after the date of publication of these preliminary results. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 21 days after the date of publication. The Department will issue the final results of these changed circumstances reviews, which will include the results of its analysis raised in any such written comments, no later than 270 days after the date on which these reviews were initiated, or within 45 days if all parties agree to our preliminary determinations. *See* section 351.216(e) of the Department's regulations.

If final revocation occurs, we will instruct the U.S. Customs Service to end the suspension of liquidation and to refund, with interest, any estimated AD and CVD duties collected for all unliquidated entries of the specific carbon steel plate covered by these requests from Finland, Germany and the United Kingdom. The current requirement for a cash deposit of estimated AD and CVD duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of these changed circumstances reviews.

This initiation of review and notice are in accordance with sections 751(b) of the Act (19 U.S.C. 1675(b)) and 19 CFR 351.216, 351.221, and 351.222.

Dated: June 25, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–17221 Filed 7–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–040]

Stainless Steel Plate From Sweden: Notice of Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the petitioners, the Department of Commerce (''the Department'') is conducting an administrative review of the antidumping finding on stainless steel plate from Sweden. The review covers two manufacturer/exporters of the subject merchandise to the United States, Avesta Sheffield AB (''Avesta'') and Uddeholm Tooling AB and its sales subsidiaries (collectively, ''Uddeholm''). Uddeholm's sales affiliate in the United States is Bohler-Uddeholm Corporation (''BUS'') and its sales affiliate in Canada is Uddeholm Limited, Canada (''BCA''). The period of review is June 1, 1997 through May 31, 1998. We preliminarily determine that sales have been made below normal value (''NV''). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties based on the difference between constructed export price (''CEP'') and NV.

Interested parties are invited to comment on these preliminary results. Parties which submit argument in this proceeding are requested to submit with the argument: (1) A statement of the

issue, and (2) a brief summary of the argument (no longer than five pages, including footnotes).

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Nithya Nagarajan or Jonathan Lyons, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 482–4243 or 482–0374, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act'') are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR part 351 (1998).

Background

The Department of the Treasury published an antidumping finding on stainless steel plate from Sweden on June 8, 1973 (38 FR 15079). The Department of Commerce published a notice of ''Opportunity To Request Administrative Review'' of the antidumping finding for the 1997–1998 review period on June 10, 1998 (63 FR 31717). On June 10, 1998, the petitioners, Allegheny Ludlum Steel Corp., G.O. Carlson, Inc., and Lukens, Inc., filed a request for review of Uddeholm and Avesta. We initiated the review on July 28, 1998 (63 FR 40258). On October 8, 1998, December 1, 1998, February 22, 1999, and April 12, 1999, we received responses from Uddeholm to the Department's original and supplemental questionnaires.

The review covers the period June 1, 1997 through May 31, 1998. The Department is conducting this review in accordance with section 751 of the Act, as amended. Section 751(a)(3) provides that the Department may extend the deadline for issuing its preliminary results of an administrative review if it determines that it is not practicable to complete the preliminary results within the statutory time limit of 245 days. *See* also 19 CFR 351.213(h)(2). On January 11, 1999, the Department extended the time limit for these preliminary results to June 30, 1999. *See Stainless Steel Plate from Sweden; Extension of Time Limits for Antidumping Duty Administrative Review*, 64 FR 3683 (January 25, 1999).

Scope of the Review

Imports covered by this review are shipments of stainless steel plate which is commonly used in scientific and industrial equipment because of its resistance to staining, rusting and pitting. Stainless steel plate is classified under Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7219.11.00.00, 7219.12.00.05, 1209.12.00.15, 7219.12.00.45, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 8219.21.00.05, 7219.21.00.50, 7219.22.00.05, 7219.22.00.10, 7219.22.00.30, 7219.22.00.60, 7219.31.00.10, 7219.31.00.50, 7220.11.00.00, 7222.30.00.00, and 7228.40.00.00. Although the subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Facts Available

On September 2, 1998, Avesta informed the Department that it was unable to participate in the 1997–1998 administrative review. Avesta claimed that, because a key facility had closed and staff that had participated in prior reviews were no longer employed by the company, it would not be ''feasible, financially or practically,'' for the company to participate.

Section 776(a)(2)(A) of the statute and 19 CFR 351.308 mandate use of facts available in several circumstances, including when a respondent withholds requested information. Further, section 776(b) of the Act authorizes the Department to use an adverse inference in selecting from the facts otherwise available where the respondent has ''not acted to the best of its ability to comply with a request for information.''

Because Avesta has declined to respond to the Department's questionnaire, we must rely on the facts otherwise available. Further, the Department finds that an adverse inference is warranted because Avesta has not acted to the best of its ability in responding to the Department's request for information. Avesta failed to provide any explanation as to why the loss of employees or the closing of a facility prevents its responding to the Department's questionnaire. Moreover, Avesta failed to identify specific problems in complying with our request, to seek the Department's assistance or to suggest alternatives that would allow the Department to collect the necessary information, as required by section 782(c)(1). Rather, the company appears to have made a business decision not to devote the necessary resources to provide the Department with the information needed to conduct the review.

Section 776(b) of the Act authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. In accordance with section 776(b)(3) of the Act, we have selected as facts available the highest previous margin in this case from segments conducted by the Department, which is Avesta's margin from the 1995–1996 administrative review.

Information from prior segments of the proceeding constitutes secondary information. Section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) explains that ''corroborate'' means simply that the Department will satisfy itself that the secondary information to be used has probative value. (See H.R. Doc. 316, Vol. 1, 103d Cong., 2d sess. 870 (1994).)

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996), where the Department disregarded the highest margin as adverse BIA because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin).

The dumping margin we have selected for Avesta as facts available in this review is a rate calculated in a prior

segment of the proceeding; therefore, we deem it to be reliable. Moreover, because the margin selected was actually calculated for Avesta based on information submitted by the company in the prior review, we deem it to be relevant. Therefore, the requirements of section 776(c) of the Act have been met.

Because we have based Avesta's dumping margin entirely on facts available, the analysis below addresses only sales made by Uddeholm.

Verification

As provided in section 782(i) of the Act, we verified information provided by Uddeholm using standard verification procedures, including on-site examination of relevant sales and financial records and selection of original documentation containing relevant information. Our verification results are outlined in the proprietary and public versions of the verification report.

Date of Sale

For both its third-country market and U.S. sales, Uddeholm reported the earlier of either the date of invoice or the date of shipment as the date of sale. Uddeholm stated that this methodology best reflects the date on which the material terms of sale are established. In the normal course of business, invoices are issued upon shipment of merchandise to the customer. In rare instances, merchandise is shipped prior to invoicing. Invoices on these shipments are issued on the next business day. Due to the unique nature of the subject merchandise and its applications, orders for merchandise are processed and shipped within a week of the customer's order, and in many instances within 1–2 business days. Orders are primarily placed via phone or fax to the sales departments, and usually result in Uddeholm's generating a work order for their merchandise processing and operations division. Most orders are immediately filled from inventory and sized to the customer's specifications. Uddeholm records the terms of sale (price and quantity) when the merchandise is shipped and the invoice is issued, which generally occurs on the same day. In addition, the Department verified that there are no sales contracts, long-term orders, or extended delivery agreements between Uddeholm and its customers. Therefore, we preliminarily determine that invoice date is the most appropriate date of sale in accordance with § 351.401(i) of the Department's regulations.

Product Comparisons

In accordance with section 771(16) of the Act, all products produced by the respondents, covered by the description in the Scope of Investigation section, above, and sold in Canada during the period of review (POR) are considered to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We have relied on five characteristics to match U.S. sales of subject merchandise to comparison market sales of the foreign like product: specification, process, thickness, finish, and form. We used thickness ranges reported by the respondent, as requested by the Department. Where there were no sales of identical merchandise in the third-country market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in the antidumping questionnaire and reporting instructions.

Fair Value Comparisons

To determine whether sales of stainless steel plate from Sweden to the United States were made at less than normal value, we compared NV to the CEP, as described in the ''Constructed Export Price'' and ''Normal Value'' sections of this notice.

Constructed Export Price (CEP)

In accordance with section 772 (b) of the Act, we treated all of Uddeholm's sales to the United States as CEP sales because the merchandise was first sold to unaffiliated U.S. purchasers, after importation, by an affiliated seller in the United States. There were no export price sales during the period of review.

We based CEP on the packed ex-warehouse or delivered price to unaffiliated customers in the United States. In accordance with section 772 (c)(2) of the Act, we made adjustments, where applicable, for international and ocean freight, U.S. inland freight, U.S. brokerage and handling expenses, U.S. customs duties, early payment discounts, rebates, warehousing, and marine insurance. In accordance with sections 772(d)(1) and (2) of the Act, we made deductions for selling expenses, warranty expenses, credit expenses, and cutting and grinding expenses.

To arrive at the CEP, the gross unit price was further reduced by an amount for profit pursuant to section 772(d)(3) of the Act. In accordance with section 772 (f) of the Act, we computed profit based on total revenues realized on sales in both the U.S. and third-country markets, less all expenses associated with those sales. We then allocated profit to the expenses deducted under sections 772(d)(1) and (2), based on the ratio of total U.S. expenses to total expenses for both the U.S. and third-country markets.

Normal Value

A. Home Market Viability

In order to determine whether there were sufficient sales of stainless steel plate in the home market to serve as a viable basis for calculating NV, we compared the volume of home market sales of subject merchandise to the volume of subject merchandise sold in the United States, in accordance with section 773(a)(1)(C) of the Act. Since Uddeholm's aggregate volume of home market sales was less than five percent of its U.S. sales of the subject merchandise, we did not base NV for Uddeholm on its home market sales.

B. Comparison Market Selection

In selecting the appropriate third-country market on which to base NV for Uddeholm, we analyzed sales to Uddeholm's three largest third-country markets. In accordance with § 351.404(e) of the Department's regulations, we chose the Canadian market as the most appropriate comparison market for NV. Canada constituted Uddeholm's largest third-country market, and merchandise sold in the Canadian market was identical to the subject merchandise sold in the United States. For a more detailed discussion of third-country market selection, *see Analysis Memorandum for 3rd Country Comparison Market,* dated May 28, 1999.

We calculated NV based on sales to unaffiliated third-country market customers. We made adjustments for physical differences in the merchandise, where necessary, in accordance with section 773(a)(6)(C)(ii) of the Act. In accordance with section 773(a)(6)(B)(ii) of the Act, we made adjustments to NV for international freight, third-country inland freight, third-country inland insurance, third-country customs duties, and warehousing expenses. We also adjusted NV for direct selling expenses, including imputed credit expenses, in accordance with section 773(a)(6)(C)(iii) of the Act. Finally, we made an adjustment to NV for early payment discounts, in accordance with § 351.401(c) of the Department's regulations.

Price-to-Price Comparisons

We performed price-to-price comparisons where there were sales of comparable merchandise in the third-country market.

In accordance with section 777(A) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Level of Trade

In accordance with section 773(a)(7) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transaction. The NV LOT is that of the starting price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general, and administrative (SG&A) expenses and profit. For EP sales, the U.S. LOT is also the level of the starting-price sale, which is usually from exporter to importer. For CEP sales, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different level of trade than EP or CEP sales, we examine the stages in the marketing process and selling functions along with the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to Length Carbon Steel Plate from South Africa,* 62 FR 61731 (November 19, 1997).

The Department requested information concerning the selling functions associated with each phase of marketing, or the equivalent, in Uddeholm's Canadian and U.S. markets. The NV level of trade is based on sales by Uddeholm's affiliate, BCA, to unaffiliated customers in Canada. The information submitted by Uddeholm indicates that BCA performs the same selling functions for all customers in the Canadian market. Therefore, we preliminarily determine that the Canadian sales were made at a single level of trade. The CEP level of trade is based on the constructed sales to Uddeholm's affiliate, BUS, i.e., after the deductions required under 772(d) of the Act. The information submitted indicates that at the CEP level of trade Uddeholm performs fewer and different selling functions than it does at the NV level of trade. Therefore, we preliminarily determine that there is a single level of trade in the United States—the CEP level of trade—which is different from the level of trade in Canada. For a more detailed discussion of level of trade *see Analysis Memorandum to the File regarding Level of Trade for Uddeholm,* dated June 22, 1999.

As evidenced by the record, the U.S. and Canadian sales are at different levels of trade and the Canadian level of trade—sales by an affiliated distributor—is at a more advanced stage of distribution than the U.S. CEP level of trade—sales by the producer to an affiliated distributor. However, we do not have data available that would be an appropriate basis for calculation of a level of trade adjustment. Therefore, in accordance with section 773(a)(7)(B) of the Act, we have preliminarily determined to make a CEP offset.

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

Preliminary Results of Review

We preliminarily determine that the following margins exist for the period June 1, 1997 through May 31, 1998:

Uddeholm—7.30 percent
Avesta—29.36 percent

Parties to this proceeding may request disclosure within five days of publication of this notice and any interested party may request a hearing within 30 days of publication. Any hearing, if requested, will be held 37 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 35 days after the date of publication. The Department will publish the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at a hearing, within 120 days after the publication of this notice.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with § 351.212(b) of the Department's regulations, we have calculated an importer-specific ad valorem assessment rate for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total entered value of the sales used to calculate these duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of these administrative reviews for all shipments of stainless steel plate from Sweden entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for reviewed firms will be the rates established in the final results of administrative review, except if the rate is less than 0.50 percent, and therefore, *de minimis* within the meaning of 19 CFR 351.106, in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review or the original fair value investigation, the cash deposit rate will be 4.46%.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties

occurred and the subsequent assessment of double antidumping duties.

This determination is issued in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 29, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–17222 Filed 7–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 99–00002.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to DecoArt, Inc. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1999).

The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. Products

Artists acrylic paints and decorative finishes manufactured or distributed by DecoArt, Inc.

2. Services

All services related to the export of Products.

3. Technology Rights

All intellectual property rights associated with Products or Services, including, but not limited to: Patents, trademarks, service marks, trade names, copyrights, neighboring (related) rights, trade secrets, know-how, and sui generis forms of protection for databases and computer programs.

4. Export Trade Facilitation Services (as they Relate to the Export of Products, Services and Technology Rights)

Export Trade Facilitation Services, including, but not limited to: Professional services in the area of government relations and assistance with state and federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with custom requirements; insurance and financing; bonding; warehousing; export trade promotion; legal assistance; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

DecoArt, Inc. may engage in the following activities with respect to Export Markets:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;

2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in the Export Markets;

3. Enter into, terminate, amend or enforce exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets, provided that DecoArt, Inc. does not enter into more than one agreement, for its entire product line or any portion thereof, in any given territory in the Export Markets pursuant to which its distributors, foreign buyers, and/or sales representatives are prohibited from carrying the products of DecoArt, Inc.'s competitors, and such prohibition only applies to: (1) Those products of DecoArt, Inc.'s competitors that directly compete with the product line or portion thereof to be sold under the agreement; and (2) the territory covered by the agreement;

4. Enter into, terminate, amend or enforce exclusive or non-exclusive licensing agreements regarding its Products, Services, or Technology Rights with Export Intermediaries or other persons selling its Products in Export Markets;

5. Enter into, terminate, amend or enforce exclusive or non-exclusive sales agreements with Export Intermediaries, or other persons selling its Products for the transfer of title to Products, Services, and/or Technology Rights in Export Markets;

6. Enter into, terminate, amend or enforce exclusive or non-exclusive pricing and/or consignment agreements for the sale and shipment of its Products and Services to Export Markets;

7. Allocate export sales, export orders and/or divide Export Markets, among Export Intermediaries, or other persons for the sale, licensing and/or transfer of title to its Products, Services, and/or Technology Rights;

8. Enter into, terminate, amend or enforce territorial and customer restraints on Export Intermediaries, or other persons regarding the sale, licensing and/or transfer of title to its Products, Services, and/or Technology Rights for sale in Export Markets;

9. Enter into, terminate, amend or enforce exclusive or non-exclusive agreements for the tying of its Products and Services, the setting of prices, and/or the distribution, shipping or handling of its Products or Services in the Export Markets;

10. Terminate, amend or enforce contractual or other relationships with Export Intermediaries or other persons who refuse to agree or adhere to restraints on their activities related to the export of its Products;

11. Enter into, terminate, amend or enforce agreements to invest in overseas warehouses for the purpose of storing exported Products until transferred to the foreign purchaser;

12. To invest in overseas facilities for the purpose of making minor product or packaging modifications necessary to insure compatibility of the Product with the requirements of the foreign market;

13. Represent U.S. Suppliers of its Products at trade shows and solicit agents and distributors for its Products in the Export Markets;

14. Refuse to quote prices for, or to market or sell, Products or Services to

an Export Market or Markets, or to distributors, buyers and/or sales representatives who directly or indirectly market or sell to an Export Market or Markets;

15. Sell, or offer to sell Products at different prices for direct or indirect sale to an Export Market or Markets as compared to prices for direct or indirect sale to domestic markets; and

16. Affix labels or other forms of identification to Products which identify the Products and indicate whether such Products are for direct or indirect sale only in an Export Market or Markets.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, DecoArt, Inc. will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. DecoArt, Inc. will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities, and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303 (a) of the Act.

Definitions

1. ''Export Intermediary'' means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions including providing or arranging for the provision of Export Trade Facilitation Services.

2. ''Supplier'' means a person who produces, provides, or sells any Product and/or a Service.

A copy of this Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, l4th Street and Constitution Avenue, NW, Washington, DC 20230.

Dated: June 30, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–17103 Filed 7–6–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 990608155-9155-01]

RIN 0693-ZA31]

Technical Advisory Committee Report: Requirements for Key Recovery Products

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Department of Commerce seeks public comment on ''Requirements for Key Recovery Product,'' encompassing technical recommendations prepared by the ''Technical Advisory Committee to Develop a Federal Information Processing Standard for the Federal Key Management Infrastructure.'' The Committee was established by the Department to provide technical advice on an encryption key recovery standard for use by Federal agencies to provide for the continued government access to encrypted information in the event of the unavailability (e.g., loss due to unavailability of critical personnel) of the encryption/decryption key(s). The Committee held its final meeting in November, 1998, and subsequently delivered its work to the Secretary of Commerce. Notwithstanding the availability of opportunities for public input to the Committee's activities, the Committee's technical report and significance makes them worthy of additional public discussion and comment. Comments are also sought as to actions that the Department may wish to take as it contemplates using this report as the basis for a Federal key recovery standard.

DATES: Comments should be submitted no later than November 4, 1999.

REPORT AVAILABILITY AND ADDRESSES: The report is available electronically from the Committee's homepage at < http://csrc.nist.gov/tacdifipsfkmi/ ≤. Electronic comments on the report may be sent to Key-recovery@nist.gov.

A hard copy of the report is available by request from NIST, Information Technology Laboratory, Attention: Review of Key Recovery Committee Report, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899-8930. Written comments may also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Edward Roback, Executive Secretary, Technical Advisory Committee to Develop a Federal Information Processing Standard for the Federal Key Management Infrastructure, telephone 301-975-3696.

SUPPLEMENTARY INFORMATION: The ''Technical Advisory Committee to Develop a Federal Information Processing Standard for the Federal Key Management Infrastructure'' was chartered by the Department of Commerce in 1996 to seek industry recommendations on technical specifications for accomplishing the recovery of keys used for encryption (as opposed to keys used solely for digital signatures, which should not be recoverable, since a new signature key pair is normally created in event of loss). The Committee was comprised of 24 members drawn from the private sector with expertise in computer systems, telecommunications, banking, security, research and other pertinent areas. Its activities were augmented by liaisons from various Federal agencies, who provided input and perspective to the Committee as to the security and functional key recovery requirements of Federal agencies. Twelve meetings of the Committee were held between December 1996 and November 1998. The progress that the Committee made on various drafts of its report may be seen on the Committee's electronic homepage at <htt://csrc.nist.gov/tacdfipsfkmi/>.

In June 1998, the Committee delivered an interim work product to the Secretary, requested additional time to complete its work, and suggested that work on detailed implementation guidance be initiated, noting that such guidance will be essential to the successful deployment of any key recovery system (since many aspects of key recovery system security [e.g., integration of key recovery products into an application/operational system or usage policy] were outside the scope of the Committee's work). The Committee also urged pursuit of conformance testing based upon the model employed for Federal Information Processing Standard (FIPS) 140.1, Security of Cryptographic Modules. In response to the request for additional time, the Department extended the charter of the Committee through the end of 1998 and urged the Committee to use the remaining time to complete its review of the document,

resolve inconsistencies and address any remaining issues.

Because this technical input was requested in anticipation of developing a FIPS on key recovery, the format of the Committee's report parallels that of a FIPS. However, since the Committee was chartered only to address technical issues, some areas (e.g., ''applicability'' and ''waiver process'') contained in a FIPS were not addressed by the Committee. The Committee noted in their draft that text for these sections would have to be supplied at a later date by the government.

In delivering its report to the Secretary, the Committee noted that its members did not ''have time to verify the consistency and completeness of the document as a whole'' and stated that these are crucial. Therefore, the submission of public comments on the consistency and completeness of the document is particularly encouraged.

The Committee's report is divided into two major sections, an ''announcement section'' and a ''specifications section.'' The first section is fairly pro forma and contains, among other items, a brief explanation of the document, an index, list of appropriate applications, notes on implementations, and a glossary. Qualifications on the use of conforming products are also discussed. The second section contains the detailed specifications of the document and is divided into four chapters: (1) Overview, (2) Key Recovery Model, (3) Security Requirements, and (4) Assurance Requirement. Four appendices are included: (A) Key Recovery Technique (B) Examples, (C) Key Recovery Block, and (D) Certificate Extensions.

The key recovery model utilized by the Committee throughout its document describes five key recovery functions: (1) Key Recovery Information Generation, (2) Key Recovery Information Delivery, (3) Function Key Recovery Information Validation, (4) Key Recovery Requestor and (5) Key Recovery Agent. For each of these functions, one or more security levels is defined and functional and security requirements provided. For each security level(s) of a function, a corresponding assurance level is then specified with appropriate requirements.

Dated: June 30, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–17234 Filed 7–6–99; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Hearings for Draft Environmental Impact Statement (DEIS) for the Introduction of the V–22 to the Second Marine Aircraft Wing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of public hearing.

SUMMARY: The Department of the Navy, United States Marine Corps has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) to evaluate the introduction of the V–22 aircraft to the Second Marine Aircraft Wing in eastern North Carolina. In accordance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations, this notice announces the dates and locations of public hearings for the DEIS.

DATES: Comments must be postmarked by August 9, 1999.

The meeting dates are:

1. July 19, 1999, 3:00p.m. to 8:00p.m., Jacksonville, NC.
2. July 20, 1999, 3:00p.m. to 8:00p.m., Havelock, NC.
3. July 21, 1999, 3:00p.m. to 8:00p.m., Atlantic, NC.
4. July 22, 1999, 3:00p.m. to 8:00p.m., Pollocksville, NC.

ADDRESSES: Address written comments to Commander, Atlantic Division, Naval Facilities Engineering Command, Attn: Mr. James Haluska (Code 2033JH), 1510 Gilbert Street, Norfolk, Virginia 23511; Fax: (757) 322–4894.

The meeting locations are:

1. Jacksonville, NC—Jacksonville City Hall, Meeting Room A, 211 Johnson Boulevard, Jacksonville, NC;
2. Havelock, NC—Havelock City Hall, 1 Hatteras Avenue, Havelock, NC;
3. Atlantic, NC—Marine Corps Outlying Landing Field Atlantic, Building 7017, Administration & Housing, Airfield Road, Atlantic, NC;
4. Pollocksville, NC—Pollocksville Elementary School, 300 Trent Street, Pollocksville, NC.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice may be obtained by contacting Mr. James Haluska, (757) 322–4889 or Lt. Col. Blackiston, Community Plans and Liaison Officer, MCAS Cherry Point, (919) 466–4196.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR 1500–1508), the Department of the Navy, United States Marine Corps has prepared a Draft Environmental Impact Statement (DEIS) to assess the potential environmental effects of introducing the V–22 ''Osprey,'' a new type of tiltrotor aircraft, to the Second Marine Aircraft Wing (2d MAW) which operates from several Marine Corps air stations located along the East Coast of the United States. The DEIS has been distributed to various Federal, state, and local agencies, as well as other interested individuals and organizations. In addition, copies of the DEIS have been distributed to the following libraries for public review: Carteret County Public Library, 210 Turner Street, Beauport, NC; Craven-Pamlico-Carteret Regional Library, 400 Johnson Street, New Bern, NC; Godwin Memorial Library, College Street, New Bern, NC; Havelock-Craven County Public Library, 300 Miller Boulevard, Havelock, NC; Onslow County Public Library, 58 Doris Avenue East, Jacksonville, NC; and Pamlico County Library, Bayboro, NC. A limited number of single copies of the DEIS are available upon request by contacting Mr. James Haluska at (757) 322–4889.

The introduction of the V–22 to the 2d MAW is part of a Corps-wide process of replacing two existing weapons systems, the CH–46E and CH–53D medium-lift helicopters currently used by the USMC MAWs, with a new weapon system. The USMC relies on a veteran fleet of CH–46Es and CH–53Ds for medium-lift operations, such as the delivery of troops and equipment in amphibious assault operations. These aircraft are nearing the end of their lifecycle, cannot travel great distances, and are not well equipped for night or adverse weather operations. The V–22 is capable of vertical/short takeoffs and landings, significantly greater flight distances at a faster speed, and with a greater payload than the helicopters it would replace. The proposed action, therefore, is to replace the CH–46 assets of the 2d MAW with the V–22 on a one-to-one basis. (Currently, the 2d MAW has no CH–53D assets. These are all located in MCB Hawaii.) Replacement of a weapons system such as the CH–46 involves more than just a substitution of a new system for an old one. It includes replacement or renovation of the facilities used to house and maintain the system. It also includes development within the USMC of the skills needed to employ the new weapons system during wartime.

The CH–46E aircraft are near the end of their operating life. The USMC must continue to have the capability of supporting combat forces, by lifting personnel and equipment into and out

of confined sites quickly, at any time, under any conditions, in remote and/or hostile environments. The political conditions of the post-Cold War era have led to the realization by the DOD that future threats to American security, particularly the nation's economic health, are increasingly linked to the stability of other regions of the world. The current US defense strategy is to address sources of regional conflict and instability with a visible, forward presence, and an effective response to crises.

The Marine Corps will conduct public hearings starting Monday, July 19 to Thursday, July 22, 1999 for those individuals who would like to provide comments on the DEIS. These hearings will be open sessions and will allow individuals to review the data presented in the DEIS and at displays provided for the hearing. Department of the Navy representatives will be available during the hearing to answer questions and/or clarify information related to the DEIS and to assist those who wish to comment. Federal, state, and local agencies and interested parties are invited and urged to be present or represented at the hearing. Oral statements will be heard and transcribed by a stenographer; however, to ensure the accuracy of the record, all statements should be submitted in writing. In the interest of available time and to ensure all who wish to give an oral statement have the opportunity to do so, each speaker will be asked to limit their comments to three (3) minutes. If longer statements are to be presented, they should be summarized at the public hearing and submitted in writing either at the hearing or mailed or faxed to Mr. James Haluska at the address listed in the **ADDRESSES** section of this notice. Equal weight will be given to both oral and written statements. All written comments postmarked by August 9, 1999 will become a part of the official public record and will be responded to in the Final Environmental Impact Statement.

Dated: July 1, 1999.

Ralph W. Corey,

Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 99–17149 Filed 7–6–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 7, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 30, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of the Under Secretary

Type of Review: New.

Title: Evaluation of the Magnet Schools Assistance Program.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEA or LEAs.

Reporting and Recordkeeping Hour Burden:

Resondents: 2,387

Burden Hours: 1,517

Abstract: This package is to request clearance for an evaluation of the Magnet Schools Assistance Program (MSAP). The purpose is to provide information to ED and Congress about the success of the MSAP in meeting its statutory goals. The evaluation is using information reported in MSAP applications and performance indicators and gathering new data from all %& MSAP projects funded in 1998. A particular emphasis of the evaluation is the projects' progress in improving student achievement and achieving desegregation.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address vivian__reese@ed.gov or should be faxed to 202–708–9346.

For questions regarding burden and/or the collection activity requirements, contact Jacqueline Montague at 202–708–5359 or should be electronically mailed to the internet address jackie—montague@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 99–17115 Filed 7–6–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Golden Field Office; Supplemental Announcement to the Broad Based Solicitation for Financial Assistance Applications Involving Research, Development and Demonstration for the Office of Energy Efficiency and Renewable Energy; Closed-Loop Biomass Co-Firing

AGENCY: U.S. Department of Energy.

ACTION: Supplemental Announcement 13 to the Broad Based Solicitation for Financial Assistance Applications DE-PS36–99GO10383.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.8, is announcing its intention to solicit applications for Closed-Loop Biomass Co-firing. Financial assistance award(s) issued under this

Supplemental Announcement will be cooperative agreements.

DATES: The solicitation will be issued on or about July 6, 1999.

ADDRESSES: Copies of the Solicitation once issued, can be obtained from the Golden Field Office Home page at http://www.eren.doe.gov/golden/solicitations.html.

SUPPLEMENTARY INFORMATION: DOE is soliciting Applications to develop and validate co-firing technology using a ''closed-loop'' feedstock supply. Respondents are encouraged to form appropriate consortia or other business arrangements with the agricultural community, industry, power producers, or other applicable organizations for the conduct of this venture. These arrangements are intended to demonstrate how cooperative efforts can lead to sustaining, economically beneficial, biomass power generation. ''Closed-loop'' refers to operations that specifically plant, grow, harvest, use, and regrow, at the same production site, any biomass fuel or feedstock in a sustainable, permanent manner that is in whole or in part used for an energy application. ''Biomass'', for the purpose of this Supplemental Announcement, means organic matter derived through the process of photosynthesis. ''Co-firing'', for the purpose of this Supplemental Announcement, refers to the combustion of biomass and coal, excluding lignite, for power production. Successful Applicants should demonstrate an approach to the integration and successful application of a ''closed-loop'' feedstock supply system and a technically viable co-firing boiler system for power production. The overall objective of selected projects is to successfully demonstrate the viability of co-firing ''closed-loop'' agricultural biomass as a supplemental fuel for power production. To meet this objective, successful applicants will: (1) determine the optimum parameters for low-cost, high-performance co-firing of ''closed-loop'' biomass fuels with coal of natural gas for power production through pilot-scale biomass co-firing tests; and (2) validate the operational viability of co-firing biomass with coal through a full-scale demonstration. Awards under this Supplemental Announcement will be Cooperative Agreements with a term of up to two years. Subject to funding availability, the total DOE funding available under this Supplemental Announcement will be approximately $1,500,000. DOE anticipates selecting one application for award under this Supplemental Announcement. A minimum cost share of 50% of total project costs is required in order to be considered for award under this Supplemental Announcement. Solicitation Number DE-PS36–99GO10383, in conjunction with this Supplemental Announcement 13, will include complete information on the program including technical aspects, funding, application preparation instructions, application evaluation criteria, and other factors that will be considered when selecting projects for funding. Issuance of the solicitation is planned for July 6, 1999, with responses due on August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Ruth E. Adams, Contracting Officer, at 303-275–4722, e-mail ruth__adams@nrel.gov, or Robert Martin, Project Officer, at 303–275–4763, e-mail robert__martin@nrel.gov.

Issued in Golden, Colorado, on June 29, 1999.

Matthew A. Barron,

Acting, Procurement Director, GO.

[FR Doc. 99–17198 Filed 7–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Golden Field Office; Supplemental Announcement to the Broad Based Solicitation for Financial Assistance Applications Involving Research, Development and Demonstration for the Office of Energy Efficiency and Renewable Energy; Co-Firing Biomass With Lignite

AGENCY: U.S. Department of Energy.

ACTION: Supplemental Announcement 14 to the Broad Based Solicitation for Financial Assistance Applications DE–PS36–99GO10383

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.8, is announcing its intention to solicit applications for Co-firing Biomass with Lignite. Financial assistance award(s) issued under this Supplemental Announcement will be cooperative agreements.

DATES: The solicitation will be issued on or about July 6, 1999.

ADDRESSES: Copies of the Solicitation once issued, can be obtained from the Golden Field Office Home page at http://www.eren.doe.gov/golden/solicitations.html.

SUPPLEMENTARY INFORMATION: DOE is requesting public, private, and business proponents of biomass energy to undertake cost-shared projects that demonstrate the viability of co-firing biomass with lignite coal for power production. Respondents are encouraged to form appropriate consortia or other business arrangements with biomass producers, industry, power producers, research institutions, or other applicable organizations for the conduct of this venture. These arrangements are intended to demonstrate how cooperative efforts can lead to sustaining, economically beneficial, power generation using lignite and biomass feedstock. The overall objective of selected project(s) is to successfully demonstrate the viability of co-firing biomass with lignite for power production. To meet this objective, successful applicants will: (1) Determine the optimum parameters for low-cost, high-performance co-firing of biomass with lignite through pilot-scale co-firing tests; and (2) validate the viability of co-firing biomass with lignite through a full-scale demonstration. Awards under this Supplemental Announcement will be Cooperative Agreements with a term of up to two years. Subject to funding availability, the total DOE funding available under this Supplemental Announcement will be approximately $1,000,000. DOE anticipates selecting one application for award under this Supplemental Announcement. A minimum cost share of 50% of total project costs is required in order to be considered for award under this Supplemental Announcement. Solicitation Number DE–PS36–99GO10383, in conjunction with this Supplemental Announcement 14, will include complete information on the program including technical aspects, funding, application preparation instructions, application evaluation criteria, and other factors that will be considered when selecting projects for funding. Issuance of the solicitation is planned for July 6, 1999, with responses due on August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Ruth E. Adams, Contracting Officer, at 303–275–4722, e-mail ruth__adams@nrel.gov, or Robert Martin, Project Officer, at 303–275–4763, e-mail robert__martin@nrel.gov.

Issued in Golden, Colorado, on June 29, 1999.

Matthew A. Barron,

Acting Procurement Director, GO.

[FR Doc. 99–17199 Filed 7–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Open Meeting

AGENCY: Department of Energy.

SUMMARY: Consistent with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board—Task Force on Fusion Energy

DATES AND TIMES: Friday, July 9, 1999, 9 a.m.–11:30 a.m.

ADDRESSES: Crowne Plaza Hotel, Lafayette Park Room, 14th and K Streets, NW, Washington, DC 20005.

SUPPLEMENTARY INFORMATION: The purpose of the Task Force on Fusion Energy is to review the Department of Energy's plans for research and development of four fusion related technologies—pulsed-power, lasers, ion drivers, and magnetic fusion—and to provide advice to the Secretary of Energy Advisory Board on how to structure the Department's fusion *energy* programs, both inertial and magnetic. The findings and recommendation of the Task Force on Fusion Energy are to comment on the goals and objectives of the Department's fusion energy related programs, provide a critique of the current development strategies, suggest changes in the overall fusion energy roadmap, and recommended funding levels. The purpose of this meeting will be to discuss the draft findings and recommendations of the Task Force on Fusion Energy.

Tentative Agenda

Friday, July 9, 1999

9–9:10 a.m.—Opening Remarks, Introductions & Objectives—Dr. Richard Meserve, Task Force Chairman
9:10–9:30 a.m.—Overview: Draft Findings and Recommendations of the Task Force on Fusion Energy—Dr. Richard Meserve
9:30–10 a.m.—Fusion Energy Program Comments on the Draft Findings and Recommendations—Dr. N. Anne Davies, Associate Director, Office of Fusion Energy Sciences
10–10:30 a.m.—Inertial Confinement Fusion Program Comments on the Draft Findings and Recommendations—To Be Announced, Office of Defense Programs
10:30–10:45 a.m.—Break
10:45–11:30 a.m.—Public Comment Period
11:30 a.m.—Adjourn

This tentative agenda is subject to change. The final agenda will be available at the meeting.

Public Participation

The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, DC, the Task Force welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Task Force will make every effort to hear the views of all interested parties. Written comments may be submitted to Skila Harris, Executive Director, Secretary of Energy Advisory Board, AB–1, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. This notice is being published less than 15 days before the date of the meeting due to the late resolution of programmatic issues.

Minutes

Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Further information on the Task Force on Fusion Energy may be found at the Secretary of Energy Advisory Board's web site, located at http://www.hr.doe.gov/seab.

Issued at Washington, DC, on July 1, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–17196 Filed 7–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Open Meeting

AGENCY: Department of Energy.

SUMMARY: Consistent with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board—Laboratory Operations Board.

DATES AND TIMES: Thursday, July 15, 1999, 8:30 a.m.–2:30 p.m.

ADDRESSES: Thomas Jefferson National Accelerator Facility, ARC Building Auditorium, 12000 Jefferson Avenue, Newport News, Virginia 23606.

FOR FURTHER INFORMATION CONTACT: Richard C. Burrow, Secretary of Energy Advisory Board (AB–1), US Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–1709.

SUPPLEMENTARY INFORMATION: The purpose of the Laboratory Operations Board is to provide advice to the Secretary of Energy Advisory Board regarding the strategic direction of the Department's laboratories, the coordination of budget and policy issues affecting laboratory operations, and the reduction of unnecessary and counterproductive management burdens on the laboratories. The Laboratory Operations Board's goal is to facilitate the productive and cost-effective utilization of the Department's laboratory system and the application of best business practices.

Tentative Agenda

Thursday, July 15, 1999

8:30–9 a.m.—Opening Remarks—Co-Chairs: E. Moniz & J. McTague
9–9:30 a.m.—Status Reports
9:30–10 a.m.—Report on Technology Portfolio Analysis and Roadmaps
10–10:15 a.m.—Break
10:15–11 a.m.—Presentation on the Positive Results of Performance Based Management
11–12 p.m.—Discussion of the New Field Management Structure
12–1 p.m.—Lunch Break
1–2 p.m.—Discussion of New Work Plan
2–2:30 p.m.—Public Comment Period
2:30 p.m.—Adjourn

This tentative agenda is subject to change. A final agenda will be available at the meeting.

Public Participation

The Chairman of the Laboratory Operations Board is empowered to conduct the meeting in a way which will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Newport News, Virginia the Laboratory Operations Board welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Laboratory Operations Board will make every effort to hear the views of all interested parties. Written comments may be submitted to Skila Harris, Executive Director, Secretary of Energy Advisory Board, AB–1, US Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. This notice is being published less than 15 days before the date of the meeting due to the late resolution of programmatic issues.

Minutes

Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading

Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays. Information on the Laboratory Operations Board may also be found at the Secretary of Energy Advisory Board's web site, located at http://www.hr.doe.gov/seab.

Issued at Washington, DC, on July 1, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–17197 Filed 7–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–324–002]

Blue Lake Gas Storage Company; Request for Waiver

June 30, 1999.

Take notice that on June 4, 1999, Blue Lake Gas Storage Company (Blue Lake), tendered for filing a request to waiver the interactive web site requirements set forth in Commission Order Nos. 587–G and 587–I. Blue Lake states that it has only one firm customer, an affiliate, which contracts for Blue Lake's full storage capacity. According to the filing, this customer has advised Blue Lake that it has no need, now or in the future, to be able to transact business with the Blue Lake on the Internet. In the alternative, Blue Lake requests an extension of time to implement the interactive web site requirements until a Part 284 customer requests that Blue Lake offer transactions via the web site.

Blue Lake states that copies of its filing have been served upon each person designated on the official service list compiled by the Secretary of the Commission.

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 on or before July 8, 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17106 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–570–000]

Colorado Interstate Gas Company; Request Under Blanket Authorization

June 30, 1999.

Take notice that on June 28, 1999, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed a prior notice request with the Commission in Docket No. CP99–570–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to increase the Maximum Allowable Operating Pressure (MAOP) at an existing delivery lateral in El Paso County, Colorado, under CIG's blanket certificate issued in Docket No. CP83–21–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance).

CIG proposes to increase the MAOP at an existing delivery lateral used to serve the city of Colorado Springs, Colorado, from 717 psig to 820 psig. CIG states that is would also replace its North Colorado Springs lateral, a 10-inch diameter lateral approximately 2,000 feet in length, under Part 157.208 of the Commission's Regulations. CIG further states that because the lateral's age (constructed in the 1930s) and its proximity to major residential growth (Northeast Colorado Springs), plus serving as a major delivery point to the city of Colorado Springs, CIG intends to replace the lateral under the automatic provisions of its blanket certificate this summer. CIG states that the increase in the meter's MAOP would match the mainline MAOP delivering natural gas to the North Colorado Springs lateral.

Any questions regarding the application should be directed to James R. West, Manager, Certificates, at (719) 520–4679, Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17104 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–54–000]

Colorado Interstate Gas Company; Filing of Refund Report

June 30, 1999.

Take notice that on June 25, 1999, Colorado Interstate Gas Company (CIG) filed a refund report pursuant to Docket No. RP92–133–001. CIG states that this filing and refund were made to comply with the Commission's Order dated August 28, 1992. Refunds were paid by CIG on June 11, 1999.

CIG states that the report summarizes refunds made by CIG to its customers for the period January 1, 1998 through December 31, 1998, pursuant to Docket No. RP92–133–001.

CIG states that copies of CIG's filing have been served on CIG's transportation customers, interested state commissions, and all parties to the proceedings.

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, N.E., Washington, D.C. 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 on or before July 8, 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. 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17110 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–53–000]

Southern Natural Gas Company; Refund Report

June 30, 1999.

Take notice that on June 25, 1999 Southern Natural Gas Company (Southern) tendered for filing a Refund Report reflecting its refund of certain amounts to its eligible firm shippers. These amounts represent a flow-through of refunds received from the Gas Research Institute (GRI).

The report states that Southern refunded $2,694,294 to its eligible shippers on June 11, 1999, which represents the amount received from GRI as required by the Commission's Order dated February 22, 1995.

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, N.E., Washington, D.C. 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 on or before July 8, 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. 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17111 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–326–001]

Steuben Gas Storage Company; Request for Waiver

June 30, 1999.

Take notice that on June 4, 1999, Steuben Gas Storage Company (Steuben) tendered for filing a request to waive the interactive web site requirements set forth in Commission Order Nos. 587–G and 587–I. Steuben states that its three firm customers are all Part 157 customers, and have not expressed interest in carrying out transactions through the Internet. In the alternative, Steuben requests an extension of time to implement the interactive web site requirements until a Part 284 customer requests that Steuben offer transactions via its web site.

Steuben states that copies of its filing have been served upon each person designated on the official service list compiled by the Secretary of the Commission.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before July 8, 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17105 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–156–008]

Viking Gas Transmission Company; Filing

June 30, 1999.

Take notice that on June 1, 1999, Viking Gas Transmission Company (Viking) filed for an extension of implementation dates for computer-related capacity release GISB standards.

Viking requests the Commission to grant Viking an extension of time to June 1, 2000, to implement the computer-related capacity release GISB standards. Viking says it needs additional time to test and to implement its capacity release computer components. Viking further requests temporary waiver until June 1, 2000, to comply with all other computer-related GISB standards.

Any person desiring to protest said filing should file a protest with the Federal 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 July 8, 1999. Protests will be considered by the Commission in determining 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc 99–17150 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–55–000]

Wyoming Interstate Company, LTD; GRI Refund Report

June 30, 1999.

Take notice that on June 25, 1999, Wyoming Interstate Company Ltd. (WIC) tendered for filing a refund report pursuant to Docket RP92–133–001. WIC states that the filing and refund were made to comply with the Commission's Order dated August 28, 1992.

On June 11, 1999, WIC states that it refunded to its transportation customers their respective share of the refunds received from GRI. WIC states that the report summarizes the refunds made by WIC to its transportation customers on June 11, 1999.

WIC states that copies of the filing have been served upon WIC's transportation customers, interested state commissions and all parties to the proceeding.

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, N.E., Washington, D.C. 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 on or before July 8, 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. 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 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17109 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Application Accepted for Filing and Soliciting Motions to Intervene and Protests

June 30, 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–11666–000.

c. Date filed: January 27, 1999.

d. Applicant: Aces Wild Farm.

e. Name of Project: Wright Forge Pond Project.

f. Location: On the Winnetuxet River, near the Town of Pympton, Plymouth County, Massachusetts.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Ms. Patricia Altaffer-Pina, Aces Wild Farm, 59 Parsonage Road, Plympton, Massachusetts 02367, (781) 585–3243.

i. FERC Contact: Michael Spencer, Michael. Spencer@FERC.fed.us, (202) 219–2846.

j. Deadline for filing motions to intervene and protest: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be field with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules and 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. Description of Project: The proposed project would consist of the following: (1) an existing 10-food-high, 150-foot-long rockfill dam; (2) a pond with a surface area of 7 acres and a gross storage of 1.9 million cubic feet; (3) an 18-inch-diameter, 12-foot-long penstock; (4) a powerhouse containing two generating units with a combined capacity of 5,000 kW and an estimated average annual generation of 26 GWh; (5) a concrete pad tailrace from the powerhouse to the Winnetuxet River; and (6) a 400-foot-long transmission line. The dam is owned by the Town of Plympton, at address P.O. Box 97 Plympton, MA 02367.

l. Locations of the 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, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 219–1371. The application 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 the item h above.

Prelimianry 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, N.E., Washington, D.C. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17107 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

June 30, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: New Major License.

b. Project No.: P–2588–004.

c. Date filed: July 10, 1998.

d. Applicant: City of Kaukauna.

e. Name of Project: Little Chute Hydroelectric Project.

f. Location: On the Fox River in the Village of Combined Locks, Outagamie County, Wisconsin.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Peter D. Prast, P.E. General Manager, Kaukauna Electric & Water Department, 777 Island Street, P.O. Box 1777, Kaukauna, Wisconsin 54130.

i. FERC Contact: Any questions on this notice should be addressed to Steve Kartalia, E-mail address stephen.kartalia@ferc.fed.us, or telephone (202) 219–2942.

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal 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. Status of environmental analysis: This application has been accepted for filing and is ready for environmental analysis at this time. Scoping meetings and a site visit were held on May 26, 1999. Representatives of the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (FWS) attended the site visit and the daytime meeting. The WDNR indicated that its water quality certificate, issued October 29, 1998, adequately addresses WDNR concerns. The FWS stated that the comments made in its November 28, 1997 letter, are still applicable. No one attended the evening meeting. At the meetings, no additional issues or alternatives were identified beyond those summarized in our Scoping Document 1 and no written comments were received prior to the deadline for submitting scoping comments; therefore, a second scoping document has not been prepared.

l. Description of Project: The project consists of the following existing facilities: (1) an integral intake powerhouse, located at the right abutment of the United States Army Corps of Engineers' Little Chute Dam, containing three units with a total installed capacity of 3,300 kW; (2) connections to three 2.4/12-kV single phase transformers and a 12-kV transmission line 1.25 miles long; and (3) other appurtenances.

m. 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. The application 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.

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, 1999, 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 ''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 submitting the filing; 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, N.E., Washington, D.C. 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. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17108 Filed 7–6–99; 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; Comment Period on Staff Issue Paper on Electronic Filing

June 30, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of comment period on staff issue paper on electronic filing.

SUMMARY: The Federal Energy Regulatory Commission Staff (Staff) held a technical conference on electronic filings on June 24, 1999. Prior to the conference, Staff posted on its web site an issue paper containing Staff's analysis and preliminary recommendation on various electronic filing issues. At the conference, Staff stated that additional comments on the issue paper may be filed on or before July 15, 1999. This notice provides interested persons with an opportunity to file these comments.

DATES: Comments must be filed by close of business on July 15, 1999.

ADDRESSES: Send comments to: Office of the Secretary, 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, D.C. 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, N.E., Room 91–17, Washington, D.C. 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, N.E., 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 assessed 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 Systems (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 E-mail to RimsMaster@ferc.fed.us.

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

DEPARTMENT OF ENERGY

Notice of Comment Period on Staff Issue Paper on Electronic Filing

Take notice that the Federal Energy Regulatory Commission (Commission) will allow comments to be filed on a staff issue paper on electronic filing issues on or before July 15, 1999. Staff posted the issue paper on the Commission's web site 10 days in advance of the Commission's June 24, 1999, Technical Conference on electronic filing. Staff announced at the conference that it would allow comments to be filed on the issue paper and is herein providing formal notice that any person interested in this docket may file comments, regardless of whether they participated in the technical conference.

The issue paper contains 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's preliminary recommendations and do not constitute a proposal by the Commission. These preliminary 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. They are available on the Commission's web site (http://www.ferc.fed.us/efi/efi.htm). Through this link, interested persons can access all information pertinent to Docket No. PL98–1, including comments and materials from all previous technical conferences.

At the conference, Staff also demonstrated prototype screens for electronic filing. Interested persons may access the prototype at *http://itdevl.ferc.fed.us/*. There is a message board where interested persons can post comments on the prototype, including any suggested changes. Comments posted on the message board are viewable by anyone accessing the system. It is not necessary to formally submit message board comments to the Commission unless you want your comments included in the formal record of this proceeding.

Comment Procedures

The Commission invites interested persons to submit written comments on the matters and issues referenced in this notice, including any related matters or alternative proposals that commenters may wish to discuss.

The original and 14 copies of such comments must be received by the Commission before 5:00 p.m. on July 15, 1999. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 and should refer to Docket No. PL98–1–001.

In addition to filing paper copies, the Commission encourages the filing of comments either on computer diskette or via Internet E-Mail. Comments may be filed in the following formats: WordPerfect 8.0 or below, MS Word Office 97 or lower version, or ASCII format.

For diskette filing, include the following information on the diskette label: Docket No. PL98–1–001; the name of the filing entry; the software and version used to create the file; and the name and telephone number of a contact person.

For Internet E-Mail submission, comments should be submitted to ''comment.rm@ferc.fed.us'' in the following format. On the subject line, specify Docket No. PL98–1–001. In the body of the E-Mail message, include the name of the filing entity; the software and version used to create the file, and the name and telephone number of the contact person. Attach the comment to the E-Mail in one of the formats specified above. The Commission will send an automatic acknowledgement to the sender's E-Mail address upon

receipt. Questions on electronic filing should be directed to Brooks Carter at 202–501–8145, E-Mail address *brooks.carter@ferc.fed.us*.

Commenters should take note that, until the Commission amends its rules and regulations, the paper copy of the filing remains the official copy of the document submitted. Therefore, any discrepancies between the paper filing and the electronic filing or the diskette will be resolved by reference to the paper filing.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference room at 888 First Street, NE., Washington, D.C. 20426, during regular business hours. Additionally, comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Home Page using the RIMS or CIPS links. RIMS contains all comments but only those comments submitted in electronic format are available on CIPS. User assistance is available at 202–208–2222, or by E-Mail to rimsmaster@ferc.fed.us.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–17112 Filed 7–6–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6367–6]

Transfer of Confidential Business Information to Contractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of transfer of data and request for comments.

SUMMARY: EPA will transfer to its contractors, ERG, Inc. and Science Applications International Corporation (SAIC) Confidential Business Information (CBI) that has been or will be submitted to EPA under section 3007 of the Resource Conservation and Recovery Act (RCRA). Under RCRA, EPA is involved in activities to support, expand and implement solid and hazardous waste regulations.

DATES: Transfer of confidential data submitted to EPA will occur no sooner than July 19, 1999.

ADDRESSES: Comments should be sent to Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments should be identified as ''Transfer of Confidential Data.''

FOR FURTHER INFORMATION CONTACT: Regina Magbie, Document Control Officer, Office of Solid Waste (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 703–308–7909.

SUPPLEMENTARY INFORMATION:

1. Transfer of Confidential Business Information

Under EPA Contract No. 68–C5–0032, ERG., Inc. will support the Office of Water in developing and effluent guidelines rule for industrial laundries. As part of this effort, the contractor ERG., Inc. has conducted numerous site visits at industrial laundries, and implemented a national survey dealing with the demographics of materials handled by industrial laundries, including their major customers, the types and volumes of materials they launder, the technologies used to launder the incoming materials, and the concentration and volumes of discharges to the air, surface waters and landfills. Also, associated with this effort has been the development of economic and environmental impacts for this industry.

Similarly, under EPA Contract 68–W–98–025, SAIC, Inc. will support the Office of Solid Waste in developing a proposed rule for solvent-contaminated shop towels, wipes and rags that could affect an impact both generation facilities, such as printers and furniture manufacturers, and industrial laundries. As part of this effort, supporting data will be provided by the Office of Water and their contractor.

The industrial laundry industry is quiet sensitive to having EPA reveal facility specific information that could jeopardize their competitive position. As a result, a considerable amount of facilities where site visits were conducted claimed CBI. The purpose of our visits is to better understand the relationship between the types and quantities of sludges generated by an industrial laundry as a function of (1) Incoming materials, particularly solvent-contaminated shop towels, and (2) the types of technologies industrial laundries might use to either remove RCRA hazardous solvents prior to the laundering process, such as centrifuges or hydraulic presses, or other technologies a laundry might employ to treat hazardous solvents during the laundering process, such as steam stripping. Therefore, RCRA CBI may be claimed by an industrial laundry facility because we are collecting data associated with the above, including performance and cost data associated with pretreatment and treatment technologies, and sludge characterization data.

In accordance with 40 CFR 2.305(h) (see 42 U.S.C. 6927(b)), EPA has determined that ERG, Inc. and SAIC, Inc. require access to CBI submitted to EPA under the authority of RCRA to perform work satisfactorily under the above-noted contract. EPA is submitting this notice to inform all submitters of CBI of EPA's intent to transfer CBI to these firms on a need-to-know basis. Upon completing its review of materials submitted, ERG. Inc. and SAIC, Inc. will return all CBI to EPA.

EPA will authorize ERG, Inc. and SAIC, Inc. access to RCRA CBI under the conditions and terms in EPA's ''Contractor Requirements for the Control and Security of RCRA Confidential Business Information Security Manual.'' Prior to transferring CBI to ERG, Inc. and SAIC, Inc. EPA will review and approve its security plans and ERG, Inc. and SAIC, Inc. will sign non-disclosure agreements.

Dated: June 30, 1999.

Elizabeth Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 99–17201 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6372–1]

Air Pollution Control; Proposed Action on Clean Air Act Grant to the South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The EPA has made a proposed determination that reductions in expenditures of non-Federal funds for the South Coast Air Quality Management District (SCAQMD) in Diamond Bar, California are a result of non-selective reductions in expenditures. This determination, when final, will permit the SCAQMD to be awarded financial assistance for FY–99 by EPA, under section 105(c) of the Clean Air Act (CAA).

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by August 6, 1999.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Valerie Cooper, Grants and Program Integration Office (Air–8), Air Division, U.S. EPA Region IX, 75

Hawthorne Street, San Francisco, California 94105–3901; FAX (415) 744–1076.

FOR FURTHER INFORMATION CONTACT: Valerie Cooper, Grants and Program Integration Office (Air–8), Air Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901 at (415) 744–1237.

SUPPLEMENTARY INFORMATION: Under the authority of section 105 of the CAA, EPA provides financial assistance (grants) to the SCAQMD, whose jurisdiction includes Los Angeles and Orange Counties in southern California, to aid in the operation of its air pollution control programs. In FY–98, EPA awarded the SCAQMD $4,784,837, which represented approximately 6.7% of the SCAQMD's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that ''[n]o agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year.'' EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, ''after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government.'' CAA section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY–99 section 105 grant application the SCAQMD projected MOE of $62,073,222. This amount represents a shortfall of $6,707,597 from the actual FY–98 MOE of $68,780,819. In order for the SCAQMD to be eligible to be awarded its FY–99 grant, EPA must make a determination under section 105(c)(2).

The SCAQMD is a single-purpose agency whose primary source of funding is emission fee revenue. It is the ''unit of Government'' for section 105(c)(2) purposes. The SCAQMD submitted documentation to EPA which shows that over the last six years emission reductions brought on by a combination of regulated and voluntary emission reductions and actions to minimize fee increases on businesses have reduced fee revenues from stationary sources from a high of $66,914,362 in 1991–1992 to approximately $51,750,000 in 1998–1999. As a result, the SCAQMD has instituted hiring/salary freezes, furloughs, and layoffs, has reduced its equipment purchases and contract expenditures, and has instituted new programs to reduce costs such as permit streamlining, computer-assisted permit processing, and privatization efforts.

Therefore, the SCAQMD's MOE reduction resulted from a loss of fee revenues due to circumstances beyond its control. EPA proposes to determine that the SCAQMD's lower FY–99 MOE level meets the section 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the SCAQMD to be awarded financial assistance for FY–99.

This document constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by August 6, 1999 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by August 6, 1999. If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Valerie Cooper at the above address.

Dated: June 28, 1999.

Kenneth Bigos,

Acting Director, Air Division, Region 9.

[FR Doc. 99–17208 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34142A; FRL–6091–2]

Organophosphate Pesticide: Cadusafos; Availability of Revised Risk Assessment and Public Participation on Risk Management

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notices announces the availability of the revised risk assessment and related documents for one organophosphate pesticide, cadusafos. In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management ideas or proposals. These actions are in response to a joint initiative between EPA and the Department of Agriculture to increase transparency in the tolerance reassessment process for organophosphate pesticides.

DATES: Comments, identified by docket control number OPP–34142A, must be received by EPA on or before September 7, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the ''SUPPLEMENTARY INFORMATION'' section. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34142A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does This Action Apply To Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessment and submitting risk management comments on cadusafos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. How Can I Get Additional Information, Including Copies Of This Document Or Other Related Documents?

A. Electronically

You may obtain electronic copies of this document and other related documents from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides and obtain

electronic copies of the revised risk assessment and related documents mentioned in this notice, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides/op/.

B. In Person

The Agency has established an official record for this action under docket control number OPP–34142A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch (PIRIB) telephone number is (703) 305–5805.

III. How Can I Respond To This Action?

A. How And To Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, you must identify docket control number OPP–34142A in the subject line on the first page of your response.

1. *By mail.* Submit comments 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.

2. *In person or by courier.* Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. PIRIB is open 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* Submit electronic comments by e-mail to: ''opp-docket@epa.gov,'' or you may mail or deliver your standard computer disk using the addresses in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by the docket control number OPP–34142A. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information That I Want To Submit To The Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI 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. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

IV. What Action Is EPA Taking In This Notice?

EPA is making available for public viewing the revised risk assessment and related documents for one organophosphate, cadusafos. These documents have been developed as part of the pilot public participation process that EPA and the U.S. Department of Agriculture (USDA) are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate risk assessment and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the cadusafos preliminary risk assessment, which where released to the public on September 9, 1998 (63 FR 48213) (FRL–6030–2), through a notice in the **Federal Register**.

As part of the pilot public participation process, EPA and USDA may hold public meetings (called Technical Briefings) to provide interested stakeholders with opportunities to become more informed about revised organophosphate risk assessment. During the Technical Briefings, EPA describes the major points (e.g. risk contributors), use data that were used (e.g. data from USDA's Pesticide Data Program (PDP)), and discusses how public comments impacted the assessment. USDA provides ideas on possible risk management. Stakeholders have an opportunity to ask clarifying questions, and all meeting minutes are placed in the OPP public docket. Technical Briefings may not be held for chemicals that have limited use patterns or low levels of risk concern. Cadusafos is not registered for use in the United States, and it's use pattern is limited to an import tolerance on bananas. Therefore, no Technical Briefing is planned. In cases where no Technical Briefing is held, the Agency will make a special effort to communicate with interested stakeholders in order to better ensure their understanding of the revised assessment and how they can participate in the organophosphate pilot public participation process. EPA has a good familiarity with the stakeholder groups associated with the use of cadusafos who may be interested in participating in the risk assessment/risk management process, and will contact them individually to inform them that no Technical Briefing will be held. EPA is willing to meet with stakeholders to discuss the cadusafos revised risk assessment. Minutes of all meetings will be docketed.

In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management proposals or otherwise comment on risk management for cadusafos. The Agency is providing

an opportunity, through this notice, for interested parties to provide written risk management proposals or ideas to the Agency on the chemical specified in this notice. EPA will provide other opportunities for public participation and comment on issues associated with the organophosphate tolerance reassessment program. Failure to participate or comment as part of this opportunity will in no way prejudice or limit a commentor's opportunity to participate fully in later notice and comment processes. All comments and proposals must be received by EPA on or before September 7, 1999 at the addresses given under the ''ADDRESSES'' section. Comments and proposals will become part of the Agency record for the organophosphate specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: June 30, 1999.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 99–17213 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6373–6]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The U.S. Environmental Protection Agency is proposing to enter into a *de minimis* settlement pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(g)(4). This proposed settlement is intended to resolve the liabilities under CERCLA of one hundred and sixty-eight (168) *de minimis* parties for response costs incurred and to be incurred at the Malvern TCE Superfund Site, East Whiteland Township, Chester County, Pennsylvania.

DATES: Comments must be provided on or before August 6, 1999.

ADDRESS: Comments should be addressed to Suzanne Canning, Docket Clerk, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, and should refer to the Malvern TCE Superfund Site, East Whiteland Township, Chester County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Michael H. Frankel (3RC41), 215/814–2665, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

SUPPLEMENTARY INFORMATION: Notice of *de minimis* Settlement: In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 122(i)(1), notice is hereby given of a proposed administrative settlement concerning the Malvern TCE Superfund Site, in East Whiteland Chester County, Pennsylvania. The administrative settlement is subject to review by the public pursuant to this Notice. This agreement is also subject to the approval of the Attorney General, United States Department of Justice or her designee. A list of the parties who have executed binding certifications of their consent to participate in this settlement is available from U.S. EPA at the address listed above.

The one hundred and sixty-eight (168) settling parties collectively have agreed to pay $3,774,954.00 to the Hazardous Substances Trust Fund subject to the contingency that EPA may elect not to complete the settlement if comments received from the public during this comment period disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Monies collected from the *de minimis* parties will be applied towards past and future response costs incurred by EPA or PRPs performing work at or in connection with the Site. The settlement includes a 50% premium to cover the risk of cost overruns or increased costs to address conditions at the Site previously unknown to EPA but discovered after the effective date of the Consent Order.

EPA is entering into this agreement under the authority of Sections 107 and 122(g) of CERCLA, 42 U.S.C. 9607 and 9622(g). Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund Sites without incurring substantial transaction costs. Under this authority, EPA proposes to settle with potentially responsible parties in connection with the Malvern TCE Superfund Site, each of whom is responsible for .75 percent or less of the volume of hazardous substance sent to the Site.

EPA issued a draft settlement proposal to the *de minimis* parties on December 16, 1998, and invited comments and challenges to the volumetric ranking. By April 5, 1999, the *de minimis* parties submitted executed certifications to the draft settlement proposal.

The Environmental Protection Agency will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice. A copy of the proposed Administrative Order on Consent can be obtained from Michael H. Frankel, U.S. Environmental Protection Agency, Region III, Office of Regional Counsel, 1650 Arch Street, Philadelphia, Pennsylvania, 19103 or by contacting Michael H. Frankel at (215) 814–2665.

Dated: June 30, 1999.

Thomas Voltaggio,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 99–17211 Filed 7–6–99; 8:45 am]

BILLING CODE 6560–50–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

The Drug Free Communities Advisory Commission: Meeting

SUMMARY: In accordance with the Drug-Free Communities Act, a meeting of the Drug Free Communities Advisory Commission will be held on July 20, 1999 in the 5th floor conference room of the Office of National Drug Control Policy, located at 750 17th Street NW, Washington, DC 20530. The meeting will commence at 8:30 am, break for lunch at 12:00 pm and resume at 1:15 pm for the afternoon session, ending at 5:00 pm. The agenda will include a discussion on grantee activities, status of grant awards, the status of training and technical assistance and an update on program evaluation and promoting coalitions. There will be an opportunity for public comment from 2:30 pm until 3:00 pm.

FOR FURTHER INFORMATION: Please direct any questions to Edward Jurith, General Counsel, (202) 395–6709, Office of National Drug Policy, Executive Office of the President, Washington, DC 20503.

Signed at Washington, DC this 30th day of June, 1999.

Edward H. Jurith,

General Counsel.

[FR Doc. 99–17118 Filed 7–6–99; 8:45 am]

BILLING CODE 3115–01–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 8, 1999, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Vivian L. Portis, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

—June 10, 1999 (Open and Closed)

B. New Business

Regulations

1. Release of Information [12 CFR Part 602]

2. Response to Regulatory Burden [12 CFR Parts 612, 614, and 618]

3. Loan Policies and Operations; Participations [12 CFR Part 614]

Other

—Pacific Coast ACA Reorganization Request

***Closed Session**

A. Report.

—OSMO Report.

Dated: July 1, 1999.

Nan P. Mitchem,

Acting Secretary, Farm Credit Administration Board.

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

[FR Doc. 99–17256 Filed 7–1–99; 4:38 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 28, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 7, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW, Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0703.

Title: FCC Form 1205 Determining Costs of Regulated Cable Equipment and Installation.

Form Number: FCC form 1205.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; state, local and tribal governments.

Number of Respondents: 4,000.

Estimated Time Per Response: 4–12 hours.

Frequency of Response: Recordkeeping requirement; on occasion filing requirement.

Total Annual Burden: 50,800 hours.

Total Annual Costs: $906,000.

Needs and Uses: Information derived from FCC Form 1205 filings is used to facilitate the review of equipment and installation rates. This information is then reviewed by each cable system's respective local franchising authority. Section 76.923 records are kept by cable operators in order to demonstrate that charges for the sale and lease of equipment and for installation have been developed in accordance with the Commission's rules.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17140 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 29, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 7,

1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW, Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0648.

Title: Section 21.902 Frequency interference.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1824.

Estimated Time Per Response: 1.25 hours to 4.25 hours.

Frequency of Response: Third party disclosure; reporting, on occasion.

Total Annual Burden: 456.25 hours.

Total Annual Costs: $491,250.

Needs and Uses: Section 21.902(b)(5) requires that respondents engineer the MDS station to limit the calculated free space power flux density at the boundary of the protected service area (PSA). As an alternative, the respondent may obtain the written consent of the entity authorized for the adjoining area when the calculated free space power flux density exceeds the standard. Section 21.902(g)(2) requires applicants with 35 mile PSA to notify in writing the holders of authorizations for adjoining basic trading areas (BTA) or PSAs of application filings for modified station licenses, provided the proposed facility would produce an unobstructed signal path to any location within the adjoining BTA or PSA. This service must include a copy of the application and occur on or before the date the application is filed with the Commission. Section 21.902(i) requires each applicant for a new station or modified MDS station, or amendment thereof, to provide notice of its application to cochannel and adjacent-channel authorized ITFS stations within 50 miles. The ITFS study must be prepared and served on the affected ITFS station, but is not required to be filed as part of the MDS application. Each applicant is required to file a written notice with the Commission before the 30th day after the applicant or amendment is initially filed with the Commission. This notice must contain the items specified in Section 21.902(i)(4).

Section 21.902(i)(6) requires that a petition to deny filed by an ITFS licensees contain specific information. The requirements contained in Section 21.902(c), (f), (g), (j) and (k) have OMB approval under separate control numbers. The data are used to ensure that no harmful interference is caused to other authorized stations.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17141 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Being Reviewed by the Federal Communications Commission

June 29, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before September 7, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0543.

Title: Section 21.913 Signal booster stations.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 250.

Estimated Time Per Response: 0.5 hours per written consent; 2.5 hours per certification. This includes 0.5 hours for the licensee to convey its desire to install a low power booster station and 2 hours for a consulting engineer to prepare the certification.

Frequency of Response: Reporting, on occasion.

Total Annual Burden: 125.

Total Annual Cost: $90,000.

Needs and Uses: Section 21.913(e) requires that each applicant for an MDS signal booster station obtain written permission from the licensee of each MDS, ITFS and OFS station whose signal is retransmitted. Section 21.913(g) permits an MDS or ITFS licensee to install and commence operation of low power signal booster stations without a formal application. Licensees seeking to install a low power signal booster station must, however, submit a certification demonstrating compliance with the various components of Sections 21.913(g). This certification must be submitted within 48 hours of installation of the booster station. The written consent statements are attached to the FCC 304 and are used by FCC staff in the processing of the application to verify that the applicant has permission to retransmit the signal of other licensees' stations. The certification data are used by FCC staff to verify that the licensee has complied with guidelines to use the certification process and that the booster would not cause objectionable interference.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17142 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

June 29, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 6, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0532.

Title: Scanning Receiver Compliance Exhibit (Sections 2.1033(b)(11)) and 15.121).

Form Number: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Individuals or households, Not-for-profit institutions; Business or other for-profit entities; and State, Local or Tribal Government.

Number of Respondents: 40.

Estimated time per response: 1 hour (avg.).

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 40.

Total Annual Cost: $2,000.

Needs and Uses: The collection of information contained in Part 2 are made necessary by revision of Section 2.1033(b)(11) of the Commission Rules governing regulations for scanning receivers. The Commission will require manufacturers of scanning receivers to design their equipment so that: it has 38 dB of image rejection for Cellular Service frequencies, tuning, control and filtering circuitry are inaccessible, and any attempt to modify the scanning receiver to receive Cellular Service transmissions will likely render the scanning receiver inoperable. In addition, the Commission will require that the manufacturer submit information with any application for certification that: describes the testing method used to determine compliance with the 38 dB image rejection ratio, contains a statement assessing the vulnerability of the scanning receiver to modification, describes the design features that prevent modification of the scanning receiver to receive Cellular Service transmissions, and describes the design steps taken to make tuning, control and filtering circuitry inaccessible. Moreover, the Commission will require that a label be affixed to the scanning receiver, similar to the following:

WARNING: MODIFICATION OF THIS DEVICE TO RECEIVE CELLULAR RADIOTELEPHONE SERVICE SIGNALS IS PROHIBITED UNDER FCC RULES AND FEDERAL LAW.

OMB Control Number: 3060–0878.

Title: Wireless E911 Rule Waivers For Handset-Based Approaches to Phase II Automatic Location Identification (ALI) Requirements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; and State, Local, or Tribal Government.

Number of Respondents: 50.

Estimated Time per Response: 40 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 2,000 hours.

Total Annual Cost: None.

Needs and Uses: The information filed as part of a petition for waiver will be used to ensure timely compliance with the Commission's E911 regulations, provide the Commission with current information on the status of ALI technology, and thus ensure the dependability and responsiveness of critical E911 services.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17139 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee

June 28, 1999.

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Technological Advisory Council (TAC) was established to provide technical advice to the Federal Communications Commission (FCC) and to make recommendations on the issues and questions presented to it by the FCC. In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons that the charter for the Technological Advisory Council (TAC) has been amended to reflect minor changes in phrasing and a minor change in the original charter filing date from November 30, 1998 to December 11, 1998.

FOR FURTHER INFORMATION CONTACT: Stagg Newman, Designated Federal Officer of the Technological Advisory Council, 445 12th St. S.W., Room 7-A325, Washington, D.C. 20554; telephone (202) 418–2046. Press Contact, Audrey Spivak, Office of Public Affairs, 202–418–0512, aspivak@fcc.gov.

SUPPLEMENTARY INFORMATION:

Technological Advisory Council Charter

A. The Committee's Official Designation

The official designation of this federal advisory committee is the ''Technological Advisory Council'' (''TAC'').

B. The Committee's Objective and Scope of its Activity

Rapid advances in technology have resulted in innovations in how telecommunications services are provided to, and are accessed by, users of those services. Many of these advances are increasing the rate of

convergence among categories of services that have traditionally been viewed as distinct, such as cable television services, telephony, data services, and Internet services. Regulations must be examined in light of these technology advances, and the Federal Communications Commission (''FCC'') must remain abreast of new developments in technology so that it can effectively fulfill its responsibilities under the Communications Act. The purpose of the TAC is to provide technical advice to the Federal Communications Commission and to make recommendations on the issues and questions presented to it by the FCC. The TAC will address questions referred to it by the FCC Chairman, or by the FCC Chief Technologist or Chief Engineer. The questions referred to the TAC will be directed to technological and technical issues in the field of communications.

C. Period of Time Necessary for the Committee to Carry Out its Purpose

Initially, the TAC shall convene for a period that terminates two (2) years from the date on which the charter was filed. Not later than eighteen (18) months from the original date of filing of this Charter, the TAC shall report as to whether this Charter should be renewed and, if so, the period of time for which such a renewal should be granted.

D. Official to Whom the Committee Reports

Chairman, Federal Communications Commission.

E. Agency Responsible for Providing Necessary Support

The Federal Communications Commission will provide the facilities and staff support necessary to conduct meetings in Washington, D.C. Private sector members of the committee will serve without any government compensation, and will not be entitled to travel expenses, per diem or subsistence allowances.

F. Description of the Duties for Which the Committee is Responsible

The duties of the TAC will be to gather data and information and perform those analyses that are necessary to respond to the questions referred to it. In addition, as noted above, not later than six (6) months prior to the termination of this Charter, the Council shall provide a recommendation as to whether the Council's charter should be renewed and, if so, for what period.

G. Estimated Annual Operating Costs in Dollars and Staff Years

Annual operating costs associated with supporting the TAC's functions are estimated to be $100,000 and one full-time regular government employee.

H. Estimated Number and Frequency of Committee Meetings

The Council will meet two to three times per year, with the possibility of more frequent meetings by informal subcommittees.

I. Committee's Termination Date

The Council will terminate two years from the date on which this charter was filed, unless renewed before that date for an additional term.

J. Membership

Members will be selected to balance the expertise and viewpoints that are necessary to address effectively the new technology issues that will be referred to the TAC. Members will be recognized experts in their fields and, for private sector companies, individuals who hold technical executive positions such as Chief Technical Officer or Senior Technical Manager.

Members should be prepared to attend two to three meetings per year in Washington D.C. and are responsible for all associated expenses. The TAC will maintain a website and members are expected to be able to devote some time each week to electronic deliberations. As members of a collegial federal advisory committee, members should be prepared for vigorous debate with their peers on TAC as well as with FCC Commissioners and staff.

Members will have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities who are, or will, be regulated by or who have interests before the FCC.

K. Date Original Charter Filed

December 11, 1998.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–17232 Filed 7–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 20, 1999.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Dominick Louis DeNaples, Dunmore, Pennsylvania, and Louis Anthony DeNaples, Moscow, Pennsylvania; both to acquire voting shares of First National Community Bancorp, Inc., Dunmore, Pennsylvania, and thereby indirectly acquire voting shares of First National Community Bank, Dunmore, Pennsylvania.

Board of Governors of the Federal Reserve System, June 30, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–17128 Filed 7–6–99; 8:45 am]

BILLING CODE 6210–01–F

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 30, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Premier Bancshares, Inc., Atlanta, Georgia; to acquire 100 percent of the voting shares of Bank Atlanta, Decatur, Georgia.

Board of Governors of the Federal Reserve System, June 30, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–17129 Filed 7–6–99; 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 20, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Doral Financial Corporation, San Juan, Puerto Rico; to engage *de novo* through its subsidiary, Doral Bank, FSB, New York, New York, in the operation of a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y. Comments regarding this application must be received not later than July 30, 1999.

2. National Westminster Bank Plc, London, England; to engage *de novo* through its subsidiary, Greenwich Capital Markets, Inc., Greenwich, Connecticut, in underwriting and dealing to a limited extent in all types of debt securities, see *J.P. Morgan & Co., Incorporated*, 75 Fed. Res. Bull. 192 (1989).

Board of Governors of the Federal Reserve System, June 30, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–17130 Filed 7–6–99; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

Submission for OMB Review; Comment Request Entitled American Customer Satisfaction Index Under Emergency Review by the Office of Management and Budget (OMB)

AGENCY: General Services Administration (GSA).

ACTION: Notice of request for approval of a new information collection entitled American Customer Satisfaction Index.

SUMMARY: The General Services Administration has submitted an emergency processing information collection request to the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). OMB approval has been requested by July 6, 1999. The proposed information collection activity is designed to support the customer satisfaction policies outlined in Executive Order 12862, ''Setting Customer Service Standards'', and to establish a means to consistently measure and compare customer satisfaction among high-impact agencies within the Executive Branch. GSA serves as the Executive Agent for this initiative and has selected the American Customer Satisfaction Index (ACSI) through a competitive procurement process as the vehicle for obtaining the required information. The ACSI is a cross-industry, cross-agency methodology for obtaining comparable measures of customer satisfaction. Along with other economic objectives—such as employment and growth—the quality of output (goods and services) is a part of living standards. Like other objectives, it is subjected to systematic and uniform measurement.

DATES: Submit comments on or before September 7, 1999.

ADDRESSES: Comments concerning this notice should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and may also be submitted to James L. Dean, Director, Committee Management Secretariat, Room 5228, 1800 F Street, NW, Washington, DC 20405, or e-mail to James.Dean@gsa.gov.

FOR FURTHER INFORMATION CONTACT: James Dean, Director, Committee Management Secretariat, General Services Administration at (202)273–3563, or by e-mail to James.Dean@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

The purpose of this Notice is to consult with and solicit comments from the public and affected agencies concerning the proposed collection of information under the ACSI to help improve the quality of goods and services available to the American people.

B. Annual Reporting Burden

Respondents: 8,060; annual responses: 8,060; average hours per response: .17; burden hours; 2,284.

Copy of Proposal

A copy of this proposal may be obtained by contacting James Dean at the above address.

Dated: June 30, 1999.

J. Les Davison,

Acting Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 99–17158 Filed 7–6–99; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain

a copy of the information collection plans and instruments, call the OS Reports Clearance Officer on (202) 690–6207.

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

1. HHS Acquisition Regulations—HHSAR Part 352 Solicitation Provisions and Contract Clauses—0990–0130—Extension—The Key Personnel clause in HHSAR 352.27–5 requires contractors to obtain approval before substituting key personnel which are specified in the contract. Respondents: State or local governments, Businesses or other for-profit, non-profit institutions, Small businesses; Total Number of Respondents: 1921; Frequency of Response: one time; Average Burden per Response: 2 hours; Estimated Annual Burden: 3842 hours.

2. HHS Acquisition Regulations HHSAR Part 370 Special Programs Affecting Acquisitions—0990–0129—Extension—HHSAR Part 370 establishes requirements for the accessibility of meetings, conferences, and seminars to persons with disabilities; establishes requirements for Indian Preference in employment, training and subcontracting opportunities. Respondents: State or local governments, Businesses or other for-profit, non-profit institutions, Small businesses; Burden Information about Accessibility of Meetings—Annual Number of Respondents: 335; Annual Frequency of Response: one time; Average Burden per Response: 10 hours; Total Annual Burden: 3,350 hours—Burden Information about Indian Preference—Annual Number of Respondents: 932; Annual Frequency of Response: one time; Average Burden per Response: 8 hours; Total Annual Burden: 7,456—Total Burden: 10,806 hours.

3. Application for Waiver of the Two-year Foreign Residence Requirement of the Exchange Visitor Program—0990–0001—Extenstion—The application is used by institutions (colleges, hospitals, etc.) to request a favorable recommendation to the USIA for waiver of the two-year Foreign Residence Requirement of the Exchange Visitor Program on behalf of foreign visitors working in areas of interest to HHS. Respondents: Individuals, State or local governments, Businesses or other for-profit, non-profit institutions; Total Number of Respondents: 200; Frequency of Response: one time; Average Burden per Response: 6 hours; Estimated Annual Burden: 1200 hours.

4. Recordkeeping Requirements for Government Owned/Contractor Held Property and Report of Accounting Personal Property (HHS–565)—0990–0015—Extension—The recordkeeping requirements are needed to assure accountability and control for government owned/contractor held property for HHS contracts. Form 565 is used to report all accountable personal property purchased or fabricated by contractors and billed to HHS. Respondents: state or local governments, business or other for-profit, non-profit institutions, small business; Burden Information for Form HHS–565: Annual Number of Respondents: 3,600; Annual Frequency of Response: one time; Average Burden per Response: 30 minutes; Total Annual Burden: 1,800 hours. Burden Information for Recordkeeping Requirements: Annual Number of Responses: 4,500; Average Burden per Response: 30 minutes; Total Annual Burden: 2250 hours. Total Burden: 4050 hours.

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue, SW., Washington DC 20201. Written comments should be received within 60 days of this notice.

Dated: June 30, 1999.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 99–17100 Filed 7–6–99; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Assistant Secretary for Planning and Evaluation; Cooperative Agreement With the National Campaign to Prevent Teen Pregnancy

The Office of the Assistant Secretary for Planning and Evaluation (ASPE) announces that it will award a sole source cooperative agreement to the National Campaign to Prevent Teen Pregnancy (the National Campaign).

The purpose of this cooperative agreement is to assist, collaboratively with the National Campaign in the development of a teen pregnancy prevention technical assistance guide for states and local communities. This agreement will also assist in supporting a series of technical assistance meetings aimed at teaching state and community representatives how best to use the guide.

Authorizing Legislation

This cooperative agreement is authorized under Section 241 of the Public Health Service Act.

Background

Assistance will be provided to the National Campaign to Prevent Teen Pregnancy. No other applications are solicited. ASPE is responsible for coordinating the Department's National Strategy to Prevent Teen Pregnancy. In this role, ASPE convenes and chairs an interdepartmental workgroup on teen pregnancy prevention and completes a yearly Report to Congress on the progress of the National Strategy. ASPE believes that the Campaign is uniquely qualified to work with ASPE to develop teen pregnancy prevention technical assistance for the following reasons:

1. The National Campaign to Prevent Teen Pregnancy is a nonpartisan organization dedicated to integrating a broad spectrum of perspectives in addressing the issue of teen pregnancy prevention. The National Campaign was initiated in 1996 as a result of President Clinton's challenge that ''parents and leaders across the country join together in a national campaign against teen pregnancy to make a difference.'' In response to the President's call, a group of private citizens created the National Campaign, a nonprofit effort led by a distinguished board. The National Campaign's work is conducted through four task forces and a small staff. The task forces are comprised of experts in a wide variety of fields related to teen pregnancy prevention. The mission of the National Campaign is to prevent teen pregnancy by supporting values and stimulating actions that are consistent with a pregnancy-free adolescence. Its chief goal is to reduce the teenage pregnancy rate by one-third by the year 2005.

2. The National Campaign staff has been working with states and local communities over the last three years. In the course of their work in states, and during daily phone calls they receive in their Washington office. Staff has fielded hundreds of requests for technical assistance. This has led the National Campaign to identify the need for a ''tool kit'' to support the implementation of successful teen pregnancy prevention programs. Staff used the questions most often asked by

grass-roots leaders to guide the choice of topics for this tool kit.

3. The Campaign's Research and Evaluation Task Force is uniquely positioned to provide the best research-based information available on teen pregnancy prevention strategies. The Campaign's State and Local Action Task Force has a unique ability to test the materials for the user-friendliness and applicability at the grassroots level. The State and Local Action Task force will also be highly instrumental in the dissemination of the tool kit.

Approximately $115,000 is available fiscal year 1999 for this cooperative agreement.

Where to Obtain Additional Information

If you are interested in obtaining additional information regarding this project, contact Mrs. Sonia Chessen, ASPE, U.S. DHHS, 200 Independence Avenue, SW. Room 450–G. Washington, DC 20201 or telephone (202) 690–8471.

Dated: June 25, 1999.

Margaret A. Hamburg,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 99–17099 Filed 7–6–99; 8:45 am]

BILLING CODE 4151–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Planning and Evaluation

Center for Short-Term Policy Research on Welfare Outcome (ASPE), Notice Applications for Short-Term Policy Research, Correction

AGENCY: The Office of the Assistant Secretary for Planning and Evaluation (ASPE), Office of the Secretary (OS), HHS.

ACTION: Notice; correction.

SUMMARY: In the **Federal Register** of June 11, 1999, the Office of the Assistant Secretary for Planning and Evaluation (ASPE) announced the availability of funds and invited applications for short-term policy research. The document contained an incorrect web site reference, an ambiguous statement regarding the purpose of the grants, and contradictory information on the length of application.

FOR FURTHER INFORMATION CONTACT: Audrey Mirsky-Ashby, 202–401–6640.

Correction

In the **Federal Register** issue of June 11, 1999, in FR Doc. 99–14795 on page 31587 in the second column, correct the first sentence of the second paragraph under **Mailing address** to read:

Copies of this program announcement and many of the required forms may also be obtained electronically at the ASPE World Wide Web page: *http://aspe.hhs.gov* (see section on available grants and contracts).

On page 31588, correct the second sentence under Part II, Purpose and Responsibilities to read:

These grants are meant to supplement the variety of other welfare reform outcomes research that ASPE has previously funded, including the welfare leavers grants that were previously funded (see the web site at http://aspe.os.dhhs.gov/hsp/isp/98grants.htm for a description of these grants).

On page 31591, in the first column, correct the first sentence of the Length of Application section to read:

In no case shall an application for the ASPE grant (excluding the resumes, appendices and other appropriate attachments) be longer than twenty-five single-spaced pages.

On page 31591, correct the first part of item number 8 in the last column to read:

Project Narrative Statement, organized in five sections, addressing the following topics (limited to twenty-five (25) single spaced pages):

Dated: June 29, 1999.

Ann M. Segal,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 99–17163 Filed 7–6–99; 8:45 am]

BILLING CODE 4151–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substance and Disease Registry

Hanford Health Projects Inter-Tribal Council; Public Meeting

Public meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP) in association with the Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee.

Name: Public meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP) in association with the Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Time and Date: 9 a.m.–4:30 p.m., July 21, 1999.

Place: DoubleTree Hotel Spokane City Center, North 322 Spokane Falls Court, Spokane, Washington 99201, telephone 509/455–6285.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC. Community Involvement is a critical part of ATSDR's and CDC's energy-related research and activities and input from members of the ICHHP is part of these efforts. The ICHHP will work with the HHES to provide input on American Indian health effects at the Hanford, Washington site.

Purpose: The purpose of this meeting is to address issues that are unique to tribal involvement with the HHES, including a presentation and discussion on the DOE Richland Indian Office, Columbia River Pathways study, update on tribal cooperative agreements, and agency updates.

Matters to be Discussed: Agenda items will include a dialogue on issues that are unique to tribal involvement with the HHES. This will include updating tribal members of the cooperative agreement activities in environmental health capacity building and providing support for tribal involvement in and representation on the HHES.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Leslie C. Campbell, Executive Secretary HHES, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–56, Atlanta, Georgia 30333, telephone 1–888/42–ATSDR (28737), fax 404/639–6075.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 29, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–17148 Filed 7–6–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Research Using Genetic Information to Prevent Disease and Improve Health

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

NAME: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Prevention Research Using Genetic Information to Prevent Disease and Improve Health, Program Announcement #99117, meeting.

TIMES AND DATES: 5–5:45 p.m., July 19, 1999 (Open), 5:45–9 p.m., July 19, 1999 (Closed), 9 a.m.–4 p.m., July 20, 1999 (Closed).

PLACE: Marriott Courtyard, 1236 Executive Park Drive, Atlanta, GA. Telephone 404/728–0708.

STATUS: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

MATTERS TO BE DISCUSSED: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99117.

Due to administrative delays, this notice is published less than fifteen days prior to the meeting.

CONTACT PERSON FOR MORE INFORMATION: Marta Gwinn, M.D., M.P.H., CDC, Office of Genetics and Disease Prevention, 4770 Buford Hwy., m/s K28, Atlanta, Ga. 30341–3724. Telephone 770/488–3235, e-mail mlg1@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 30, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.

[FR Doc. 99–17272 Filed 7–2–99; 11:41 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting

Name: Progress and Proposed Future Activities of the NIOSH Childhood Agricultural Injury Prevention Initiative—Public meeting.

Time and Date: 10 a.m.–4 p.m., September 22, 1999.

Place: Hyatt Regency Washington, One Capitol Hill, 400 New Jersey Avenue, NW, Washington, DC 20001, telephone 202/737–1234.

Status: Open to the public, limited by space available. The meeting room accommodates approximately 50 people.

Purpose: The purpose of the meeting is to seek public comments on the progress and proposed future activities of the Childhood Agricultural Injury Prevention Initiative implemented by NIOSH in October 1996.

The problem of children being injured while living, working, or visiting agricultural work environments (primarily farms) has been recognized for several decades. The most recent data suggest about 100 youths under the age of 20 die on farms each year and more than 100,000 farm-related injuries occur to the same age group. Many individuals and groups have advocated for the prevention of agricultural injuries inflicted upon youths, and media attention has been generated on the issue, but until recently a national coordinated effort to address the problem has not existed. In late 1994, a core of 42 individuals from both the public and private sectors formed the National Committee for Childhood Agricultural Injury Prevention (NCCAIP). The Committee had broad stakeholder representation, including researchers, farmers, agricultural groups, safety and health professionals, and government officials. Over a 16-month period, the members of the committee reviewed relevant information from previous reports, developed new recommendations based on current injury data along with other scientific evidence, and refined and prioritized recommendations to be clearly understood and acted upon by relevant individuals and agencies.

In April 1996, NCCAIP published a report entitled Children and Agriculture: Opportunities for Safety and Health, A National Action Plan to promote the health and safety of children exposed to agricultural hazards. The National Action Plan recommends leadership, surveillance, research, education, and public policy. The plan specifically recommended that NIOSH serve as the lead federal agency in preventing childhood agricultural injury. Due in large part to the efforts by NCCAIP to raise awareness and concern about childhood agricultural injury issues, in October 1996, NIOSH began implementing a Childhood Agricultural Injury Prevention Initiative. To date, NIOSH has undertaken a number of activities, both intramurally and extramurally, to address the recommendations in the National Action Plan.

Matters to be Discussed: The agenda for the meeting includes an overview of progress to date and proposed future activities to be implemented by NIOSH, and time for individuals to provide oral comments to NIOSH on the initiative.

Contact Persons for Additional Information: Technical information may be obtained from David Hard, Ph.D., NIOSH, CDC, 1095 Willowdale Road, M/S P–1133, Morgantown, West Virginia, 26505, telephone 304/285–6068, e-mail address: dlh6@cdc.gov.

Persons wishing to attend or make a presentation at the meeting (limited to 10 minutes), should respond by August 27, 1999 to Diane Miller, NIOSH Docket Office, Education and Information Division, 4676 Columbia Parkway, M/S C–34, Cincinnati, Ohio, 45226. A copy of the document which includes a summary of progress to date and proposed future activities for the initiative will be available after July 15, 1999 through the NIOSH web site at *http://www.cdc.gov/niosh* or by written or e-mail request to the NIOSH docket office.

Persons interested in providing written comments on this document should submit comments by August 27, 1999 to Diane Miller at the above address. Comments or presentation requests may also be submitted by e-mail to: niocindocket@cdc.gov as WordPerfect 6.0/6.1, 8.0, or ASCII files.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 29, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–17125 Filed 7–6–99; 8:45 am]

BILLING CODE 4160–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Head Start Bureau; Advisory Committee on Head Start Research and Evaluation; Meeting

AGENCY: Administration for Children, Youth and Families, ACF, DHHS.

ACTION: Notice of meeting; Advisory Committee on Head Start Research and Evaluation.

SUMMARY: The 1998 Head Start Reauthorization (42 U.S.C. 9844(g); section 649(g)(1) of the Head Start Act, as amended) called on the Secretary of Health and Human Services to form an independent panel of experts (i.e., an Advisory Committee) to offer advice concerning research designs that would provide a national analysis of the impact of Head Start Programs. The July 26–27, 1999 meeting will be the last of three meetings of the Advisory Committee that will culminate in a report to the Secretary due September 30, 1999.

DATES: July 26, 1999, 9 a.m.–5 p.m. and July 27, 1999, 9 a.m.–5 p.m.

PLACE: Holiday Inn Hotel and Suites, 625 First Street, Alexandria, VA 22314.

SUPPLEMENTARY INFORMATION: This meeting is open to the public and is barrier free. Meeting records will also be open to the public and will be kept at the Switzer Building located at 330 ''C'' Street, SW, Washington, DC 20447. The Head Start Bureau also intends to make material related to this meeting available on the Head Start web site http://www2.acf.dhhs.gov/programs/hsb. An interpreter for the deaf and hearing impaired will be available upon advance request by calling Ellsworth Associates at 703/821–3090 (ext. 282).

FOR FURTHER INFORMATION CONTACT: Deborah Roderick Stark at 301/889–0430 for substantive information. ACF Office of Public Affairs at 202/401–9215 for press inquiries. Ellsworth Associates at 703/821–3090 (ext. 282) for logistical information.

Dated: July 1, 1999.

Patricia Montoya,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 99–17237 Filed 7–6–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0268]

Guidance for Industry on Container Closure Systems for Packaging Human Drugs and Biologics; Chemistry, Manufacturing, and Controls Documentation; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Container Closure Systems for Packaging Human Drugs and Biologics; Chemistry, Manufacturing, and Controls Documentation.'' This guidance provides recommendations on the container closure systems information that applicants should provide to the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) in support of new drug applications, abbreviated new drug applications, biologics license applications, and supplements to these applications.

DATES: Written comments may be submitted at any time.

ADDRESSES: Copies of this guidance for industry are available on the Internet at ''http://www.fda.gov/cder/guidance/index.htm'' or ''http://www.fda.gov/cber/guidelines.htm''. Submit written requests for single copies of the guidance for industry to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or to the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

W. Mike Adams, Center for Drug Evaluation and Research (HFD–180), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7310, or

John D. Finkbohner, Center for Biologics Evaluation and Research (HFM–676), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301827–3031.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a guidance for industry entitled ''Container Closure Systems for Packaging Human Drugs and Biologics; Chemistry, Manufacturing, and Controls Documentation.'' This guidance provides recommendations on the container closure system information that applicants should provide to CDER or CBER for initial applications and supplements. In addition, the document provides guidance on qualification and quality control of packaging components used for particular dosage forms and routes of administration, including the following: Drug products for injection and ophthalmic drug products, liquid-based oral and topical drug products and topical delivery systems, solid oral dosage forms and powders for reconstitution, and other dosage forms. This guidance supersedes the agency's ''Guideline for Submitting Documentation for Packaging for Human Drugs and Biologics,'' issued February 1987.

This Level 1 guidance is being issued consistent with FDA's good guidance practice (62 FR 8961, February 27, 1997). In the **Federal Register** of July 15, 1997 (62 FR 37925), FDA announced the availability of a draft version of this guidance. The July 1997 document gave interested persons an opportunity to submit comments through September 15, 1997. On September 5, 1997, in response to requests from the public, the agency extended the comment period until November 14, 1997 (62 FR 46980). All comments received during the comment period have been carefully reviewed and incorporated in this revised guidance where appropriate. As a result of public input during the comment period, the final guidance is clearer and more concise than the draft version. The guidance represents the agency's current thinking on submitting information in drug applications on container closure systems used in packaging human drugs and biologics. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

Interested persons may, at any time, submit written comments on the guidance to the Dockets Management Branch (address above). Two copies of

any comments are to be submitted, except
that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 29, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy Coordination.

[FR Doc. 99–17157 Filed 7–6–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1082–N]

Medicare Program; July 22, 1999, Meeting of the Competitive Pricing Advisory Committee and the Area Advisory Committee for the Kansas City Metropolitan Area

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

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Competitive Pricing Advisory Committee (the CPAC) and the Area Advisory Committee (AAC) for the Kansas City metropolitan area on July 22, 1999. The CPAC and the Kansas City metropolitan area AAC will meet both independently and in a joint session.

The Balanced Budget Act of 1997 (BBA) requires the Secretary of the Department of Health and Human Services (the Secretary) to establish a demonstration project under which payments to Medicare+Choice organizations in designated areas are determined in accordance with a competitive pricing methodology. The BBA requires the Secretary to create the CPAC to make recommendations on demonstration area designation and appropriate research designs for the project. The BBA also requires the Secretary to appoint AACs in the demonstration sites to advise on the implementation of the project. CPAC and AAC meetings are open to the public.

DATES: The CPAC is scheduled to meet on July 22, 1999, from 10 a.m. until 4 p.m., c.d.s.t. The Kansas City metropolitan area AAC is scheduled to meet on July 22, 1999, from 8:30 a.m. until 5:30 p.m. Both committees will meet together in a joint session from 12 noon until 4 p.m.

ADDRESSES: The meeting will be held at the Kansas City Airport Marriott, 775 Brasilia, Kansas City, MO, 64153, (816) 464–2200.

FOR FURTHER INFORMATION CONTACT: Sharon Arnold, Ph.D., Executive Director, Competitive Pricing Advisory Committee, Health Care Financing Administration, 7500 Security Boulevard C4–14–17, Baltimore, MD 21244–1850, (410) 786–6451 (for information about the CPAC). Richard P. Brummel, Deputy Regional Administrator, Health Care Financing Administration, Richard Bolling Federal Building, Room 235, 601 East 12th Street, Kansas City, MO 64106, (816) 426–5233 (for information about the Kansas City metropolitan area AAC).

SUPPLEMENTARY INFORMATION: Section 4011 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33), requires the Secretary of the Department of Health and Human Services (the Secretary) to establish a demonstration project under which payments to Medicare+Choice organizations in designated areas are determined in accordance with a competitive pricing methodology. Section 4012(a) of the BBA requires the Secretary to appoint a Competitive Pricing Advisory Committee (the CPAC) to meet periodically and make recommendations to the Secretary concerning the designation of areas for inclusion in the project and appropriate research designs for implementing the project. The CPAC has previously met on May 7, 1998, June 24 and 25, 1998, September 23 and 24, 1998, October 28, 1998, January 6, 1999, and May 13, 1999.

The CPAC consists of 15 individuals who are independent actuaries, experts in competitive pricing and the administration of the Federal Employees Health Benefit Program, representatives of health plans, insurers, employers, unions, and beneficiaries. The CPAC members are: James Cubbin, Executive Director, General Motors Health Care Initiative; Robert Berenson, M.D., Director, Center for Health Plans and Providers, Health Care Financing Administration; John Bertko, Actuary Principal, Reden & Anders, Ltd.; Dave Durenberger, Vice President, Public Policy Partners; Gary Goldstein, M.D., former CEO, The Oschner Clinic; Samuel Havens, Healthcare Consultant and Chairman of Health Scope/United; Margaret Jordan, President and CEO, The Margaret Jordan Group; Chip Kahn, President, The Health Insurance Association of America; Cleve Killingsworth, President, Health Alliance Plan; Nancy Kichak, Director, Office of Actuaries, Office of Personnel Management; Len Nichols, Principal Research Associate, The Urban Institute; Robert Reischauer, Senior Fellow, The Brookings Institution; John Rother, Director, Legislation and Public Policy, American Association of Retired Persons; Andrew Stern, President, Service Employees International Union, AFL–CIO; and Jay Wolfson, Director, Florida Health Information Center, University of South Florida. The chairperson of the CPAC is James Cubbin and the co-chairperson is Robert Berenson, M.D. In accordance with section 4012(a)(5) of the BBA, the CPAC will terminate on December 31, 2004.

Section 4012(b) of the BBA requires the Secretary to appoint an Area Advisory Committee (AAC) in each demonstration site to advise the Secretary on the implementation of the project. The CPAC has designated the Kansas City metropolitan area and Maricopa County in Arizona as the initial demonstration sites. The Kansas City metropolitan area AAC has previously met on March 26, 1999, April 8, 1999, April 22, 1999, and May 12, 1999. The Maricopa County AAC has previously met on March 31, 1999, April 20, 1999, May 18 and 19, 1999, and June 7 and 8, 1999. Additional meetings for the Maricopa County AAC are scheduled for June 30 and July 1, 1999.

The Kansas City metropolitan area AAC consists of 17 members who represent health plans, providers, and Medicare beneficiaries. The members of the Kansas City metropolitan area AAC are: E.J. Holland, Jr., Assistant Vice President for Corporate Benefits, Sprint; Robert Bonney, Vice President, Managed Care, St. Luke's Shawnee Mission PHO; Hazel Borders, beneficiary; Richard Brown, President and CEO, Health Midwest; Cynthia Finter, President and Executive Director, Kaiser Permanente, Kansas City Region; Tresia Franklin, Director of Benefits Administration, Hallmark Cards, Inc.; Alan Freeman, CEO, Cass Medical Center; Herman Johnson, beneficiary, John Kennedy, Senior Vice President of Blue Cross and Blue Shield of Kansas City; Mike Oxford, Executive Director, Topeka Independent Living Resource Center; Jean Rumbaugh, Vice President, Government Programs, HealthNet; Kathleen Sebelius, Kansas Insurance Commissioner; Zarina Shockley-Sparling, Executive Director, Humana, Inc.; Jan Stallmeyer, R.N., President, Principal Health Care of Kansas City, Inc.; Charles Van Way III,

M.D., Metropolitan Medical Society; Barry Wilkinson, President (retired), Heavy Construction Workers Labor Local 663; and Esther Wolf, Associate, School of Social Welfare, University of Missouri at Kansas City. The chairperson of the Kansas City metropolitan area AAC is E.J. Holland, Jr.

The agendas for the July 22, 1999, meetings will include the following:

- The CPAC will meet to review the status and any pending issues from the Maricopa County AAC and Kansas City metropolitan area AAC, as well as review preliminary information on future demonstration site selection.
- The Kansas City metropolitan area AAC will discuss and develop a communication and outreach plan for Kansas City beneficiaries and providers, discuss and decide how to measure potential disruption in the Kansas City market due to competitive pricing, and discuss and decide a schedule for implementation of the demonstration.
- In a joint session from 12 noon to 4 p.m., the CPAC and the Kansas City metropolitan area AAC will meet to discuss and decide how to measure possible beneficiary disruption in the Kansas City market due to competitive pricing.

Individuals or organizations that wish to make 5-minute oral presentations on the CPAC agenda issues should contact Sharon Arnold, CPAC Executive Director, by 12 noon, July 15, 1999, to be scheduled. A written copy of the oral remarks should be submitted to the executive director no later than 12 noon, July 15, 1999. Anyone who is not scheduled to speak may submit written comments to the executive director by 12 noon, July 17, 1999.

Individuals or organizations that wish to make 5-minute oral presentations on the Kansas City metropolitan area AAC agenda issues should contact Richard Brummel, Kansas City Deputy Regional Administrator, by 12 noon, July 15, 1999, to be scheduled. A written copy of the oral remarks should be submitted to the Kansas City Deputy Regional Administrator no later than 12 noon, July 15, 1999. Anyone who is not scheduled to speak may submit written comments to the Kansas City Deputy Regional Administrator by 12 noon, July 17, 1999.

The number of oral presentations may be limited by the time available. This meeting is open to the public, but attendance is limited to the space available.

(Sec. 4012 of the Balanced Budget Act of 1997, Pub. L. 105–33 (42 U.S.C.1395w–23 note) and section 10(a) of Public Law 92–463 (5 U.S.C. App.2, section 10(a))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 30, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 99–17161 Filed 7–6–99; 8:45 am]

BILLING CODE 4120–01–P

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: Health Status, Behaviors, and Health Service Perceptions of Non-College Educated and College Educated African American Women (Pilot Study)—NEW

The Office of Minority and Women's Health (OMWH) in the Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA) awarded funding for a pilot study which will develop information about the design of a sample appropriate to determine the health status, behaviors, and health service perceptions of African American women who are: (1) College educated, and (2) low income, non-college educated. The pilot study will be used to evaluate the interview instrument and to discover the practical issues and feasibility of sampling low income African American women from the databases of community health centers in three test locations. The goal is to assess the instrument, the sample sources, the procedures, and the response rates and to determine the extent to which data can be collected in a systematic and comprehensive manner. The pilot study is the first step in a much larger nationwide effort to build a significant data set containing detailed information on health status, health indicators, and health behaviors of African American women.

The burden estimate for the pilot study is as follows:

Respondent	Number of respondents	Responses per respondent	Total responses	Hours per response (minutes)	Total hour burden
College educated	60	1	60	40	40
Non-college educated	180	1	180	40	120
Total	240		240		160

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 30, 1999.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–17089 Filed 7–6–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (HRSA) (60 FR 56605 as amended November 6, 1995, as last amended at 64 FR 31282, June 10, 1999). This notice reflects the reorganization of the Bureau of Health Professions (RP), Division of Vaccine Injury Compensation (RP9).

Section RP–20—Function

Delete the functional statement in its entirety and replace with the following:

Division of Vaccine Injury Compensation

The Division of Vaccine Injury Compensation (DVIC), on behalf of the Secretary of Health and Human Services (HHS), administers all statutory authorities related to the operation of the National Vaccine Injury Compensation Program (VICP). Specifically: (1) Evaluates petitions for compensation filed under the VICP through medical review and assessment of compensability for all complete claims; (2) processes awards for compensation made under the VICP; (3) promulgates regulations to revise the Vaccine Injury Table; (4) provides professional and administrative support to the Advisory Commission on Childhood Vaccines (ACCV); (5) develops and maintains all automated information systems necessary for program implementation; (6) provides and disseminates program information; and (7) promotes safer childhood vaccines.

Section RP–30 Delegations of Authority

All delegations and redelegations of authority which were in effect immediately prior to the effective date thereof have been continued in effect in them or their successors pending further redelegations.

This reorganization is effective upon the date of signature.

Dated: June 24, 1999.

Claude Earl Fox,

Administrator.

[FR Doc. 99–17088 Filed 7–6–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Statement of Mission, Organization, Functions and Delegation of Authority

Part G, of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services, as amended at 60 FR 56606, November 9, 1995, and most recently amended at 61 FR 67048, December 19, 1996, is amended to reflect a realignment of the Aberdeen Area Indian Health Service (AAIHS). The changes are as follows:

Delete the functional statements for the AAIHS in their entirety and replace with the following:

Section GFA–00, Aberdeen Area Indian Health Service-Mission. The Aberdeen IHS provides a comprehensive health services delivery system for American Indians and Alaska Natives (AI/AN) with opportunity for maximum tribal involvement in developing and managing programs to meet their health needs. The goal of the Aberdeen Area IHS is to raise the health level of the AI/AN people to the highest possible level.

Section GFA–10, Functions. Office of the Director (GFAA). Provides overall direction and leadership for the AAIHS in accomplishing the mission of the Indian Health Service (IHS) by organizing the administrative and clinical activities in ways that are determined to appropriately deal with the epidemiological, social, cultural, geopolitical, and other such demographics peculiar to the service population.

Office of the Administrative Support (GFAAB). (1) Plans, coordinates, implements, and evaluates the administrative management support activities of the Aberdeen Area; (2) advises the Area Director on all matters relating to Area management and administrative support activities; (3) provides guidance to the Area on financial management activities, including program policy interpretation in budget formulation and execution, preparation of program planning and budgeting data and financial management of grants and contracts; (4) participants and advises the Area Director on the allocation of the Area's personnel management resources and funding resources; (5) interprets policy and provides direction in the conduct of the Area's procurement, contracting and grants activities; and (6) maintains necessary liaison with various components of the IHS and Health Resources and Services Administration (HRSA) in furtherance of the AAIHS management activities.

Division of Financial Resources (GFAAB1). (1) Provides Area staff services in all financial management activities, current and long-range budget formulations and implementation, and establishes and maintains an approved financial accounting system; (2) provides all services necessary for preparation of formal budget estimates; (3) examines and analyses reports in order to project funds; (4) evaluates, examines, analyzes, and processes all accounting transactions to the various allowances and appropriations; (5) provides for posting documents to ADP input to generate the detailed allowance and general ledger reports for management use; and (6) provides all services for planning, directing, and coordinating the voucher examining functions.

Budget Services Branch (GFAAB11). Provides direction for the organization, coordination of execution of budget operations.

Payroll Staff (GFAAB111). Provides payroll services to the Aberdeen and Bemidji Areas including processing bi-weekly payroll, and payroll error corrections.

Accounting Branch (GFAAB12). Provides accounting services for the Aberdeen and Bemidji Areas concerned with the maintenance of accounting ledgers and records for the Health Accounting System (HAS).

Accounts Payable Staff (GFAAB121). (1) Provides fiscal accounting services for the Aberdeen and Bemidji Areas concerned with the maintenance of accounting ledgers and records for the HAS; and (2) provides services involving complex auditing and examining procedures of voucher payments including the Aberdeen and Bemidji Areas.

Reports and Reconciliation Staff (GFAAB122). Provides services to reconcile general and subsidiary ledgers

that are affected by allotment, appropriations, and expenditures.

Division of Acquisition and Grants Management (GFAAB2). (1) Plans, develops, evaluates, and coordinates operations of procurement, contracting, grants management, property (real and personal), supply management, office services, communications and transportation, and leases and awards pursuant to Public Law 93–638, Self-Determination contracts, Public Law 93–437 (Indian Health Care Improvement Act); (2) provides technical consultation, coordination and evaluation to all awards/administrative services operations at field location; (3) develops policies and procedures, in conjunction with the Division of Financial Resources, regarding property and supply funding requirements of field installations; and (4) assists Service Units in planning and developing staffing assignments and in the development of effective administrative service functions.

Contract Services Branch (GFAAB21). (1) Provides Area assistance in planning, developing, evaluation, consultation, and operations of contracting and grants management pursuant to Public Law 93–638, Self-Determination contracts; and (2) plans, develops, evaluates, and coordinates awards, acquisition planning process for small purchases and commercial contracts for the Aberdeen and Bemidji Areas.

Division of Personnel Management (GFAAB3). Responsible for advising on and providing assistance and services on all aspects of human, organizational, and manpower resources which includes, but not necessarily limited to: (1) The administration and management of the Personnel Management program designed to obtain, develop, and retain an effective and efficient workforce to accomplish the delivery of health care services to the Indian population; (2) the management and control of manpower and organizational resources to assure that an efficient and economical structure exists; (3) the provisions of personnel management advisory service and assistance to Tribal governments and urban Indian health care organizations to achieve the objectives of Indian Self-Determination; and (4) coordination and liaison of overall payroll functions for the Aberdeen and Bemidji Areas.

Staffing and Placement Branch (GFAAB31). (1) Provides staffing and placement services for filling of vacancies for all general schedule and civil service positions in the Aberdeen Area; and (2) provides personnel services to all Area employees including advice on retirement, health benefits, direct deposit, life insurance, etc., in the Aberdeen and Bemidji Areas.

Position Classification Branch (GFAAB32). Responsible for classification and position management activities for the Aberdeen and Bemidji Areas by providing sound advice pertaining to classification of positions and position management.

Employee Relations Branch (GFAAB33). (1) Provides advice to management and employees in all areas of employee relations including grievances, removals, suspensions, retirements, and performance plans for general schedule and merit pay employees; (2) provides for employee development activities and training activities for all employees in the Aberdeen Area; and (3) provides feedback to management on all employee development and training activities which includes evaluation of training courses and seminars.

Division of Property and Supply (GFAAB4). (1) Provides Area staff assistance in planning, developing, evaluation, consultation regarding property and supply funding requirements of field installations; (2) plans, develops evaluates, and coordinates the Directives and Delegations Control Program for the Aberdeen Area; (3) plans, develops, coordinates, evaluates a comprehensive property management program including quarters management, real and personal property management, motor vehicle management and tort claims; (4) plans, develops, coordinates, and evaluates a supply management program for the Aberdeen and Bemidji Areas; and (5) provides supply support and technical assistance to all facilities at the Service Units.

Office Services Branch (GFAAB41). (1) Responsible for various management services, such as planning, developing, and operation of the forms management, records management, space management, mail and communications management, and duplication programs; (2) responsible for property custodial and accountability, inventories, and procurement of equipment and supplies for the Area office; and (3) responsible for the distribution of accountable forms.

Division of Information Systems and Technology (FGAAB5). (1) Provides the Aberdeen Area with technical assistance in planning, designing, testing, implementation, operation, and management of the Automated Data Processing systems (ADP), which includes both computer and word processing systems; (2) responsible for those activities which deal with the planning, procurement, and installation of all ADP equipment and software; (3) responsible for the coordination and development of various long-range and short-range Area ADP plans; (4) provides assistance and guidance in identifying Area and Service Unit ADP needs; (5) provides training on technical aspects of computer and word processing systems; (6) develops and establishes policies and procedures regarding Area office ADP equipment, management, and operations; (7) responsible for assisting in the establishment of policies and procedures regarding the security of hardware, software, and information; (8) represents the Area at agency ADP planning meetings; and (9) provides the Area office staff with ADP services (i.e., operations, programming, and consultation).

Office of Environmental Health and Engineering (GFAAC). (1) Provides overall administration and direction for Sanitation and Facilities Construction Program, Facilities Management Program, and Environmental Health Services Program, and (2) advises the Area Director on all matters relating to Environmental Health and Engineering activities.

Division of Sanitation and Facilities Construction (GFAAC1). (1) Has responsibility for implementation of P.L. 86–121, Indian Sanitation Facility Act; (2) manages the construction and maintenance of sanitation facilities; (3) coordinates activities with IHS staff, BIA, HUD, and Tribes; and (4) provides training and consultation to Area staff and tribal organizations on sanitation construction activities.

Division of Facilities Management (GFAAC2). (1) Responsible for maintenance of IHS owned facilities in the Aberdeen Area, reviewing physical plant requirements and improvement programs to meet Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and Medicare/Medicaid standards, and developing a planned program of physical plant improvements and preventative maintenance; (2) engineering and contracting services available from Engineering Services in Seattle are utilized in performing various physical plant inspections, making available certain architectural/engineering services contracts for maintenance and improvement design accomplishment; (3) assisting in review to insure code and standards compliance; and (4) developing facility master plans and new facility designs.

Division of Environmental Health Services (GFAAC3). (1) Evaluates environmental health conditions,

maintains proper sanitary conditions through inspection, evaluation, and educational techniques; (2) stimulates community interest in developing water supplies and sewage disposal facilities and follows up construction projects to teach Indian families proper maintenance, care, and repair of such facilities; (3) stresses community injury control by training, education, and working with Tribal groups; and (4) provides consultation on safety programs concerning the Public Health Service (PHS) Federal installations within the Aberdeen Area, and on all environmental aspects of hospitals, health centers, clinics, boarding schools, day schools, jails, and nursing homes.

Office of Tribal Health Activities (GFAAD). (1) Serves as a focal point for Area staff contact with tribal governments and liaison with other Federal and State agencies; (2) implements and manages technical assistance activities to Tribal community health development programs, developing and implementing the Area's contracts and grants response system for Public Law 93–638, coordination of Tribal training activities and special Indian Health projects; (3) provides Area staff services and technical assistance in planning, developing, evaluation, and operation of Tribal Health Programs and projects; (4) conducts feasibility studies and determines eligibility of tribal proposals for contracting or grant funding; and (5) identified Tribal training needs, arranges for appropriate training, and coordinates project officer activities for the Aberdeen Area.

Office of Health Programs (GFAAE). (1) Plans, coordinates, implements, directs, and evaluate the Area Health Care Program; (2) advises the Area Director on all matters related to health care program operations including clinical services and preventative health and tribal programs; (3) provides for the evaluation of clinical services, preventative health and tribal programs; (4) monitors and reviews health care operations including coordinating the reviews by Medicare/Medicaid and JCAHO survey teams and other health professional review teams; (5) identified additional program resources required and/or realignment of existing resources to achieve effective and efficient program operation; (6) directs established routine health care program operations within the Area through the Service Unit directors; and (7) assures that all health care services delivered in the Area are of the highest quality compatible with resources available.

Physician Recruitment Staff (GFAAE1). Responsible for planning, developing, coordinating, implementing, directing, and evaluating a nationwide and international recruitment and retention program to assure a cadre of qualified health professionals in the Aberdeen Area.

Division of Hospital and Clinics (GFAAE12). (1) Responsible for direction, coordination, and evaluation of hospital and clinical health service activities for the Aberdeen Area; and (2) develops program policy and provides input into operational decisions as this relates to nursing services, pharmacy services, optometry services, and medical records services.

Nursing Services Staff (GFAAE121). (1) Develops, coordinates, and administers an Area wide nursing program; (2) recommends and participates in the formulation of procedures, policies and programs essential to providing nursing care; and (3) assists in recruitment of qualified nurses.

Pharmacy Services Staff (GFAAE122). (1) Responsible for program content and administration of the area wide pharmacy program; and (2) the Pharmacy Branch consists of a full range of clinical pharmacy services for outpatients and inpatients.

Optometry Services Staff (GFAAE123). (1) Coordinates and implements an area wide optometry program and provides consultation to field staff in regards to the program; and (2) assists in the recruitment of qualified individuals.

Medical Records Staff (GFAAE124). (1) Develops, coordinates, implements an Area wide medical records program; and (2) provides consultation to Area medical staff in regards to the program and ensures that the program meets JCAHO requirements.

Division of Field Health (GFAAE2). (1) Responsible for direction, coordination, and evaluation of field health service activities within the Aberdeen Area; and (2) develops program policy and provides input into operational decisions relating to Community Health Nursing, Alcoholism, Health Education, Nutrition and Dietetics, Dental services, Audiology Services and Substance Abuse.

Community Health Nursing Staff (GFAAE21). (1) Provides comprehensive community health nursing services with primary focus on the prevention of illness and promotion and maintenance of health; and (2) coordinates services with Tribal officials and Tribal health programs.

Nutrition and Dietetics Staff (GFAAE22). (1) Provides guidance, coordination, and consultation for the Nutrition and Dietetics program; and (2) provides consultation to Service Unit staff on nutrition and dietetics matters.

Health Education Staff (GFAAE23). (1) Coordinates planning, development, and implementation of health education services and programs; and (2) provides consultation to Service Unit staff on health education matters.

Audiology Staff (GFAAE24). (1) Coordinates and implements an area wide audiology program and provides consultation to field staff in regards to the program; and (2) assists in the recruitment of qualified individuals.

Dental Services Branch (GFAAE25). (1) Provides coordination, monitoring, and consultation to assure oral disease prevention and health promotion activities in the Aberdeen Area; (2) monitors contract dental services; and (3) works with environmental health and engineering to assure that optimal levels of fluoride exists in community water supplies.

Substance Abuse Branch (GFAAE26). Provides direction,coordination, and consultation to the Area in regards to the Area alcoholism program, tribal alcoholism programs and adolescent programs.

Division of Epidemiology (GFAAE3). (1) Responsible for the collection of epidemiologic information and directs the development or periodic revision of an epidemiologic description of each Indian community served by the Aberdeen Area; and (2) establishes standards for communicable disease, environmental emergency, and outbreak reporting for the Area and participates in environmental emergency and outbreak control efforts, and educates Area and Tribal personnel in the uses of epidemiology.

Health Promotion/Disease Prevention Staff (GFAAE31). Responsible for assessing, planning, directing, coordinating and evaluating the health promotion and disease prevention program throughout the Aberdeen Area.

Information Resources Branch (GFAAE32). (1) Responsible for management, oversight, and evaluation of internal automated information systems (e.g., financial accounting, report management, manpower analysis, statistical data gathering and some casting, etc.) to appraise the impact they have on overall area operations; and (2) recommend alternative situations that would change or improve the effectiveness of services being provided.

Planning and Legislation Branch (GFAAE33). (1) Responsible for Area wide leadership in and serving as principle advisor on the development of strategic plans, strategies and innovative directions for the Area in relation to Indian's health needs and program

management and on their strategic implications for Area legislation, regulations, policies, and operations; (2) coordinating the development of Area positions on national issues in the field of Indian Health; (3) assisting in discharging the Area's responsibilities in the formulation, evaluation, and related work concerning legislation and regulations; (4) assessing and interpreting Department policies and procedures, and in maintaining systems for their implementation and dissemination; (5) coordinating the formulation of and participating in executing Area wide executive policy, providing consultation and guidance to the Area in program and management policy development, interpretation and application and maintaining the documentation and issuance system for the Area; and (6) negotiating solutions to intra-department problems of Area organization.

Division of Managed Care (GFAAE4). (1) Manages the Contract Health Care and Medicare/Medicaid resources accordance with program regulations; (2) collects and analyzes fiscal and logistical data as to its impact on the overall health program; (3) provides interpretive reports, coordinates, advises, and supports the Area and Service Unit staff on the availability of financial resources in relation to their program; and (4) manages, plan, coordinates, implements, and evaluates the Aberdeen Area Business Office.

Division of Medical Care Evaluation (GFAAE5). Conducts and coordinates a medical care evaluation program which includes Improving Organizational Performance, Risk Management, Hospital and Health Center Accreditation by the JCAHO or Certification by Health Care Financing Administration.

Social Services/Mental Health Branch (GFAAE51). Administers, supervises, and maintains a social services/mental health program offering case work therapy and counseling services and crisis intervention, individual therapy, and substance abuse therapy.

Aberdeen Area Service Units: Quentin Burdick Service Unit (GFAAWA); Cheyenne River Service Unit (GFAAWB); Crow Creek Service Unit (GFAAWC); Ft. Totten Service Unit (GFAAWD); Lower Brule Service Unit (GFAAWE); Minne Tohe Service Unit (GFAAWG); Pine Ridge Service Unit (GFAAWH); Rapid City Service Unit (GFAAWJ); Rosebud Service Unit (GFAAWK); Sisseton Service Unit (GFAAWL); Standing Rock Service Unit (GFAAWM); Winnebago/Omaha Service Unit (GFAAWN); Yankton Service Unit (GFAAWP); Regional Treatment Center (GFAAWT).

Aberdeen Area Service Units

(1) Plans, develops, and directs health programs within the framework of IHS policy and mission; (2) promotes activities to improve and maintain the health and welfare of the service population; (3) delivers quality health services; (4) coordinates Service Unit activities and resources with those of other governmental and nongovernmental programs; and (5) participates in the development and demonstration of alternative means and techniques of health services management and health care.

Section GFA–20, Aberdeen Area IHS-Delegations of Authority. All delegations and redelegations of authority made to officials in the Aberdeen Area IHS that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further redelegation.

Dated: June 25, 1999.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 99–17159 Filed 7–6–99; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Preventing Problem Behavior Among Middle School Students

SUMMARY: Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 26, 1999, pages 3955–3956 and allowed 60 days for public comment. No public comments were received. The purpose of this notice to allow an additional 30 days for public comment. The National Institute of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: Preventing Problem Behavior Among Middle School Students.

Type of Information Collection Request: Revision, OMB Number 0925–0436, Expiration Date 9/30/99.

Need and Use of Information Collection: The purpose of this study is to test the efficacy of a comprehensive program of interventions that include participatory classroom curriculum, parent education and enhanced school environment. Middle schools in one school district in Maryland were assigned to either a special intervention treatment condition or usual education (control) condition. The intervention is sequentially structured with curricula implemented in each grade of middle school. Classroom-administered questionnaires were administered to all middle schools prior to the intervention to establish baseline levels of the variables of interest, including substance use, school misconduct, parent and peer influences, and school climate. Data is collected annually after the completion of the grade level intervention. Information about parenting style will be collected on a sample of parents of participating student using telephone interviews.

As of the expiration of the current OMB approval, data will have been collected on one cohort of middle school students annually throughout middle school (6–8 grade) and two years of data collection on the second cohort of student (grades 6 and 7). Completion of the study as proposed includes collecting data on the second cohort in grade 8 and follow-up measurement of both cohorts in grade 9. Data will also be collected on a sample of parents.

Frequency of Response: Occasional.

Affected Public: Individuals or households; State, Local or Tribal Government.

Type or Respondents: Children and their parents. The annual reporting burden follows: Estimated number of respondents: 1450; Estimated Number of Responses per Respondent: 1.3; Average Burden Per Response (hrs.): .75; and Estimated Total Annual Burden Hours Requested: 988. The Annualized Cost to Respondents (based on $10.00 per hour): $9.883. 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 are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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 minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technical collection techniques for other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact, Dr. Bruce Simons-Morton, Chief, Prevention Research Branch, Division of Epidemiology, Statistics and Prevention Research, National Institutes of Child Health and Human Development, 6100 Executive Blvd., Room 7B05, Bethesda, MD 20892–7510, or call non-toll free number (301) 496–1126 or E-mail your request, including your return address to bm79K@nih.gov.

COMMENT 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 29, 1999.

Michael H. Rosenthal,

Acting Executive Officer, NICHD.

[FR Doc. 99–17229 Filed 7–6–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research: Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Development of Either Diagnostics or Therapeutics for Bone Metastasizing Cancers Including Breast and Prostate Cancer

AGENCY: National Institutes of Health (NIH), PHS, DHHS.

ACTION: Notice of an opportunity for a Cooperative Research and Development Agreement.

SUMMARY: The National Institute of Dental and Craniofacial Research (NIDCR), Craniofacial Developmental Biology and Regeneration Branch, has developed technology in the area of the metastasis of breast and prostate cancer to bone and wishes to further develop that technology. Therefore, the NIDCR seeks an agreement with a pharmaceutical or biotechnology company to develop diagnostics and therapeutics related to osteonectin and/or its receptor on metastatic cancer cells.

The spread of tumor cells (metastasis) to distant organs is the leading cause of morbidity and death in cancer. In order to spread, tumor cells must detach from the primary tumor, enter the circulation, and attach to organs able to support their further growth. To enter and exit the circulation, tumor cells must degrade tissue and matrix barriers, but the underlying mechanism for the organ specific metastasis of prostate and breast cancer to bone is not understood. For instance, it is not clear whether these calls only invade and grow in bone, or whether they invade many tissues but survive mainly in bone. NIDCR scientists have found that chemoinvasion of different prostate and breast cancer cell lines through basement membrane is several fold greater in response to bone extracts than to extracts from other tissues. Control studies showed that invasion of melanoma and fibrosarcoma cells is not stimulated by bone extracts. The bone extracts and partially purified materials had no effect on prostate cancer cell growth (in-vitro or in-vivo). The active factor from bone which promoted prostate cell invasion was purified and shown to be a glycosylated derivative of osteonectin. Moreover, osteonectin was found to specifically induce matrix metalloprotease activity in both breast and prostate cancer cells, which both invade bone. No induction was observed with three non bone metastasizing cell lines (3T3, HT1080 and B16F10). More recently, a cellular receptor for osteonectin, which is elevated on breast and prostate cancer cells but not on melanoma or 3T3 cells, has been identified. Experiments with subcutaneously implanted minipumps containing osteonectin have demonstrated that prostate cancer cells preferentially metastasize to the site of the implant and form tumors, whereas control pumps containing saline or a non active bone fraction did not show this activity. These data suggest that invasion of bone by prostate cancer cells is mediated by osteonectin.

A CRADA partner is sought to participate in the development of antibodies or diagnostic tools to quantitate the osteonectin receptor, as it may be a marker for tumors that are metastasic to bone. If the receptor is elevated on metastatic cells, then antagonists can be developed to block its occupancy and inhibit metastasis to bone. The collaboration could also explore whether serum levels of osteonectin may provide a new and early diagnostic tool to detect metastasis of breast and prostate cancer cells. Improvement in the understanding of the mechanisms by which breast and prostate cancer cell metastasize to bone could provide an opportunity to develop diagnostic and therapeutic reagents.

The proposed duration of the CRADA is two (2) years.

ADDRESSES: Proposals and questions about this opportunity may be addressed to Jacob A. Donkersloot, Sc.D., Technology Development Coordinator, NIDCR, tel: (301) 496–4216, fax: (301) 402–0396 or David A. Steffes, J.D., Technology Development and Commercialization Branch, National Cancer Institute, tel: (301) 496–0477, fax: (301) 402–2117.

DATES: Interested parties should submit a one page statement of interest addressing the collaborator's ability to fulfill its collaborative responsibilities. The statement of interest should be submitted in writing on or before September 7, 1999.

SUPPLEMENTARY INFORMATION: A ''Cooperative Research and Development Agreement'' or ''CRADA'' is the anticipated joint agreement to be entered into by the NIDCR pursuant to the Federal Technology Transfer Act of 1986 as amended by the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113 (Mar. 7, 1996)) and by Executive Order 12591 of October 10, 1987.

The CRADA objective is the rapid publication of research results and the timely commercialization of improved diagnostics and/or therapeutics in the areas of breast and prostate cancer metastasis to bone.

Under a CRADA, the NIDCR can contribute facilities, staff, materials, and expertise to the effort. The NIDCR cannot contribute funding. The CRADA collaborator receives an exclusive option to negotiate an exclusive or non-exclusive license to Government intellectual property rights arising under the CRADA in a pre-determined field of use and may qualify as a co-inventor of new technology developed under the CRADA.

Background information, including reprints of this announcement and issued patents, is available from the above-referenced address. Patent applications and pertinent information not yet publicly described can be obtained under a Confidential Disclosure Agreement.

CRADA proposals will be evaluated under the following criteria:

—Corporate research and development competencies

—Demonstrated abilities to productively collaborate in research programs

—The nature of resources to be contributed to the collaboration
—Key staff expertise, qualifications and relevant experience
—Willingness to assign technical staff to on-site collaborative efforts
—Ability to effectively commercialize new discoveries

The roles of the Craniofacial Developmental Biology and Regeneration Branch for the proposed CRADA are as follows:

1. Provide project coordination for the overall development and testing.
2. Further develop and refine animal models to study bone metastasis and the role of osteonectin for testing of the therapeutics.
3. Provide further characterization of the cellular receptor for osteonectin.
4. Provide in-vitro testing of biological activity of possible therapeutics with various cell lines.
5. Provide in-vitro testing of receptor-based diagnostics.
6. Jointly publish research results.

The roles of the Collaborator under the proposed CRADA are as follows:

1. Provide project coordination for the overdevelopment and testing.
2. Develop and provide antibodies or other tools for diagnostic purposes based on the cellular receptor. This may also include peptide mimetics or other reagents based on the binding site on osteonectin for its cellular receptor.
3. Determine if the level of osteonectin in serum is a possible diagnostic tool and develop an easy and reliable assay for osteonectin.
4. Develop therapeutics for cancer metastasis based either on matrix metalloprotease activity, receptor antagonists or other acceptable treatments for patients.
5. Jointly publish research results.

Dated: June 25, 1999.

Kathleen Sybert,

Chief, Technology Development and Commercialization Branch, NCI.

[FR Doc. 99–17120 Filed 7–6–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel Postdoctoral Research Training.

Date: July 8, 1999.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Conference Room B, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Irene B. Glowinski, Scientific Review Administrator, Office of Scientific Review, National Institutes of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13, Bethesda, MD 20892, (301) 594–3663.

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. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–17226 Filed 7–6–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel P01 grant application review.

Date: July 26–27, 1999.

Time: 7:30 pm to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: Inn and Conference Center, UMUC, University Boulevard at Adelphi Road, College Park, MD 20742.

Contact Person: Gopal M. Bhatnagar, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: June 30, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–17227 Filed 7–6–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel.

Date: July 8–9, 1999.

Time: 7:00 pm to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Nancy Shinowara, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208,

MSC 7814, Bethesda, MD 20892, (301) 435–1173. shinowan@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: July 11–12, 1999.

Time: 8:00 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA 20191.

Contact Person: Anthony D. Carter, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024.

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: July 12–13, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Westin Grand Hotel, 2350 M Street, NW, Washington, DC 20037–1417.

Contact Person: Marjam G. Behar, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4178, MSC 7806, Bethesda, MD 20892, (301) 435–1180.

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 SSS–9.

Date: July 12–13, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Eileen W. Bradley, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–1179.

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, ZRG1–SSS–X (16).

Date: July 12, 1999

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Lee Rosen, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

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: July 12–13, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Houston Baker, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7854, Bethesda, MD 20892, 301–435–1175, bakerh@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 ZRG1–SSS–8 (57).

Date: July 12–13, 1999.

Time: 8:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Nadarajen A. Vydelingum, Scientific Review Administrator, Special Study Section—8, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, MSC 7854, Rm 5122, Bethesda, MD 20892, (301) 435–1176, vydelinn@csr.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 SSS–W (22).

Date: July 12–13, 1999.

Time: 8:00 am to 11:00 am.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Dharam S. Dhindsa, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5126, MSC 7854, Bethesda, MD 20892, (301) 435–1174, dhindsad@csr.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: July 12, 1999.

Time: 1:00 pm to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Calbert Laing, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, (301) 435–1221, dhindsad@csr.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. Surgery, Radiology and Bioengineering IRG.

Date: July 12–13, 1999.

Time: 1:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Eileen W. Bradley, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–1179, ebradley@csr.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: July 13, 1999.

Time: 8:00 am to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: Grand Hyatt, 1000 H Street, NW, Washington, DC 20001.

Contact Person: Dennis Leszczynski, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, (301) 435–1044,

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: Musculoskeletal and Dental Sciences Initial Review Group Geriatrics and Rehabilitation Medicine.

Date: July 13–14, 1999.

Time: 8:00 am to 4:00 pm.

Agenda: to review and evaluate grant applications.

Place: Latham Hotel Georgetown, 3000 M Street, NW, Washington, DC 20007.

Contact Person: Jo Pelham, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

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 SSS–W (23).

Date: July 13, 1999.

Time: 11:00 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Dharam S. Dhindsa, DVM, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5126, MSC 7854, Bethesda, MD 20892, (301) 435–1174, dhinsad@csr.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: July 13, 1999.
Time: 2:00 pm to 3:00 pm.
Agenda: To review and evaluate grant application.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Eugene Zimmerman, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–435–1220, zimmerng@csr.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, Bioengineering Partnerships Special Emphasis Panel.
Date: July 14, 1999.
Time: 8:00 am to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: David T. George, National Heart Lung and Blood Institute, Review Branch, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892, (301) 435–0280, georged@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 ZRG1–BDCN–6 (02)B.
Date: July 14, 1999
Time: 8:30 am to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: Chevy Chase Holiday Inn, Chevy Chase, MD 20815.
Contact Person: Jay Cinque, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.
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: July 14, 1999.
Time: 9:00 am to 5:00 pm.
Agenda: To review and evaluate applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Camil C. Debbas, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.
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: July 14, 1999.
Time: 2:00 pm to 2:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge, MD 20892, (Telephone Conference Call).
Contact Person: Everett E. Sinnett, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1016. ev__sinnettnih.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 PSV.
Date: July 14–16, 1999.
Time: 7:00 pm to 1:00 am.
Agenda: to review and evaluate grant applications.
Place: Houston Marriott Medical Center, 6580 Fannin Street, Houston, TX 77030.
Contact Person: Arnold Revzin, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, (301) 435–1153.
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 30, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–17228 Filed 7–6–99; 8:45 am]

BILING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institute of Environmental Health Sciences; National Toxicology Program; Request for Comments on Chemicals Nominated to the National Toxicology Program (NTP) for Toxicological Studies—Recommendations by the Interagency Committee for Chemical Evaluation and Coordination (ICCEC) for Study, No Studies, or Deferral To Obtain Additional Information

Summary

The National Toxicology Program (NTP) routinely solicits, accepts and reviews for consideration nominations from Federal agencies, industry, the public, and other interested parties for toxicological studies to be undertaken by the Program. Nominations undergo several levels of review before toxicological studies are designed and implemented. The Interagency Committee for Chemical Evaluation and Coordination (ICCEC) serves as the first level of review for NTP nominations. At the June 1, 1999 meeting of the ICCEC, 13 nominations were reviewed. As part of an effort to earlier inform the public and obtain input into the selection of chemicals for evaluation, the NTP routinely seeks public input on (1) chemicals nominated to the Program for toxicological studies, and (2) testing recommendations made by the ICCEC. This announcement outlines the process for nomination and selection of agents for NTP study, presents the recommendations of the ICCEC from the June 1, 1999 meeting, and requests comment on these recommendations or the submission of additional information to be considered in the evaluation of these nominations.

Background

The nomination and selection for study of chemicals and agents with the highest potential for adversely impacting public health are essential to the success of the NTP. From its inception, the NTP has had an open nomination process. Nominations are solicited from a variety of sources in academia, Federal and State regulatory and health agencies, industry, and unions, as well as from environmental groups and the general public. Particular assistance is sought with the selection of studies that permit testing of hypotheses to enhance the predictive ability of NTP studies, address mechanisms of toxicity, or identify significant gaps in knowledge of the toxicity of chemicals or classes of chemicals. Chemicals are selected for study based upon two broad criteria: (1) those chemicals of greatest concern for public or occupational health and (2) chemicals for which toxicological data is needed to fill major knowledge gaps, address mechanisms of toxicity, and reduce uncertainty in risk assessment by aiding species-to-species extrapolation and understanding dose-response relationships. Chemicals may be studied for a variety of health-related effects, including but not limited to, reproductive and developmental toxicity, genotoxicity, immunotoxicity, metabolism and disposition, as well as carcinogenicity. The possible public health consequences of exposure remain the over-riding factor in the decision to study a particular chemical or agent. Selections for government testing are based on the principle that responsible industries will evaluate their own chemicals or agents for health and environmental effects as mandated by Congress under legislative authorities. Increased efforts continue to be focused on: (1) improving the quality of the nominations of chemicals,

environmental agents, or issues for study; (2) broadening the base and diversity of nominating organizations and individuals; and (3) increasing nominations for endpoints of toxicity other than carcinogenesis.

Nominated chemicals are first reviewed by a multi-disciplinary NIEHS committee to determine whether the nominated agent has undergone adequate toxicological testing or has been previously considered by the NTP. For chemicals not eliminated from consideration or deferred at this stage, the available literature is examined in detail to prepare Toxicological Summaries which evaluate and summarize the relevant data for each chemical. Included in each Toxicological Summary are chemical and physical information, production levels, use and exposure categories and levels, regulatory status, toxicological effects, and rationale for the nomination. The Toxicological Summaries are distributed to the Interagency Committee for Chemical Evaluation and Coordination (ICCEC), composed of representatives from the Agency for Toxic Substances and Disease Registry, Consumer Product Safety Commission, Department of Defense, Environmental Protection Agency, Food and Drug Administration's National Center for Toxicological Research, Occupational Safety and Health Administration, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, and the National Library of Medicine. ICCEC members are assigned as reviewers for each chemical after consideration of the nature of its uses and exposure so that, to the extent possible, appropriate regulatory concerns will be addressed. Members are requested to identify their agency's interests, if any, in the chemical, and to search databases unique to their agencies for further information on the nominated chemicals and structurally related substances. During the evaluation process, the NTP works actively with regulatory agencies and interest groups to supplement the information about chemicals nominated and to ensure that the chemical selection process meets regulatory agency needs.

At its meeting to consider the nominated chemicals, the ICCEC assigns testing priorities, and also may make recommendations for study in addition to those requested by the nominator. Summaries of the ICCEC recommendations and any public comments received on these chemicals are then presented to the NTP Board of Scientific Counselors (the Program's external scientific advisory committee) for review and comment in an open public session. The ICCEC recommendations, NTP Board of Scientific Counselors recommendations, and public comments are incorporated into recommendations that are then submitted to the NTP Executive Committee, the Federal interagency policy oversight body. For each chemical nominated for the various types of studies, the NTP Executive Committee reviews and approves action to move forward to test, defer testing, or remove from testing consideration, and recommends testing priorities. The selection of a chemical or agent by the Executive Committee does not automatically commit the NTP to its evaluation. The priority of the chemicals and the proposed studies are assessed during the nomination process and reassessed during the study design process. During any of these stages, a chemical or study may be withdrawn if applicable research data is identified, higher priority studies are identified, or if a study proves impractical. A broad range of regulatory and toxicological concerns are addressed during the nomination and selection process through the participation of representatives from Federal agencies concerned with public health issues. In addition, representatives from non-government organizations, including industry, labor, and public interest, sit on the NTP Board of Scientific Counselors, and thus have input into chemical selection decisions.

Following Executive Committee action, each selected chemical is assigned to an NIEHS, FDA, or NIOSH staff scientist (project leader) who assesses the data compiled during the chemical evaluation process and other information obtained from detailed searches of the published literature and public comments. The project leader also consults with industrial or commercial sources on such issues as mode of production, uses, worker exposure, planned or ongoing testing, and availability of the chemical for study. The project leader together with a study design team develops a study plan to address the research needs. The study plan is reviewed and modified as necessary before being carried out via the most appropriate mechanisms. Results of toxicological studies of selected chemicals are routinely peer-reviewed. The results are published as NTP Technical Reports and/or in the open scientific literature. Test results are also available from the NTP subsequent to peer-review but prior to publication.

Request for Comment

At their meeting on June 1, 1999, the ICCEC reviewed 13 agents nominated for NTP study. For 9 of these agents, metabolism, toxicity, or carcinogenicity studies were recommended, no additional study was recommended for 2 chemicals, and studies of 2 other chemicals were deferred pending receipt of additional data from other organizations or from related studies anticipated or in progress by the NTP, or information on production, exposure, and use patterns. Additionally, the ICCEC reviewed 7 chemicals recommended for study in previous ICCEC meetings. Following review of initial NTP studies and additional data received from the public or elsewhere, these 7 chemicals were withdrawn as priority candidates for study.

Chemicals with CAS numbers, nomination source, types of studies under consideration, and rationale and other information are given in the attached tables. Interested parties are encouraged to provide comments or supplementary information on the chemicals and recommendations that appear in this announcement. The Program would welcome receiving toxicology and carcinogenesis information from completed, ongoing, or planned studies, as well as information on current production levels, human exposure, use patterns, or environmental occurrence for any of the chemicals listed in this announcement. To provide comments or information, please contact Dr. William Eastin at the address given below by September 7, 1999.

Contact may be made by mail to: Dr. William Eastin, NIEHS/NTP, P. O. Box 12233, Research Triangle Park, North Carolina 27709; by telephone at (919) 541–7941; by FAX at (919) 541–3687; or by email at eastin@niehs.nih.gov. The URL for the NTP homepage is http://ntp-server.niehs.nih.gov.

Dated: June 24, 1999.

Samuel H. Wilson,

Deputy Director, NIEHS.

Attachment—Chemicals Nominated to the NTP for Study, and Testing Recommendations made by the ICCEC on June 1, 1999

Chemical [CAS Number]	Nominated by	ICCEC recommendations	Study rationale; other information
Chemicals Recommended for Testing			
Aloe vera gel [8001–97–6] [94349–62–9]	NCI	—Cell transformation assay —Phototoxicity —Tumor promotion in Tg.AC mice	—Widespread use as a dietary supplement and cosmetic. —Inadequate toxicity information.
Ammonium molybdate [12027–67–7] [12054–85–2] [13106–76–8]	NCI	—*In vitro* chromosome aberration assay —*In vitro* micronucleus assay —Subchronic toxicity (inhalation studies)	—Representative soluble molybdenum compound. —Potential for worker and general population exposure. —Inadequate toxicity information.
5,6-Benzoflavone [6051–87–2]	NCI	—Toxicological characterization —Reproductive toxicity —Carcinogenicity	—Potential use as chemopreventive agent. —Lack of industry sponsorship. —Testing dependent on confirmation from nominator that recommended studies are needed for further development as therapeutic agent.
1,3-Dichloro-2-butene [926–57–8]	NIEHS	—Toxicological characterization —Metabolism studies —Carcinogenicity (inhalation studies)	—High production industrial chemical with potential for worker exposure. —Structural similarity to known carcinogen. —Inadequate toxicity information.
Ginseng and ginsenosides [50647–08–0]	NCI	—Genotoxicity —Reproductive toxicity —Neurotoxicity —Carcinogenicity	—Widespread use as a dietary supplement. —Inadequate toxicity information. —Subchronic testing will determine if ginseng or a specific ginsenoside will be subject to carcinogenicity testing.
Indole-3-carbinol [700–06–1]	NCI	—Reproductive toxicity —Toxicological characterization —Carcinogenicity	—Widespread and rapidly increasing use as a dietary supplement. —Potential use as chemopreventive agent.
Kava kava extract [9000–38–8] [84696–40–2]	NCI	—Genotoxicity —Reproductive toxicity —Neurotoxicity —Subchronic toxicity —Carcinogenicity	—Widespread use as a dietary supplement. —Reported human toxicity. —Inadequate toxicity information.
Milk thistle extract [84604–20–6]	NCI	—Genotoxicity —Metabolism studies —Reproductive toxicity —Subchronic toxicity	—Widespread use as a dietary supplement. —Reported hepatoprotective and anti-carcinogenic action. —Inadequate toxicity information.
3-Picoline [108–99–6]	NIEHS	—Subchronic toxicity —Carcinogenicity (pending results of subchronic studies)	—High production industrial chemical with potential for worker and general population exposure. —Inadequate toxicity information.
Chemicals for Which No Testing is Recommended			
1-Bromo-3-chloropropane [109–70–6]	NIEHS	—Toxicological characterization —Carcinogenicity	—Available data indicate low toxicity. —Low potential for human exposure.
N,N-Diethylhydroxylamine [3710–84–7]	NCI	—Subchronic toxicity	—Available data indicate low toxicity. —Low potential for human exposure.
Chemicals Deferred for Additional Information			
1,3,5-Triazine-1,3,5 (2H,4H,6H)-triethanol [4719–04–4]	NCI	—Carcinogenicity	—Reconsider as part of class study of formaldehyde-releasing compound.

Chemical [CAS Number]	Nominated by	ICCEC recommendations	Study rationale; other information
s-Trioxane [110–88–3]	NIEHS	—Toxicological characterization —Carcinogenicity	—Reconsider as part of class study of formaldehyde-releasing compounds.
Chemicals to be Withdrawn from Consideration			
Arsenic Trioxide [1327–53–3]	NIEHS; Private Individual	—Mechanistic studies —Carcinogenicity	—Lack of an appropriate animal model for human carcinogenicity.
2,3-Butanedione [431–03–8]	NCI	—Genotoxicity —Metabolism studies —Carcinogenicity	—Rapid and near complete metabolism to carbon dioxide.
t-Butylcatechol [98–29–3]	NCI/FDA	—Toxicological characterization —Metabolism studies —Carcinogenicity	—Toxicity in subchronic studies at doses as high as 12,500 ppm in the diet was limited to forestomach lesions.
Camphor [464–49–3] [76–22–2]	NCI	—Teratogenicity —Reproductive toxicity —Carcinogenicity	—Teratogenicity studies completed —Toxicity in subchronic dermal studies limited to hyperplasia at the site of application.
Fluasterone [112859–71–9]	NCI	—Toxicological characterization —Carcinogenicity	—Difficulty in obtaining sufficient material for study. —Industry sponsor has responsibility for toxicological evaluation of this chemical if pursued as a chemotherapeutic agent.
Luminol [521–31–3]	Private Individual	—Toxicological characterization —Carcinogenicity	—Lack of absorption from skin. —Rapid metabolism and elimination of oral doses as nontoxic metabolites.
Propylene Glycol Monomethyl Ether [107–98–2]	NCI	—Carcinogenicity	—Availability of industry-sponsored reproductive toxicity and carcinogenicity studies.

[FR Doc. 99–17119 Filed 7–6–99; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies, and Laboratories That Have Withdrawn From the Program

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be identified as such at the end of the current list of certified laboratories, and will be omitted from the monthly listing thereafter.

This Notice is now available on the internet at the following website: http://www.health.org/workpl.htm.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, Maryland 20857; Tel.: (301) 443–6014.

Special Note: Please use the above address for all surface mail and correspondence. For all overnight mail service use the following address: Division of Workplace Programs, 5515 Security Lane, Room 815, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. Subpart C of the Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840, (formerly: Bayshore Clinical Laboratory)

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400

Alabama Reference Laboratories, Inc., 543 South Hull St., Montgomery, AL 36103, 800–541–4931/334–263–5745
Alliance Laboratory Services, 3200 Burnet Ave., Cincinnati, OH 45229, 513–585–9000, (formerly: Jewish Hospital of Cincinnati, Inc.)
American Medical Laboratories, Inc., 14225 Newbrook Dr., Chantilly, VA 20151, 703–802–6900
Associated Pathologists Laboratories, Inc., 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119–5412, 702–733–7866/800–433–2750
Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801–583–2787/800–242–2787
Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783, (formerly: Forensic Toxicology Laboratory Baptist Medical Center)
Clinical Reference Lab, 8433 Quivira Rd., Lenexa, KS 66215–2802, 800–445–6917
Cox Health Systems, Department of Toxicology, 1423 North Jefferson Ave., Springfield, MO 65802, 800–876–3652/417–269–3093, (formerly: Cox Medical Centers)
Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, PO. Box 88–6819, Great Lakes, IL 60088–6819, 847–688–2045/847–688–4171
Diagnostic Services Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 941–561–8200/800–735–5416
Doctors Laboratory, Inc., PO. Box 2658, 2906 Julia Dr., Valdosta, GA 31604, 912–244–4468
DrugProof, Division of Dynacare/Laboratory of Pathology, LLC, 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672/800–898–0180, (formerly: Laboratory of Pathology of Seattle, Inc., DrugProof, Division of Laboratory of Pathology of Seattle, Inc.)
DrugScan, Inc., PO. Box 2969, 1119 Mearns Rd., Warminster, PA 18974, 215–674–9310
Dynacare Kasper Medical Laboratories,*14940–123 Ave., Edmonton, Alberta, Canada T5V 1B4, 780–451–3702 / 800–661–9876
ElSohly Laboratories, Inc., 5 Industrial Park Dr., Oxford, MS 38655, 601–236–2609
Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall St., London, ON, Canada N6A 1P4, 519–679–1630
General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6267
Hartford Hospital Toxicology Laboratory, 80 Seymour St., Hartford, CT 06102–5037, 860–545–6023
Info-Meth, 112 Crescent Ave., Peoria, IL 61636, 309–671–5199 / 800–752–1835 (formerly: Methodist Medical Center Toxicology Laboratory)
Integrated Regional Laboratories, 1400 Northwest 12th Ave., Miami, FL 33136, 305–325–5784 (formerly: Cedars Medical Center, Department of Pathology)
LabCorp Occupational Testing Services, Inc., 1904 Alexander Drive, Research Triangle Park, NC 27709, 120919–672–6900 / 800–833–3984 (formerly: CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)
LabCorp Occupational Testing Services, Inc., 4022 Willow Lake Blvd., Memphis, TN 38118, 901–795–1515 / 800–223–6339 (formerly: MedExpress/National Laboratory Center)
LabOne, Inc., 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927 / 800–728–4064 (formerly: Center for Laboratory Services, a Division of LabOne, Inc.) Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400 / 800–437–4986 (formerly: Roche Biomedical Laboratories, Inc.)
Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989 / 800–433–3823
Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734 / 800–331–3734
MAXXAM Analytics Inc.,* 5540 McAdam Rd., Mississauga, ON, Canada L4Z 1P1, 905–890–2555 (formerly: NOVAMANN (Ontario) Inc.)
Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Ave., Toledo, OH 43614, 419–383–5213
MedTox Laboratories, Inc., 402 W. County Rd. D, St. Paul, MN 55112, 651–636–7466 / 800–832–3244
Methodist Hospital Toxicology Services of Clarian Health Partners, Inc., Department of Pathology and Laboratory Medicine, 1701 N. Senate Blvd., Indianapolis, IN 46202, 317–929–3587
MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–4512 / 800–950–5295
Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, Minnesota 55417, 612–725–2088
National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250
NWT Drug Testing, 1141 E. 3900 South, Salt Lake City, UT 84124, 801–268–2431/800–322–3361 (formerly: NorthWest Toxicology, Inc.)
Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440–0972, 541–341–8092
Pacific Toxicology Laboratories, 6160 Variel Ave., Woodland Hills, CA 91367, 818–598–3110 (formerly: Centinela Hospital Airport Toxicology Laboratory
Pathology Associates Medical Laboratories, 11604 E. Indiana, Spokane, WA 99206, 509–926–2400 / 800–541–7891
PharmChem Laboratories, Inc., 1505–A O'Brien Dr., Menlo Park, CA 94025, 650–328–6200 / 800–446–5177
PharmChem Laboratories, Inc., Texas Division, 7610 Pebble Dr., Fort Worth, TX 76118, 817–595–0294 (formerly: Harris Medical Laboratory)
Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913–339–0372 / 800–821–3627
Poisonlab, Inc., 7272 Clairemont Mesa Blvd., San Diego, CA 92111, 619–279–2600 / 800–882–7272
Quest Diagnostics Incorporated, 4444 Giddings Road, Auburn Hills, MI 48326, 810–373–9120 / 800–444–0106 (formerly: HealthCare/Preferred Laboratories, HealthCare/MetPath, CORNING Clinical Laboratories)
Quest Diagnostics Incorporated, National Center for Forensic Science, 1901 Sulphur Spring Rd., Baltimore, MD 21227, 410–536–1485 (formerly: Maryland Medical Laboratory, Inc., National Center for Forensic Science, CORNING National Center for Forensic Science)
Quest Diagnostics Incorporated, 4770 Regent Blvd., Irving, TX 75063, 972–916–3376 / 800–526–0947 (formerly: Damon Clinical Laboratories, Damon/MetPath, CORNING Clinical Laboratories)
Quest Diagnostics Incorporated, 875 Greentree Rd., 4 Parkway Ctr., Pittsburgh, PA 15220–3610, 412–920–7733 / 800–574–2474 (formerly: Med-Chek Laboratories, Inc., Med-Chek/Damon, MetPath Laboratories, CORNING Clinical Laboratories)
Quest Diagnostics of Missouri LLC, 2320 Schuetz Rd., St. Louis, MO 63146, 314–991–1311 / 800–288–7293 (formerly: Quest Diagnostics Incorporated, Metropolitan Reference Laboratories, Inc., CORNING Clinical Laboratories, South Central Division)
Quest Diagnostics Incorporated, 7470 Mission Valley Rd., San Diego, CA 92108–4406, 619–686–3200 / 800–446–4728 (formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT), CORNING Nichols Institute, CORNING Clinical Laboratories)
Quest Diagnostics Incorporated, One Malcolm Ave., Teterboro, NJ 07608, 201–393–5590 (formerly: MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratory)
Quest Diagnostics LLC (IL), 1355 Mittel Blvd., Wood Dale, IL 60191, 630–595–3888 (formerly: Quest Diagnostics Incorporated, MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratories Inc.)
San Diego Reference Laboratory, 6122 Nancy Ridge Dr., San Diego, CA 92121, 800–677–7996
Scientific Testing Laboratories, Inc., 463 Southlake Blvd., Richmond, VA 23236, 804–378–9130
Scott & White Drug Testing Laboratory, 600 S. 31st St., Temple, TX 76504, 254–771–8379 / 800–749–3788
S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505–727–6300 / 800–999–5227
SmithKline Beecham Clinical Laboratories, 3175 Presidential Dr., Atlanta, GA 30340, 770–452–1590 (formerly: SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214–637–7236 (formerly: SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 801 East Dixie Ave., Leesburg, FL 34748, 352–787–9006 (formerly: Doctors & Physicians Laboratory)

SmithKline Beecham Clinical Laboratories, 400 Egypt Rd., Norristown, PA 19403, 610–631–4600 / 800–877–7484 (formerly: SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 506 E. State Pkwy., Schaumburg, IL 60173, 847–447–4379 / 800–447–4379 (formerly: International Toxicology Laboratories)
SmithKline Beecham Clinical Laboratories, 7600 Tyrone Ave., Van Nuys, CA 91405, 818–989–2520 / 800–877–2520
South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 219–234–4176
Southwest Laboratories, 2727 W. Baseline Rd., Tempe, AZ 85283, 602–438–8507
Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517–377–0520 (formerly: St. Lawrence Hospital & Healthcare System)
St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St. Oklahoma City, OK 73101, 405–272–7052
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 2703 Clark Lane, Suite B, Lower, Level Columbia, MO 65202, 573–882–1273
Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305–593–2260
UNILAB, 18408 Oxnard St., Tarzana, CA 91356, 818–996–7300 / 800–492–0800 (formerly: MetWest-BPL Toxicology Laboratory)
Universal Toxicology Laboratories, LLC 10210 W. Highway 80, Midland, Texas 79706, 915–561–8851 / 888–953–8851
UTMB Pathology-Toxicology Laboratory, University of Texas Medical Branch, Clinical Chemistry Division, 301 University Boulevard, Room 5.158, Old John Sealy, Galveston, Texas 77555–0551, 409–772–3197

The following laboratory voluntarily withdrew from the Program on June 23, 1999:

Advanced Toxicology Network, 15201 East I–10 Freeway, Suite 125, Channelview, TX 77530, 713–457–3784 / 800–888–4063 (formerly: Drug Labs of Texas, Premier Analytical Laboratories)

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 99–17162 Filed 7–6–99; 8:45 am]

BILLING CODE 4160–20–U

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. DHHS, with the DHHS' National Laboratory Certification Program (NLCP) contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, the DHHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the ''Mandatory Guidelines for Workplace Drug Testing'' June 9, 1994, 59 FR 29908–29931). After receiving the DOT certification, the laboratory will be included in the monthly list of DHHS certified laboratories and participate in the NLCP certification maintenance program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Special Emphasis Panel I; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the following meeting of the SAMHSA Special Emphasis Panel I in July 1999.

A summary of the meeting and a roster of the members may be obtained from: Ms. Coral Sweeney, SAMHSA, Office of Policy and Program Coordination, Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone: 301–443–2998.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meeting will include the review, discussion and evaluation of individual grant applications. These discussions could reveal personal information concerning individuals associated with the applications. Accordingly, this meeting is concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c) (6) and 5 U.S.C. App. 2, section 10(d).

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: July 12–14, 1999.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: July 12–13, 1999, 8:30 a.m.–5:00 p.m.; July 14, 1999, 8:30 a.m.–adjournment.

Panel: Substance Abuse and Mental Health Services Administration Conference Grants PA 98–090.

Contact: Peggy Thompson, Room 17–89, Parklawn Building, Telephone: 301–443–9912 and FAX: 301–443–3437.

Dated: June 30, 1999.

Coral Sweeney,

Lead Grants Technical Assistant, Substance Abuse and Mental Health Services Administration.

[FR Doc. 99–17090 Filed 7–6–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4446–N–03]

Proposed Information Collection: Comment Request; Urban Homesteading Program, Semi-Annual Progress Report

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* September 7, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Shelia E. Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 7230, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Franklin Price, (202) 708–2094 EXT. 4572 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Urban Homesteading Program, Semi-Annual Progress Report.

OMB Control Number, if applicable: 2506–0042.

Description of the need for the information and proposed use: The information is needed to assist HUD in determining if Local Urban Homesteading Agencies (LUHAs) are meeting the requirements of HUD's Urban Homesteading Program—Section 810 of the Housing and Community Act of 1974 (P.L. 93–383 as amended), and HUD's requirements published at 25 CFR 590. Under these requirements, LUHAs are required to supply data and make available records necessary for HUD's monitoring of the LUHSs' local homesteading programs to determine whether the LUHAs are making reasonable progress in moving properties through the stages of the homesteading process, including acquisition, homesteader selection, conditional conveyance, rehabilitation, and final conveyance. The monitoring process will allow HUD to determine if all property provided to the LUHAs with Section 810 funding are ultimately accounted for and used by the LUHAs as required by the statute and regulation.

Agency form numbers, if applicable: HUD–40063–A.

Members of affected public: State and local governments, public housing authorities and non profit organizations which have agreements with HUD to operate as Local Urban Homesteading Agencies under the Section 810 Homesteading Program.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Total hours needed to collect information, 350 (200 for record-keeping and 150 for response to report [only 75 percent of the respondents need to submit report, i.e., 100 respondents × two reports per year × 75 percent × 1 hour per response = 150]. Number of respondents—100; frequency of responses—semi-annually; hours per response—1.

Status of the proposed information collection: Reinstatement of a previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 29, 1999.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

[FR Doc. 99–17224 Filed 7–6–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–29]

Submission for OMB Review: Customer-Survey of Households Living in Federally Assisted Units

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: HUD recently developed and tested a cost-effective mail survey instrument for assessing resident satisfaction with and rating of, housing units assisted through HUD programs. This survey, which elicits renter ratings of their housing, provided high response rates and high levels of agreement with independent condition ratings by professional inspectors. HUD plans to implement this survey as an ongoing tool to assess customer ratings of housing assisted through the Section 8 Certificate and Voucher programs. For limited evaluative or comparison purposes, HUD may also use this survey to assess resident ratings of other Federal housing assistance programs. This survey will allow HUD to provide feedback to help local housing agencies improve their Section 8 programs, and it will help HUD to focus its monitoring and technical assistance resources where program performance most needs improvement. It will provide HUD's policy, program, and budget managers with improved measures for tracking national housing conditions over time. The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 6, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2528–0170) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (a) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 29, 1999.

David S. Cristy,

Director, IRM Policy and Management Division.

Title of Proposal: Section 8 Housing Quality Standards Mail Survey.

Office: Policy Development and Research.

OMB Approval Number: 2528–0170.

Description of the need for the information and its proposed use: HUD recently developed and tested a cost-effective mail survey instrument for assessing resident satisfaction with, and rating of, housing units assisted through HUD programs. This survey, which elicits renters ratings of their housing, provided high response rates and high levels of agreement with independent condition ratings by professional inspectors. HUD plans to implement this survey as an ongoing tool to assess customer ratings of housing assisted through the Section 8 Certificate and Voucher programs. For limited evaluative or comparison purposes, HUD may also use this survey to assess resident ratings of other Federal housing assistance programs. This survey will allow HUD to provide feedback to help local housing agencies improve their Section 8 programs, and it will help HUD to focus its monitoring and technical assistance resources where

program performance most needs improvement. It will provide HUD's policy, program, and budget managers with improved measures for tracking national housing conditions over time.

Form Number: None.

Respondents: Individuals or Households and State, Local, or Tribal Government.

Frequency of Submission: Reporting and Other.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Survey	187,000		1		0.25		46,725

Total Estimated Burden Hours: 46,725.

Status: Reinstatement, with change.

Contact: Laurent V. Hodes, HUD, (202) 708–5537, ext. 5736, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 99–17223 Filed 7–6–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–30]

Submission for OMB Review: Funding Availability Under the Department of Housing and Urban Development's Lead-Based Paint Hazard Control and Other Related Grant Programs

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement for the Notices of Funding Availability for the grant programs within the HUD Office of Lead Hazard Control has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 6, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: June 30, 1999.

David S. Cristy,

Director, Information Technology Capital Planning Staff.

Title of Proposal: Notices of Funding Availability Under the Department of Housing and Urban Development's Lead-Based Paint Hazard Control and other related grant programs—This is a modification of an existing, approved reporting requirement.

Office: Lead Hazard Control.

OMB Approval Number: None.

Description of the Need for the Information and its Proposed Use: Title X of the Housing and Community Development Act of 1992 requires HUD to provide grants to states and local governments to address and reduce the lead-based paint and other hazards in privately owned housing. Grant applications are required for this process.

Form Number: None.

Respondents: Business or other for-profit State, Local, or Tribal Government not-for-profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Application	80		1		100		8,000
Grant	23		1		24		552

Total Estimated Burden Hours: 8,552.
Status: New Collection.
Contact: Dana Bres, HUD, (202) 755–1785 ext. 117, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 99–17225 Filed 7–6–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary—Water and Science

[FES 99–25]

Central Utah Project Completion Act; Diamond Fork System, Bonneville Unit, Central Utah Project

AGENCIES: The Department of the Interior (Department); the Central Utah Water Conservancy District (CUWCD); and the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission).

ACTION: Notice of availability of the Final Supplement to the Final Environmental Impact Statement (FS–FEIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department, CUWCD, and the Mitigation Commission, have issued a joint Final Supplement to the Final Environmental Impact Statement (FS–FEIS) for the Diamond Fork System, Bonneville Unit, Central Utah Project. The FS–FEIS addresses potential impacts related to construction and operation of the features proposed for completing the Diamond Fork System. The FS–FEIS is intended to satisfy disclosure requirements of the National Environmental Policy Act (NEPA) and will serve as the NEPA compliance document for contracts, agreements and permits that would be required for construction and operation of the Diamond Fork System. The Department, CUWCD, and Mitigation Commission will use the FS–FEIS and other relevant materials to plan actions and make decisions.

SUPPLEMENTARY INFORMATION:

Background

The Diamond Fork System is one of six systems of the Bonneville Unit of the Central Utah Project that would develop central Utah's water resources for irrigation, municipal and industrial supply, fish and wildlife, and recreation. It was first identified in the Bonneville Unit Final EIS in 1973, described in detail in the Diamond Fork Power System Final EIS in 1984, and in the Diamond Fork System Final Supplement to the Final EIS in 1990. The Diamond Fork System has been modified over the years and has been partially constructed. Additional modifications to the System were proposed in the Spanish Fork Canyon—Nephi Irrigation System (SFN) Draft EIS in 1998. A notice was published in the **Federal Register** on October 14, 1998, announcing the Department, CUWCD, and Mitigation Commission's intent to discontinue planning of the SFN system and to prepare the Diamond Fork FS–FEIS.

Proposed Action

The Proposed Action would: (1) Maintain the statutorily mandated minimum flows in Diamond Fork Creek and Sixth Water Creek; (2) implement the Department's environmental commitments on the Diamond Fork Pipeline from the 1995 Record of Decision; (3) meet the CUWCD's Municipal and Industrial water contractual commitments to Salt Lake, Utah and Wasatch counties; and (4) provide the Mitigation Commission the opportunity and flexibility for future restoration of aquatic and riparian habitat in Sixth Water and Diamond Fork creeks to protect water quality and threatened species in Diamond Fork Creek. The Diamond Fork System would be completed by constructing a series of tunnels and pipelines to convey water through the mountainous terrain of Diamond Fork Canyon and various Diamond Fork drainage tributary canyons in the Uinta National Forest. The features would include Tanner Ridge Tunnel, Diamond Fork Siphon, Red Mountain Tunnel, Red Hollow Pipeline, Diamond Fork Creek Outlet, Spanish Fork River Outlet from Diamond Fork Pipeline, modifications to Spanish Fork River diversion dams if necessary, and other appurtenant facilities.

No Action Alternative

Implementation of the No Action Alternative under the FS–FEIS would complete the Diamond Fork System if a decision were made not to proceed with future development of the Bonneville Unit through the Utah Lake Drainage Basin Water Delivery System. The features of the No Action Alternative would include Three Forks Dam and Reservoir, Diamond Fork Pipeline Extension, and Spanish Fork River Outlet.

Public Involvement

Participation has occurred throughout the EIS process. There have been numerous open houses, public meetings, and mail-outs to solicit comments and ideas. Comments received through the process have been considered. A Notice of Intent to prepare the FS–FEIS was published October 14, 1998, in the **Federal Register** (98–27483). Publication of the Record of Decision will occur no sooner than 30 days from the date of this notice.

FOR FURTHER INFORMATION: Additional copies of the FS–FEIS or information on matters related to this notice can be obtained on request from: Ms. Nancy Hardman, Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058, Telephone: (801) 226–7187, Fax: (801) 226–7150.

Copies are also available for inspection at:

Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058
Utah Reclamation Mitigation and Conservation Commission, 102 West 500 South, Suite 315, Salt Lake City, Utah 84101
Department of the Interior, Natural Resource Library, Serials Branch, 18th and C Streets, NW, Washington, D.C. 20240
Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606

Dated: July 1, 1999.

Ronald Johnston,

CUPCA Program Director, Department of the Interior.

[FR Doc. 99–17144 Filed 7–6–99; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Comprehensive Conservation Plan and Draft Environmental Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of public comment period.

SUMMARY: This notice informs the public that the comment period for the Draft Comprehensive Conservation Plan and Draft Environmental Impact Statement for Little Pend Oreille National Wildlife Refuge is extended.

DATES: Comments must be received by the new deadline of July 31, 1999 at the address below.

ADDRESSES: Address comments and requests for more information to: Refuge Manager, Little Pend Oreille National

Wildlife Refuge, 1310 Bear Creek Rd., Colville, WA 99114, telephone (509) 684–8384; E-mail: FWS1Public__ Comments__ LPO@fws.gov; fax number (509) 684–8381.

FOR FURTHER INFORMATION CONTACT: Lisa Langlier, Refuge Manager, (509) 684–8384.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service published in the **Federal Register** of May 5, 1999 (Vol. 64, No. 86, page 24168), that comments were to be received on or before June 30, 1999. In response to public interest, the Service decided to provide more time for public comments. The new deadline for public comment is now extended to July 31, 1999.

Dated: June 21, 1999.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 99–17102 Filed 7–6–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request revising and extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the USGS Clearance Officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Comments and suggestions on the requirement should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments regarding the proposed information collection as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;

2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. The utility, quality and clarity of the information to be collected; and,

4. How 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 forms of information technology.

Title: Nonferrous Metals Surveys.

Abstract: Respondents supply the U.S. Geological Survey with domestic production and consumption data on nonferrous and related metals. This information will be published as monthly, quarterly, and annual reports for use by Government agencies, industry, and the general public.

Bureau form number: Various (32 forms).

Frequency: Monthly, Quarterly, and Annual.

Description of respondents: Producers and consumers of nonferrous and related materials.

Annual Respones: 6,633.

Annual burden hours: 4,453.

USGS clearance officer: John E. Cordyack, Jr., 703–648–7313.

John H. DeYoung, Jr.,

Chief Scientist, Minerals Information Team.

[FR Doc. 99–17086 Filed 7–6–99; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Public Law 100–497, 25 U.S.C. § 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact between the Comanche Indian Tribe and the State of Oklahoma, which was executed on July 12, 1990.

DATES: This action is effective July 7, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: June 25, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs

[FR Doc. 99–17116 Filed 7–6–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to Approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment VI to the Tribal-State Compact for Regulation of Class III Gaming Between the Confederated Tribes of Siletz Indians of Oregon and the State of Oregon, which was executed on April 29, 1999.

DATES: This action is effective July 7, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: June 25, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–17117 Filed 7–6–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF JUSTICE

Executive Office of Immigration Review; Agency Information Collection Activities: New Collection; Comment Request

ACTION: Notice of information collection under review; Immigration practitioner appeal form from an adverse decision of an adjudicating official, Executive Office for Immigration Review.

Office of Management and Budget approval is being sought for the

information collection listed below. This proposed information collection was previously published in the **Fedeal Register** on May 3, 1999, at 64 FR 23685, allowing for a 60-day comment period.

The purpose of this notice is to allow an additional 30 days for public comments until August 6, 1999.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper information of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Miminize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection: (1) Type of Information Collection: New Collection of Information.

(2) Title of the Form/Collection: Immigration Practitioner Appeal Form from an Adverse Decision of an Adjudicating Official, Executive Office for Immigration Review.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form EOIR–45, Executive Office for Immigration Review, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: The Information on Form EOIR–45 will be used by immigration practitioners to appeal an adverse decision of an Adjudicating Official in a disciplinary proceeding to the Board of Immigration Appeals, Executive Office for Immigration Review.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 50 responses per year at 1 hour per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 50 annual burden hours.

If additional information is required contact: Mr. Robert D. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: July 1, 1999.

Robert B. Briggs,

Clearance Officer, Department of Justice.

[FR Doc. 99–17217 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review; Agency Information Collection Activities: New Collection; Comment Request

ACTION: Notice of information collection under review; Immigration Practitioner Complaint Form, Executive Office for Immigration Review.

Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 3, 1999, at 64 FR 23685, allowing for a 60-day comment period.

The purpose of this notice is to allow an additional 30 days for public comments until August 6, 1999.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Office, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: New Collection of Information.

(2) Title of the Form/Collection: Immigration Practitioner Complaint Form, Executive Office for Immigration Review.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form EOIR–44, Executive Office for Immigration Review, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: The Information on Form EOIR–44 will be used to determine whether or not, assuming the truth of the factual allegations raised therein, the Office of the General Counsel of the Executive Office for Immigration Review should conduct a preliminary disciplinary inquiry, request additional information from the responding complainant, refer the matter to a state bar disciplinary authority or other law enforcement agency, or take no further action.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to

respond: 500 responses per year at 2 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 1,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: July 1, 1999.

Robert B. Briggs,

Clearance Officer, Department of Justice.

[FR Doc. 99–17218 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review; Agency Information Collection Activities: Existing Collection in Use Without an OMB Control Number; Comment Request

ACTION: Notice of information collection under review; notice of entry of appearance as attorney or representative before the Immigration Court, Executive Office for Immigration Review.

Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 3, 1999, at 64 FR 23684, allowing for a 60-day comment period.

The purpose of this notice is to allow an additional 30 days for public comments until August 6, 1999.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: Existing Collection in Use Without an OMB Control Number.

(2) Title of the Form/Collection: Notice of Entry of Appearance as Attorney or representative Before the Immigration Court, Executive Office for Immigration

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form EOIR–28; Executive Office for Immigration Review, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: the information collected on EOIR–28 will be used (i) to determine whether or not a responding attorney or representative is duly authorized to represent aliens before the Immigration Court, (ii) to provide the responding represented party an opportunity to expressly consent to such representation and to release of Executive Office for Immigration Review records to the representative as required by law, and (iii) to notify the Immigration and Naturalization Service and the Executive Office for Immigration Review of such representation.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 77,000 responses per year at 6 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 7,700 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: July 1, 1999.

Robert B. Briggs,

Clearance Officer, Department of Justice.

[FR Doc. 99–17219 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review; Agency Information Collection Activities: Existing Collection in Use Without an OMB Control Number; Comment Request

ACTION: Notice of information collection under review; notice of entry of appearance as attorney or representative before the Immigration Court, Executive Office for Immigration Review.

Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 3, 1999, at 64 FR 23684, allowing for a 60-day comment period.

The purpose of this notice is to allow an additional 30 days for public comments until August 6, 1999.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: Existing Collection in Use Without an OMB Control Number.

(2) Title of the Form/Collection: Notice of Entry of Appearance as Attorney or representative Before the Immigration Court, Executive Office for Immigration Review.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form EOIR–28, Executive Office for immigration Review, U.S. Department of Justice.

(4) Affected public who will be asked to respond, as well as a brief abstract: The information collected on EOIR–28 will be used: (i) To determine whether or not a responding attorney or representative is duly authorized to represent aliens before the Immigration Court, (ii) to provide the responding represented party an opportunity to expressly consent to such representation and to release of Executive Office for Immigration Review records to the representative as required by law, and (iii) to notify the Immigration and Naturalization Service and the Executive Office for immigration Review of such representation.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 77,000 responses per year at 6 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 7,700 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: July 1, 1999.

Robert B. Briggs,

Clearance Officer, Department of Justice.

[FR Doc. 99–17220 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 21, 1999, American Radiolabeled Chemicals, Inc., 11624 Bowling Green Drive, St. Louis, Missouri 63146, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Dimethyltryptamine (7435)	I
Dihydromorphine (9145)	I
Cocaine (9041)	II
Codeine (9050)	II
Benzoylecgonine (9180)	II
Meperidine (9230)	II
Metazocine (9240)	II
Morphine (9300)	II
Oxymorphone (9652)	II

The firm plans to bulk manufacture small quantities of the listed controlled substances as radiolabeled compounds.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 7, 1999.

Dated: June 23, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–17097 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002 (a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on April 1, 1999, Applied Science Labs, Inc., A Division of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Heroin (9200)	I
Cocaine (9041)	II
Codeine (9050)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II

The firm plans to import these controlled substances for the manufacture of reference standards.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later then August 6, 1999.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted

in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import the basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958 (a), 21 U.S.C. 823 (a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: June 23, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–17095 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 27, 1999, Damocles10, 3529 Lincoln Highway, Thorndale, Pennsylvania 19372, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine-N-oxide (9053)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phencyclidine (7471)	II
Codeine (9050)	II
Morphine (9300)	II

The firm plans to manufacture the listed controlled substances for the purpose of deuterium labeled internal standards for distribution to analytical laboratories.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 7, 1999.

Dated: June 23, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–17096 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated February 23, 1999, and published in the **Federal Register** on March 5, 1999, (64 FR 10724), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenide (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxphene, bulk (non-dosage forms) (9273).	II

The firm plans to manufacture the listed controlled substances for distribution as bulk products to its customers.

DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Ganes Chemicals, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Ganes Chemicals, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: June 23, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–17094 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By notice dated March 19, 1999, and published in the **Federal Register** on April 9, 1999, (64 FR 17417), Roberts Laboratories, Inc., 4 Industrial Way East, Eatontown, New Jersey 07724, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of propiram (9649), a basic class of controlled substance listed in Schedule I.

The firm plans to import the propiram for product development.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Roberts Laboratories, Inc. to import propiram is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Roberts Laboratories, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, § 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: June 23, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc 99–17093 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substance; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 4, 1999, Roche Diagnostics Corporation, 9115 Hague Road, Indianapolis, Indian 46250, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Phencyclidine (7471)	II
Benzoylecgonine (9180)	II
Methadone (9250)	II
Morphine (9300)	II

Roche Diagnostics Corporation plans to manufacture small quantities of the above listed controlled substances for incorporation in drug of abuse detection kits.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 7, 1999.

Dated: June 8, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–17098 Filed 7–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before September 7, 1999.

The Bureau of Labor Statistics is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE, Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Karin G. Kurz, BLS Clearance Officer. See Addresses section.

SUPPLEMENTARY INFORMATORY:

I. Proposed Collection

Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Point of Purchase Survey.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed in the **ADDRESSES** section of this notice.

II. Background

The purpose of this survey is to develop and maintain a timely list of retail, wholesale, and service establishments where urban consumers shop for specified items. This information is used as the sampling universe for selecting establishments at which prices of specified items are collected and monitored for use in calculating the Consumer Price Index (CPI). The survey has been ongoing since 1980 and also provides expenditure data that allow items that are priced in the CPI to be properly weighted.

III. Current Actions

Since 1997, the survey has been administered quarterly and entirely via a computer-assisted telephone interview, as opposed to the previous practice of an annual personal-visit interview. This revised collection methodology is more flexible and creates the possibility of introducing new products into the CPI in a timelier manner. Furthermore, the cost efficiency of telephone interviewing permits data collection in all sampling areas each year, rather than the previous practice of collecting data in only 20 percent of all sampling areas each year. The revised sample design results in an overall CPI market basket that is more reflective of the current prices encountered, and the establishments visited, by urban consumers.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Point of Purchase Survey.

OMB Number: 1220–0044.

Affected Public: Individuals and households.

Total Respondents: 17,827 (three-year annual average).

Frequency: Quarterly.

Total Responses: 67,200 annually.

Average Time Per Response: 11 minutes.

Estimated Total Burden Hours: 12,320 annually.

Total Burden Cost: (capital/startup): $0.

Total Burden Cost: (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 30th day of June 1999.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 99–17131 Filed 7–6–99; 8:45 am]

BILLING CODE 4510–24–M

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, July 15, 1999 at the Embassy Suites Hotel, Chevy Chase Pavilion. The meeting is tentatively scheduled for 10:00 a.m. to 4:30 p.m.

The Commission will discuss recommendations on graduate medical education and payments to teaching hospitals in preparation for its forthcoming report to the Congress.

ADDRESSES: MedPAC's address is: 1730 K Street, NW, Suite 800, Washington, DC 20006. The telephone number is (202) 653–7220.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, (202) 653–7220.

Murray N. Ross,

Executive Director.

[FR Doc. 99–17230 Filed 7–6–99; 8:45 am]

BILLING CODE 6820–BW–M

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend and Revise a Current Information Collection

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 64 FR 2682 (January 15, 1999), and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. 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 methology 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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street, N.W. Room 10235, Washington, D.C. 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to splimpto@nsf.gov. Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification. Copies of the submission may be obtained by calling 703–306–1125 X2017.

NSF 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.

Title of Collection: National Science Foundation Science Honor Awards.

OMB Control Number: 3145–0035.

Summary of Collection: The National Science Foundation (NSF) administers several honorary awards, among them the President's National Medal of Science, the Alan T. Waterman Award, the NSF Vannevar Bush Award, and the NSB Public Service Award.

Use of the Information: The Foundation has the following honor award programs:

• *President's National Medal of Science.* Statutory authority for the President's National Medal of Science is contained in 42 U.S.C. 1881 (Pub. L. 86–209), which established the award and stated that ''(t)he President shall * * * award the Medal on the recommendations received from the National Academy of Sciences or on the basis of such other information and evidence as * * * appropriate.''

Subsequently, Executive Order 10961 specified procedures for the Award by establishing a National Medal of Science Committee which would ''receive recommendations made by any other nationally representative scientific or engineering organization.'' On the basis of those recommendations, the Committee was directed to select its candidates and to forward its recommendations to the President.

In 1962, to comply with these directives, the Committee initiated a solicitation form letter to invite these nominations. In 1979, the Committee initiated a nomination form as an attachment to the solicitation letter. A slightly modified version of the nomination form was used in 1980. The Committee agreed that such a form standardized the nomination format, benefiting the nominator, making the Committee's review process more efficient and permitted better staff work in a shorter period of time. Form NSF–1122 will be used to further standardize the nomination procedures, thus continuing to allow for more effective committee review, and permitting better staff work in a shorter period of time.

The Committee has established the following guidelines for selection of candidates:

1. The total impact of an individual's work on the present state of physical, biological, mathematical, engineering, or social and behavioral sciences is to be the principal criterion.
2. Achievements of an unusually significant nature in relation to the potential effects of such achievements on the development of scientific thought.
3. Unusually distinguished service in the general advancement of science and engineering, when accompanied by substantial contributions to the content of science at some time.
4. Recognition by peers within the scientific community.
5. Contributions to innovation and industry.
6. Influence on education through publications, students, etc.
7. Must be a U.S. citizen or permanent resident who has applied for citizenship.

Nominations remain active for a period of four years, including the year of nomination. After that time, candidates must be renominated with a new nomination package for them to be considered by the Committee.

Nomination forms should be typewritten, single-spaced using a font no smaller than 12 characters per inch. Renominations may be submitted via an updated nomination form.

• **Alan T. Waterman Award.** Congress established the Alan T. Waterman Award in August 1975 (42 U.S.C. 1881a (Pub. L. 94–86) and authorized NSF to ''establish the Alan T. Waterman Award for research or advanced study in any of the sciences or engineering'' to mark the 25th anniversary of the National Science Foundation and to our honor its first

Director. The annual award recognizes an outstanding young researcher in any field of science or engineering supported by NSF. In addition to a medal, the awardee receives a grant of $500,000 over a three-year period for scientific research or advanced study in the mathematical, physical, medical, biological, engineering, social, or other sciences at the institution of the recipient's choice.

The Alan T. Waterman Award Committee was established by NSF to comply with the directive contained in Pub. L. 94–86. The Committee solicits nominations from members of the National Academy of Sciences, National Academy of Engineering, scientific and technical organizations, and any other source, public or private, as appropriate.

In 1976, the Committee initiated a form latter to solicit these nominations. In 1980, a nomination form (NSF 1123) was used which standardized the nomination procedures, allowed for more effective Committee review, and permitted better staff work in a short period of time. On the basis of its review, the Committee forwards its recommendations to the Director, NSF, and the National Science Board (NSB). HSF Form 1124 is used for this purpose.

Candidates must be U.S. citizens or permanent residents and must be 35 years of age or younger or not more then five years beyond receipt of the PhD. degree by December 31 of the year in which they are nominated. Candidates should have demonstrated exceptional individual achievements in scientific or engineering research of sufficient quality to place them at the forefront of their peers. Criteria include originality, innovation, and significant impact on the field.

• **Vannevar Bush Award.** The NSB established the Vannevar Bush Award in 1980 to honor the Dr. Bush's unique contributions to public service. The annual award recognizes an individual who, through public service activities in science and technology, has made an outstanding ''contribution toward the welfare of mankind and the Nation.''

The Vannevar Bush Award Committee is periodically established by the NSB to solicit nominations from selected scientific engineering educational societies. Candidates must be a senior stateperson who is an American citizen and who meets two or more of the following criteria.

1. Who has distinguished him/herself through public service activities in science and technology.

2. Who has pioneered the exploration, charting and settlement of new frontiers in science, technology, education and public service.

3. Whose leadership and creativity have inspired others to distinguished careers in science and technology.

4. Who has contributed to the welfare of the Nation and mankind through activities in science and technology.

5.Whose leadership and creativity have helped mold the history of advancements in the Nation's science, technology, and education.

Nomination submissions should be in letter format, accompanied by a complete biography and a brief citation summarizing the nominee's scientific or technological contributions to our national welfare in promotion of the progress of science. Nominations remain active for three years, including the year of nomination.

• **Public Service Award.** The NSB established the Public Service Award in November 1996. This annual award recognizes people and organizations who have increased the public understanding of science or engineering. The award may be given to an individual and to a group (company, corporation, or organization), but not to members of the U.S. Government.

Eligibility includes any individual or group (company, corporation or organization) that has increased the public understanding of science or engineering. Members of the U.S. Government are not eligible for consideration.

Candidates for the individual and group (company, corporation or organization) award must have made contributions to public service in areas other than research, and should meet one or more of the following criteria:

1. Increased the public's understanding of the processes of science and engineering through scientific discovery, innovation and its communication to the public.

2. Encouraged others to help raise the public understanding of science and technology.

3. Promoted the engagement of scientists and engineers in public outreach and scientific literacy.

4. Contributed to the development of broad science and engineering policy and its support.

5. Influenced and encouraged the next generation of scientist and engineers.

6. Achieved broad recognition outside the nominee's area of specialization.

7. Fostered awareness of science and technology among broad segments of the population.

Nomination Procedures

1. Prepare a summary of the nominee's activities as they relate to the selection criteria. Include the nominator's name, address and telephone number, and the name, address, and telephone number, and the name, address, and telephone number of the nominee, as well as the nominee's vita, if appropriate (no more than three pages).

2. The selection committee recommends the most outstanding candidate(s) for each category to the NSB, which approves the awardees.

3. Nominations remain active for a period of three years, including the year of nomination. After that time, candidates must be renominated for them to be considered by the selection committee.

4. Nominations should be mailed or faxed to the NSB Public Service Award Advisory Committee. Electronic mail does not protect confidentiality and should not be used for this purpose. Facsimile copies should be followed up by the original, signed document in order for the nomination to be reviewed by the selection committee.

Respondents: Individuals, businesses or other for-profit organizations, universities, non-profit institutions, and Federal and State governments.

Estimated Number of Responses per Award. 137 responses, broken down as follows: For the President's National Medal of Science, 45; for the Alan T. Waterman Award, 60; for the Vannevar Bush Award, 12; for the Public Service Award, 20.

Estimate of Burden: These are annual award programs with application deadlines varying according to the program. Public burden also may vary according to program; however, it is estimated that each submission is averaged to be 8 hours per respondent for each program. If the nominator is thoroughly familiar with the scientific background of the nominee, time spent to complete the nomination may be considerably reduced.

Estimated Total Annual Burden on Respondents: 1,242 hours, broken down by 450 hours for the President's National Medal of Science (10 hours per 45 respondents); 600 hours for the Alan T. Waterman Award (10 hours per 60 respondents); 72 hours for the Vannevar Bush Award (6 hours per 12 respondents); and 120 hours for the Public Service Award (6 hours per 20 respondents).

Frequency of Responses: Annually.

Dated: July 1, 1999.

Suzanne H. Plimpton,

Reports Clearance Officer.

[FR Doc. 99–17183 Filed 7–6–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension

2. *The title of the information collection:*

10 CFR Part 74—Material Control and Accounting of Special Nuclear Material

NUREG 1065, Rev. 2—Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low Enriched Uranium Facilities

NUREG/CR 5734—Recommendations to the NRC on Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Enrichment Facilities

NUREG 1280, Rev. 1—Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment

3. *The form number if applicable:* N/A

4. *How often the collection is required:* Submission of the fundamental nuclear material control plan is a one-time requirement which has been completed by all current licensees. Specified inventory and material status reports are required annually or semiannually. Other reports are submitted as events occur.

5. *Who will be required or asked to report:* Persons licensed under 10 CFR Parts 70 or 72 who possess and use certain forms and quantities of special nuclear material.

6. *An estimate of the number of annual responses:* 14

7. *The estimated number of annual respondents:* 14

8. *The number of hours needed annually to complete the requirement or request:* The total number of hours needed annually to complete the reporting and recordkeeping requirements is 5,323 (223 hours for reporting and 5,100 hours for recordkeeping).

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* No.

10. *Abstract:* 10 CFR Part 74 establishes requirements for material control and accounting of special nuclear material, and specific performance-based regulations for licensees authorized to possess and use strategic special nuclear material, or to possess and use, or produce, special nuclear material of low strategic significance. The information is used by the NRC to make licensing and regulatory determinations concerning material control and accounting of special nuclear material and to satisfy obligations of the United States to the International Atomic Energy Agency (IAEA). Submission or retention of the information is mandatory for persons subject to the requirements.

A copy of the final 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 should be directed to the OMB reviewer listed below by August 6, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150–0123), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 30th day of June, 1999.

Beth St. Mary,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–17194 Filed 7–6–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Pilot Program Evaluation Panel

AGENCY: U. S. Nuclear Regulatory Commission.

ACTION: Notice of establishment of the Pilot Program Evaluation Panel (PPEP).

SUMMARY: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 94–463, Stat. 770–776) the U.S. Nuclear Regulatory Commission (NRC) announces the Establishment of the Pilot Program Evaluation Panel (PPEP). The Nuclear Regulatory Commission has determined that establishment of the Panel is necessary and is in the public interest in order to obtain advice and recommendations on a revised regulatory oversight process for commercial nuclear power plants. This action is being taken in accordance with the Federal Advisory Committee Act after consultation with the Committee Management Secretariat, General Services Administration.

The NRC has developed a revised regulatory oversight process for commercial nuclear power plant licensees as described in Commission paper SECY 99–007, ''Recommendations For Reactor Oversight Process Improvements,'' dated January 8, 1999, and SECY–99–007A, ''Recommendations For Reactor Oversight Process Improvements (Follow-up to SECY–99–007),'' dated March 22, 1999. These Commission papers describe the scope and contents for performance indicator reporting, a new risk-informed baseline inspection program, a new streamlined assessment process, and a new enforcement policy. Commission paper SECY-99–007A also described a pilot program that would be performed at two sites per region to exercise these new oversight processes prior to full implementation.

The PPEP will function as a management-level, cross-disciplinary oversight group to independently monitor and evaluate the results of the pilot effort. The PPEP will meet periodically during the pilot program to review the implementation of the oversight processes and the results generated by the PI reporting, baseline inspection, assessment, and enforcement activities. These meetings will be publically announced in advance, open to the public, and all material reviewed placed in the public document room. A meeting summary will be prepared following each meeting to document the results of the meeting

The PPEP will evaluate the pilot program results against established

success criteria. For those success criteria that are intended to measure the effectiveness of the processes, and that generally do not have a quantifiable performance measure, the PPEP will serve as an ''expert panel'' to review the results and evaluate how well the success criteria were met. At the end of the pilot program, the PPEP members will provide an evaluation as to whether each of the success criteria have been met. This report will include both the consensus view of the panel, along with the dissenting views of any of the panel members. The staff will use the PPEP evaluation to determine the need for any additional process development or improvements prior to full implementation.

The Panel membership will including participants from NRC headquarters and regional management, a representative from the Nuclear Energy Institute, pilot plant licensee management representatives, a representative from the Union of Concerned Scientists (a public interest group), and a representative from the Illinois Department of Nuclear Safety.

The establishment of the Panel is effective on June 30, 1999 with the filing of its charter with the Commission and with the standing committees of Congress having legislative jurisdiction over the NRC.

FOR FURTHER INFORMATION CONTACT: Andrew L. Bates, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555: telephone 301–415–1963.

Dated: June 30, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–17191 Filed 7–6–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–245]

Northeast Nuclear Energy Company, et al., Millstone Nuclear Power Station, Unit 1; Notice of Receipt and Availability for Comment of Post-Shutdown Decommissioning Activities Report

The U.S. Nuclear Regulatory Commission (the Commission) is in receipt of and is making available for public comment, the Post-Shutdown Decommissioning Activities Report (PSDAR) for the Millstone Nuclear Power Station, Unit 1 (Millstone Unit 1), located in Waterford, Connecticut.

Millstone Unit 1 has been shut down since November 4, 1995, and the reactor has been defueled since November 19, 1995. By letter dated July 21, 1998, Northeast Nuclear Energy Company (the licensee) certified to the Commission that power operations at Millstone Unit 1 had been permanently ceased and fuel had been permanently removed from the reactor vessel. By letter dated June 14, 1999, the licensee submitted its PSDAR to the Commission in accordance with the requirements of Title 10 of the *Code of Federal Regulations,* Section 50.82.

In the PSDAR, the licensee has identified the planned decommissioning activities and schedule for the Millstone Unit 1 facility, provided an estimate of expected costs, and discussed the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities are bounded by the appropriate previously issued environmental impact statements. The licensee has chosen to decontaminate and dismantle selected portions of the facility and leave other portions in a safe storage status until decommissioning programs are developed for Unit 2 and Unit 3. The licensee stated, however, that it is conceivable that upon further evaluation, it may be preferable to decontaminate and dismantle Unit 1 without placing portions of the facility in safe storage. The licensee is also evaluating the feasibility of constructing an independent spent fuel storage facility on site until the fuel can be permanently transferred offsite to a Department of Energy facility.

The PSDAR is available for public inspection at the Commission's public document room located at The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut. The NRC has also placed the PSDAR on the Internet at [http://www.nrc.gov/OPA/reports/ms1061499.htm] (cover letter) and [http://www.nrc.gov/OPA/reports/1061499a.htm] (attached report).

The Commission will schedule a public meeting in the vicinity of the Millstone Unit 1 facility to solicit public comments on the Millstone Unit 1 PSDAR. A notice will be placed in the **Federal Register** and in the local media announcing the date, time, and location of the public meeting.

Comments regarding the Millstone Unit 1 PSDAR should be submitted in writing to Mr. Louis L. Wheeler, Senior Project Manager, Mail Stop O11 D–19, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, within 30 days after the date of this notice.

Dated at Rockville, Maryland, this 29th of June 1999.

For the Nuclear Regulatory Commission.

Louis L. Wheeler,

Senior Project Manager, Decommissioning Section, Project Directorate IV & Decommissioning Division of Licensing Project Manager, Office of Nuclear Reactor Regulation.

[FR Doc. 99–17192 Filed 7–6–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–454, STN 50–455]

Commonwealth Edison Company; Byron Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–37 and NPF–66, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of Byron Station, Units 1 and 2, located in Ogle County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed amendments would delete license conditions which have been satisfied, revise others to delete parts which are no longer applicable or to revise references, and make editorial changes.

The proposed action is in accordance with the licensee's application dated March 14, 1997.

The Need for the Proposed Action

The NRC, as part of the original licensing process or subsequent licensing actions, may impose certain conditions on the license. The conditions are listed as part of an attachment to the license. In many cases, these conditions require certain actions by the licensee which, once completed, are no longer applicable. In order to simplify the licenses for Byron, Units 1 and 2, the licensee has proposed to delete license conditions which have been satisfied, revise others to delete parts which are no longer applicable or to revise references, and make editorial changes.

Description of the Proposed Change

The licensee proposed to modify Unit 1 license condition 2.C.(1), ''Maximum Power Level,'' to delete references to Attachment 1 to the Unit 1 operating

license. Attachment 1 describes preoperational tests, startup tests and other items that shall be completed as specified as a condition of the license.

The licensee proposed to delete Unit 1 license condition 2.C.(3), ''Post-Fuel-Loading Initial Test Program (Section 14, SER [Safety Evaluation Report]),'' which states: ''Any changes to the Initial Test Program described in Section 14 of the FSAR [Final Safety Analysis Report] made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.''

The licensee proposed to delete Unit 1 license condition 2.C.(4), ''Seismic and Dynamic Qualification (Section 3.10, SSER [Supplemental Safety Evaluation Report] #5)*,'' which states: ''Prior to startup following the first refueling outage, the licensee shall completely qualify the Westinghouse 7300 Process Protection System (ESE–13), for both Nuclear Steam Supply System and Balance of Plant applications, including any hardware changes, if found necessary.'' The licensee also proposed to delete a related item from license condition 2.D. License condition 2.D. lists exemptions from 10 CFR Part 50 that were granted with the initial licensing. License condition 2.D.(b) identifies an exemption to General Design Criterion-2 (GDC–2) of Appendix A, which was granted to allow operation with license condition 2.C.(4).

The licensee proposed to delete Unit 1 license condition 2.C.(5), ''Equipment Qualification (Section 3.11, SSER #5, SSER #6),'' which states: ''All electrical equipment within the scope of 10 CFR 50.49 must be environmentally qualified by November 30, 1985.''

The licensee proposed to delete Unit 1 license condition 2.C.(7), ''Control Room Human Factors (Section 18.2, SSER #4),'' which states: ''Unless the staff determines that the test results do not support the change, the licensee shall, prior to startup following the first refueling outage, move the range and volume controls for the SOURCE RANGE nuclear instrument on Unit 1 from the nuclear instrumentation cabinet 1PM07J to the main control board 1PM05J.''

The licensee proposed to delete Unit 1 license condition 2.C.(8), ''TMI Item 11.F.1,Iodine/Particulate Sampling (Section 11.5, SSER #5),'' which states: ''Prior to startup following the first refueling outage, the licensee shall demonstrate that the operating idoline/particulate sampling system will perform its intended function.''

The licensee proposed to delete Unit 1 license condition 2.C.(9), ''Emergency Response Capability (NUREG–0737, Supplement #1),'' which states: ''The licensee shall complete the emergency response capabilities as required by Attachment 2 to this license, which is incorporated into this license.'' Attachment 2 lists the following five separate emergency response issues.

Number 1, ''Detailed Control Room Design Review (DCRDR),'' which states: ''The license shall submit the final summary report for the DCRDR by December 1, 1986.''

Number 2, ''Regulatory Guide 1.97, Revision 2 Compliance,'' which states: ''The licensee shall submit by March 1, 1987, a preliminary report describing how the requirements of Regulatory Guide 1.97, Revision 2 have been or will be met. The licensee shall submit by September 1, 1987, the final report and a schedule for implementation (assuming the NRC approves the DCRDR by March 1, 1987).''

Number 3, ''Upgrade Emergency Operating Procedures (EOPs),'' which states: ''The licensee shall submit a Procedures Generation Package within 3 months of NRC approval of Westinghouse Owners Group (WOG) Emergency Procedure Guidelines (EPG) Revision 1. The licensee shall implement the upgraded EOPs based on WOG EOPs Revision 1 within 12 months of NRC approval of WOG EPG Revision 1.''

Number 4, ''Emergency Response Facilities,'' which states: ''The licensee shall implement the Emergency Response Facility meteorological A-model by January 1, 1986.''

Number 5, ''Safety Parameter Display System (SPDS),'' which states: ''The licensee shall have SPDS operational by March 30, 1985.''

The licensee proposed to delete Unit 1 license condition 2.C.(10), ''Reliability of Diesel-Generators (Section 9.5.4.1, SER, SSER #5)*,'' which states: ''Prior to startup following the first refueling outage, the controls and monitoring instrumentation on the local control panels shall be dynamically qualified for their location or shall be installed on a free standing floor mounted panel in such a manner (including the use of vibration isolation mounts as necessary) that there is reasonable assurance that any induced vibrations will not result in cyclic fatigue for the expected life of the instrument.''

The licensee proposed to delete Unit 1 license condition 2.C.(11), ''Generic Letter 83–28 (Required Actions Based on Generic Implications of Salem ATWS [anticipated transient without scram] Events),'' which states: ''The licensee shall submit responses to and implement the requirements of Generic Letter 83–28 on a schedule which is consistent with that given in its letters dated November 5, 1983, February 29, 1984, June 1, 1984 and October 10, 1984.''

The licensee proposed to delete Unit 1 license condition 2.C.(12), ''Formal Federal Emergency Management Agency Finding,'' which states: ''In the event that the NRC finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provisions of 10 CFR Sections 50.54(s)(2) will apply.''

The licensee proposed to delete Unit 1 license condition 2.C.(13), ''Control Room Ventilation System (Section 6.5.1, SSER #5, SSER #6)*,'' which states: ''Prior to July 1, 1985, the licensee shall incorporate modifications, as necessary, to ensure that the control room ventilation system may be used during an accident to protect operators within the criteria specified in 10 CFR 50, Appendix A, General Design Criteria 19.''

The licensee proposed to delete Unit 1 license condition 2.C.(14), ''Turbine Missiles (Section 3.5.1.3, SSER #5),'' which states: ''The licensee shall volumetrically inspect all three low pressure turbine rotors by mevery third refueling outage, until a turbine system maintenance program based on the manufacturer's calculations of missile generation probabilities is approved by the staff.''

The licensee proposed to delete Unit 1 license condition 2.C.(15), ''Operating Staff Experience Requirements (Section 13.1.2.1, SSER #5),'' which states: ''The licensee shall have a licensed senior operator on each shift who has had at least six months of hot operating experience on a similar type plant, including at least six weeks at power levels greater than 20 percent of full power, and who has had start-up and shutdown experience, except as follows. For those shifts where such an individual is not available on the plant staff, an advisor shall be provided who has had at least four years of power plant experience, including two years of nuclear plant experience, and who has had at least one year of experience on shift as a licensed senior operator at a similar type facility. Use of advisors who were licensed only at the RO [reactor operator] level will be evaluated on a case-by-case basis. Advisors shall be trained on plant procedures, technical specifications and plant systems, and shall be examined on these

topics at a level sufficient to assure familiarity with the plant. For each shift, the remainder of the shift crew shall be trained as to the role of the advisors. These advisors shall be retained until the experience levels identified in the first sentence above have been achieved. The NRC shall be notified at least 30 days prior to the date that the licensee proposes to release the advisors from further service.''

The licensee proposed to revise Unit 1 license condition 2.D. to delete the list of exemptions from 10 CFR Part 50 and replace it with a statement that no exemptions from 10 CFR Part 50 are required.

The licensee proposed to modify Unit 2 license condition 2.C.(1), ''Maximum Power Level,'' to delete references to Attachment 1 to the Unit 1 operating license. Attachment 1 describes preoperational tests, ventilation tests and fire barrier sealing that shall be completed as specified as a condition of the license. Attachment 1, Item A., required that preoperational tests and test deficiencies documented in licensee letters dated November 3, 1986, and January 14, 1987, be completed in accordance with the licensee's schedule commitments.

The licensee proposed to revise Unit 2 license condition 2.C.(2), ''Technical Specifications and Environmental Protection Plan,'' to delete references to Attachment 2.

The licensee proposed to delete Unit 2 license condition 2.C.(3), ''Initial Test Program,'' which states: ''Any changes to the Initial Startup Test Program described in Chapter 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.''

The licensee proposed to delete Unit 2 license condition 2.C.(4), ''Regulatory Guide 1.97, Revision 2 Compliance,'' which states: ''The licensee shall submit by March 1, 1987, a preliminary report describing how the requirements of Regulatory Guide 1.97, Revision 2 have been or will be met. The licensee shall submit by September 1, 1987, the final report and a schedule for implementation (assuming the NRC approves the DCRDR by March 1, 1987).''

The licensee proposed to revise Unit 2 license condition 2.D. to delete the list of exemptions from 10 CFR Part 50 and replace it with a statement that no exemptions from 10 CFR Part 50 are required.

The licensee also proposed certain editorial changes.

Environmental Impacts of the Proposed Action

The Commission has completed its environmental evaluation of the proposed action and concludes that the proposed amendment would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Byron Station, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on May 28, 1999, the staff consulted with the Illinois State official, Mr. Frank Niziolek, of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 14, 1997, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

Dated at Rockville, Maryland, this 29th day of June 1999.

For the Nuclear Regulatory Commission.

Anthony J. Mendiola,

Chief, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–17193 Filed 7–6–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope, dated April 1999

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is announcing the availability of NUREG–1556, Volume 11, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope,'' dated April 1999.

ADDRESSES: Copies of NUREG–1556, Vol. 11, may be obtained by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. A copy of the document is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555–0001.

FOR FURTHER INFORMATION, CONTACT: Ms. Sally L. Merchant, Mail Stop TWFN 9–F–31, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–7874, e-mail: slm2@nrc.gov.

SUPPLEMENTARY INFORMATION: On September 16, 1998 (63 FR 49615), NRC announced the availability of draft

NUREG–1556, Volume 11, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Licenses of Broad Scope,'' and requested comments on it. This draft NUREG report was the eleventh program-specific guidance developed to support an improved materials licensing process. The NRC staff considered all the comments, including constructive suggestions to improve the document, in the preparation of the final NUREG report.

The final version of NUREG–1556, Volume 11, is now available for use by applicants, licensees, NRC license reviewers, and other NRC staff. It supersedes the guidance for applicants and licensees previously found in Draft Regulatory Guide DG–0005 dated October 1994. Included in this guidance is a new option for Type A licensees of broad scope to have increased flexibility to make changes in some program areas and revise some procedures previously approved by NRC without amendment of the license. This option is discussed in detail in Chapter 1 of this document. Draft NUREG–1556, Volume 11, is not intended to be used alone. Because broad-scope licensees may be involved in many different program areas (e.g., medicine, research and development, manufacturing and distribution, etc.), this document frequently refers the user to other more program-specific guidance documents in the NUREG–1556 series.

Electronic Access

NUREG–1556, Volume 11, will also be available electronically approximately 1 month after publication of this notice by visiting NRC's Home Page (http://www.nrc.gov) and choosing ''Nuclear Materials,'' and then ''NUREG–1556, Volume 11.''

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Act of 1996, NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville, Maryland, this 29th day of June, 1999.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Acting Chief, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 99–17195 Filed 7–6–99; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

Postal Facility Visit

AGENCY: Postal Rate Commission.

ACTION: Notice of Commission visit.

SUMMARY: Postal Rate Commission staff will tour the main postal facility in San Diego, CA to observe mail processing and related operations.

DATES: The tour is scheduled for Tuesday, July 6, 1999.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street NW., Washington, DC 20268–0001, 202–789–6820.

Dated: June 30, 1999.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 99–17114 Filed 7–6–99; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41573; File No. SR–CBOE–99–23]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Fees for Delayed Submission of Trade Information

June 28, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 8, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' 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 CBOE. The Exchange has designated the proposed rule change as one satisfying the requirements of paragraph (f)(6) of Rule 19b–4 under the Act,[2] which renders the proposal effective upon receipt of this filing by the Commission.[3] The Commission is publishing this notice 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 CBOE proposes to amend Rule 2.30 relating to fees for delayed submission of trade information. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

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 CBOE 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 CBOE has prepared summaries, set forth in Section 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 purpose of the proposed rule change is to amend CBOE Rule 2.30 to provide that the appropriate Clearing Procedure Committee (''Committee'') may determine, with due notice, the date when certain time reductions will go into effect for delayed submission of trade match information. Under the current rule, approved by the Commission in November 1998,[4] trade match submission time is reduced in three phases from two (2) hours down to one (1) hour over a period of six months. The rule states that the first time reduction will go into effect on January 1, 1999, and will require timely trade submission to be within ninety (90) minutes of execution. The next reduction was scheduled to go into effect on April 1, 1999, and would require timely trade submission to be within seventy five (75) minutes of execution. Finally, from July 1, 1999, forward, the Exchange would have required that timely trade submission be within one (1) hour of execution.

Due to a discrete system problem affecting the trade match system since the inception of this Rule, the Exchange has applied an exception under CBOE Rule 2.30(f)(1)(C)(ii), Extenuating

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4(f)(6).

[3] Pursuant to Rule 19b–4(f)(6), the Exchange has represented that the proposed rule change: (i) will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition; and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Exchange also has provided at least five business days notice to the Commission of its intent to file this proposed rule change, as required by Rule 19b–4(f)(6) under the Act. *Id.*

[4] *See* Securities Exchange Act Release No. 40729 (November 30, 1998), 63 FR 67956 (December 9, 1998).

Circumstances, which excepts members from incurring a fee for delayed trade submission. The Exchange notified its membership of this exception in January 1999. Since that time, the Exchange has waived any fees that members would have incurred for delayed submission of trade information. Also, since January, the Exchange continued to believe that these systems problems would be corrected imminently and the fee would be reinstated on the time schedule as stated in the Rule.

The Exchange now believes that this systems problem is corrected, and would like to begin charging the fee to members. The Exchange feels strongly, however, that members should not be held to the 75 minute time allotment which is to be in effect under the Rule because the 90 minutes time allotment for delayed trade submission was never in effect. The Exchange would like to go back to the original time schedule of phasing in the reduction, but without the dates stated in the Rule. The Exchange proposes to allow the appropriate Committee, with appropriate notice to the membership, to determine when the reductions go into effect. The Exchange proposes that the Committee give the membership 30 days notice to phase in the three reductions, and that the Committee mandate each reduction to be not less than three months in duration. The first reduction will go into effect as soon as possible after this rule filing is operative, and notice will be given in the form of a regulatory circular that will go out to the membership with 30 days notice. In the meantime, the Exchange does not intend to hold the membership to the standards of the Rule pending effectiveness of this proposed change. CBOE states this proposed change will give the Committee the flexibility to best manage the time reductions and delayed implementation of the next phase if unforeseen circumstances occur.

2. Statutory Basis

The Exchange finds that the proposed rule change is consistent with Section 6(b) [5] of the Act in general and further the objectives of Section 6(b)(5) [6] in particular in that it will promote just and equitable principles of trade, protect investors and the public interest, and remove impediments to and perfect the mechanisms of a free and open market.[7]

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] In reviewing this proposal, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This proposed rule filing has been filed by the Exchange pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and subparagraph (f)(6) of Rule 19b-4 thereunder.[9] Consequently, because the foregoing proposed rule change: (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative until July 8, 1999, 30 days from June 8, 1999, the date on which it was filed, and the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed 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.

IV. Solicitation of Comments

Interested person 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 at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submission should refer to File No. SR–CBOE–99–23 and should be submitted by July 28, 1999.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b-4(f)(6).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–17153 Filed 7–6–99; 8:45 am]

BILLING CODE 8010–01–M

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41569; File No. SR–CHX–99–05]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Inc., Relating to a Specialist Assignment Fee for Nasdaq/National Market Securities

June 28, 1999.

Purusant 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 June 11, 1999, the Chicago Stock Exchange, Inc. (''CHX'' or ''the 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 Exchange. The Commission is publishing this notice 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 Exchange proposes to amend its membership dues and fees schedule to provide for an increase, from $500 to $2000, of the Specialist Assignment Fee charged upon approval of an Exchange specialist's application to serve as the CHX specialist for a Nasdaq/National Market (''Nasdaq/NM'') issue. The text of the proposed change is as follows.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Additions are in *italics;* deletions are in brackets.

* * * * *

MEMBERSHIP DUES AND FEES

* * * * *

(b) Registration Fee.

Specialist Assignment: There shall also be an assignment fee of $500 [per issue] *for each Dual Trading System issue and a $2,000 assignment fee for each NASDAQ/NM issue* upon the approval by the Committee on Specialist Assignment and Evaluation of an application of a member or member organization to act as specialist in *an issue* [security]. However, *for Dual Trading System issues,* this fee shall be applicable in competitive assignments only.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed 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 purpose of the proposed rule change is to partially defray the incremental costs of the Exchange's program whereby CHX specialists trade Nasdaq/NM issues (the ''OTC/UTP Program''). At present, the only costs recovered by the Exchange in connection with the OTC/UTP Program are certain technology costs, including the costs associated with procuring hardware and software dedicated exclusively to the OTC/UTP Program.[3] Given the rapid expansion of the Exchange's OTC/UTP Program, and the corresponding demands on the Exchange's financial and other resources to support such growth, the Executive Committee of the Exchange has determined that an increase in the Specialist Assignment Fee for Nasdaq/NM issues constitutes the best means of ensuring that the OTC/UTP product line generates revenue sufficient to support further anticipated growth, without placing the financial burden of such growth on the Exchange or those Exchange members that are not part of the OTC/UTP Program. The Exchange believes that the relatively modest proposed increase is reasonable given the financial opportunities generated by serving as a CHX specialist in Nasdaq/NM issues.

The CHX Rules expressly authorize the Exchange to ''* * * fix and impose other charges or fees to be paid to the Exchange by members and member organizations * * * for the use of equipment or facilities. * * *''[4] Proceeding under this authority, the Exchange's Executive Committee, meeting on May 26, 1999, determined that increasing the Specialist Assignment Fee to $2,000 per Nasdaq/NM issue constituted a reasonable increase and an appropriate means of ensuring that specialist continuity is retained. The Exchange represents that all specialist firms involved in the OTC/UTP Program were represented at the May 28, 1999, meeting of the Exchange's OTC Committee discussing the proposed increase, and no objection was raised.

2. Statutory Basis

The Exchange believes that this proposed rule change is consistent with and furthers the objections of Section 6(b)(4) of the Act[5] in that it provides for the equitable allocation of reasonable dues, fees, and other change among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

CHX does not believe that the proposed rule change will impose a 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. As set forth above, however, the Exchange did present the proposed rule change at a meeting of the Exchange's OTC Committee, which includes representatives of all specialist firms that participate in the OTC/UTP Program. The OTC Committee meeting also is open to any Exchange member that wishes to attend. No objections to the proposed rule change were articulated at such meeting.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change, which establishes or changes a due, fee, or other charge applicable to members of the Exchange, has become effective pursuant to Section 19(b)(3)(A)[6] of the Act and subparagraph (f)(2) of Rule 19b-4 thereunder.[7] At any time within 60 days of the filing of the 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.

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. Copies of such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to File No. SR–CHX–99–05, and should be submitted by July 28, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–17154 Filed 7–6–99; 8:45 am]

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[3] The Commission notes a related recent rule change filed by CHX in this regard, charging OTC/UTP specialists for new technology and dedicated equipment. *See* Securities Exchange Act Release No. 41526 (June 15, 1999).

[4] Art. XIV, Rule 7(a).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19B-4(f)(2). In reviewing this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41575; File No. SR–NASD–99–28]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Amendments to Rule 1140

June 29, 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 June 2, 1999, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary NASD Regulation, Inc. (''NASD Regulation'' or ''NASDR''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by NASDR. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDR proposes to amend and implement Rule 1140 to require electronic filing of Form U–4, the Uniform Application for Securities Industry Registration or Transfer, and the Form U–5, the Uniform Termination Notice for Securities Industry Termination (collectively ''Forms'') and to make other conforming changes. Additions are italicized; deletions are bracketed.

1140. Electronic Filing Rules

(a) Filing Requirement.

All forms required to filed by *Article IV, Sections 1, 7, and 8, and Article V, Section 2 and 3, of* the NASD By-Laws shall be filed through an electronic process or such other process the Association may prescribe to the Central Registration Depository.

(b) Supervisory Requirements

(1) In order to comply with the supervisory procedures requirement in Rule 3010 [of the Conduct Rules], each member [must] *shall* identify a Registered Principal(s) or corporate officer(s) who has a position of authority over registration functions, to be responsible for supervising the electronic filing of appropriate forms pursuant to this Rule.

(2) The Registered Principal(s) or corporate officer(s) who has or have the responsibility to review and approve the forms filed pursuant to this Rule [will] *shall* be required to acknowledge, electronically, that he is filing this information on behalf of the [firm] *member* and the [member firm's] *member's* associated persons.

(c) Form U–4 Filing Requirements

(1) Initial and transfer electronic application filings [will] *shall* be based on a signed Form U–4 provided to the [firm] *member* by the applicant. As part of the [member firm's] *member's* recordkeeping requirements, it [must] *shall* retain the applicant's signed Form U–4 and make it available upon regulatory request.

(2) [Amendments to the disclosure information in Item 22 can be filed electronically without obtaining the associated person's signature on Form U–4. The member will be required to provide the associated persons with a copy of the amended disclosure information that was filed. In providing this material to the associated person, the firm must obtain the written acknowledgement [sic] that the information has been received and reviewed. The member must maintain this acknowledgement in its books and records and must make it available upon regulatory request.]

Fingerprint Cards

Upon filing an electronic Form U–4 on behalf of an applicant for registration, a member shall promptly submit a fingerprint card for the applicant. NASD Regulation may make a registration effective pending receipt of the fingerprint card. If a member fails to submit a fingerprint card within 30 days after NASD Regulation receives the electronic Form U–4, the person's registration shall be deemed inactive. In such case, NASD Regulation shall notify the member that the person must immediately cease all activities requiring registration and is prohibited from performing any duties and functioning in any capacity requiring registration. NASD Regulation shall administratively terminate a registration that is inactive for a period of two years. A person whose registration is administratively terminated may reactivate the registration only by reapplying for registration and meeting the qualification requirements of the applicable provisions of the Rule 1020 Services and the Rule 1030 Series. Upon application and a showing of good cause, the Association may extend the 30-day period.

(d) Form U–5 Filing Requirements

Initial filings and amendments of Form U–5 [will] *shall* be [done] *submitted* electronically. As part of the [member firm's] *member's* recordkeeping requirements, it [must] *shall* make [them] *such records* available upon regulatory request.

(e) *Third Party Filing*

A member may employ a third party to file the required forms electronically on its behalf[, if the member and the third party have executed the Association's Broker-Dealer Agent-Filing Addendum to CRD Subscriber Agreement].

* * * * *

Rule 3010. Supervision

* * * * *

(e) Qualifications Investigated

Each member shall have the responsibility and duty to ascertain by investigation the good character, business repute, qualifications, and experience of any person prior to making such a certification in the application of such person for registration with this Association. Where an applicant for registration has previously been registered with the Association, the member shall obtain from the [Firm Access Query System (FAQS)] *Central Registration Depository* or from the applicant a copy of the Uniform Termination Notice of Securities Industry Registration (Form U–5) filed with the Association by such person's most recent previous NASD member employer, together with any amendments thereto that may have been filed pursuant to Article IV, Section 3 of the Association's By-Laws. The member shall obtain the Form U–5 as required by this Rule no later than sixty (60) days following the filing of the application for registration or demonstrate to the Association that it has made reasonable efforts to comply with the requirement. A member receiving a Form U–5 pursuant to this Rule shall review the Form U–5 and any amendments thereto and shall take such action as may be deemed appropriate.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDR 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 III below. NASDR has prepared summaries, set forth in Sections A, B,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

On July 15, 1996, the Commission approved NASD Rule 1140.[3] The purpose of this rule was to require members to file Form U–4 and U–5 electronically on a redesigned Central Registration Depository (''CRD'') system then under development. That system used network-based architecture and proprietary software developed by the NASD. In 1997, NASDR determined to proceed with a new approach to the CRD system that will permit members to submit CRD filings electronically via NASDR's World Wide Web site (''Web CRD''),[4] rather than using network-based architecture and proprietary software to submit such filings.[5] As a result, Rule 1140 has never been implemented.

The purpose of the proposed rule change is to amend Rule 1140 to make it consistent with the newly developed Web CRD and to implement the Rule on the planned date of deployment of Web CRD, which is August 16, 1999.[6] First, current paragraph (c)(2) is deleted. As approved in 1996, this provision would have permitted a firm to amend disclosure information in Item 22 of the Form U–4 without obtaining the registered person's signature if the firm provided a copy of the filing to the registered person and obtained and maintained a record of an acknowledgment by the registered person. NASDR has not provided for such a practice in the initial release of the Web CRD system in August 1999. NASD may consider providing for such a practice in the future.[7]

Second, a new paragraph (c)(2) would be added to the Rule to address the continued submission of paper fingerprint cards in the Web CRD electronic filing environment. This amendment is necessary because it is not feasible at this time to implement electronic filing of fingerprint cards. In Web CRD, firms will: (1) include a barcode number from the fingerprint card in an electronic Form U–4 filing; and (2) undertake to submit the fingerprint card by mail or delivery service.[8] The amended rule would authorize NASDR to make a registration effective pending receipt of the fingerprint card. The rule also would be amended to authorize NASDR to place a person in an inactive status if NASDR does not receive the fingerprint card within 30 days of the filing of a Form U–4. This will enable NASDR to address those instances in which fingerprint cards (which are required by NASD and SEC rules[9]) are not submitted in a timely fashion.[10]

Paragraph (e) of Rule 1140 also is amended. This paragraph permits members to use a service bureau for filing the Forms if the member and the service bureau have executed a Filing Addendum to the CRD Subscriber Agreement. The reference to the Agreement is deleted because such agreements, which were necessary to protect the NASD's proprietary software, are not necessary in the Web CRD environment because proprietary software is not used. As with other electronic filings required under the NASD Rules, members may use a service bureau to submit electronic filings, but the member will remain ultimately responsible for the timeliness and content of the filings. NASDR is working with service bureaus to make sure they are prepared to provide this service to members. Other grammatical changes have been made to the Rule.

In 1996, the NASD Board had intended to provide a one-year transition during which the NASD would continue to process paper filings for firms with 50 or fewer registered representatives. The NASDR Board has reconsidered this issue and determined that a transition period is not necessary. Web CRD, unlike the earlier system, does not require a firm to purchase any special hardware or software; members will have low-cost access to the system through NASDR's Web site.[11] NASDR also has been working closely with end-users (*i.e.,* broker-dealers, states, self-regulatory organizations, and the Commission) to prepare them for Web CRD. To familiarize end-users with the system and how it will operate, NASDR has conducted several successful pilot programs during 1998 and early 1999 in preparation for the deployment of Web CRD in August 1999. In addition, NASDR has conducted conferences nationwide to provide end-users with an opportunity to familiarize themselves with Web CRD.[12] NASDR also is providing current CRD users with periodic updates discussing the features and functionality of Web CRD through the *CRD/PD Bulletin* and *Web CRD Update,* publications that are available in hard copy and on NASDR's Web site. Also, beginning in February 1999, NASDR began providing current CRD users with Web CRD user accounts and passwords. End-users will have an opportunity to practice accessing and working in the Web CRD system in July 1999 prior to deployment the following month. Furthermore, NASDR has prepared Web-base tutorials (accessible through NASDR's Web site) for all end-

[3] Securities Exchange Act Release No. 37439 (July 15, 1996), 61 FR 37950 (July 22, 1996).

[4] The address for NASDR's website is http://www.nasdr.com.

[5] Web CRD is designed to support electronic filing of Forms U–4, U–5, U–6, BD, and BDW via NASD Regulation's World Wide Web site. Ultimately, NASD Regulation expects that all filings for both broker-dealers and their associated persons will be submitted exclusively through electronic means. All Forms U–4 and U–5 (*i.e.,* the uniform securities industry applications for registration and termination, respectively) will be submitted electronically upon deployment of Web CRD on August 16, 1999. *See* Securities Exchange Act Release No. 41326 (April 22, 1999), 64 FR 23366 (April 30, 1999) (notice of filing of File No. SR–NASD–98–96); Securities Exchange Act Release No. 41560 (June 25, 1999) (order approving File No. SR–NASD–98–96, which implemented Web CRD and amended certain disclosure questions).

[6] NASDR also revised Forms U–4 and U–5 that are designed to be used with the new Web CRD system. These Forms become effective on August 1, 1999. For a description of the transition period from July 31 to August 16, 1999, *see* Securities Exchange Act Release No. 41326 (April 22, 1999), 64 FR 23366 (April 30, 1999) (notice of filing of File No. SR–NASD–98–96) and Securities Exchange Act Release No. 41560 (June 25, 1999) (order approving File No. SR–NASD–98–96, which implemented Web CRD and amended certain disclosure questions).

[7] The current practice of permitting administrative information on pages 1 and 2 of Form U–4 to be amended without obtaining the registered person's signature will be continued in Web CRD. This practice was approved in the Commission's 1996 order. *See* Securities Exchange Act Release No. 37439 (July 15, 1996); 61 FR 37950 (July 22, 1996).

[8] A person submitting the electronic Form U–4 filing will be asked to enter the barcode on the fingerprint cards into a designated field on the screen; the screen will also contain language indicating that, by entering the barcode, the filer is representing that he is or will be submitting the hard copy fingerprint cards by mail or delivery service.

[9] *See* NASD Rule 1013(a)(1)(C) and 17 CFR 240.17f–2.

[10] Web CRD will have a mechanism that will enable firms to identify individuals whose paper fingerprint cards have not been delivered to NASDR within the 30-day period.

[11] Electronic filing in Web CRD will be simpler for broker-dealers because it requires only that a broker-dealer have access to an Internet browser (*e.g.,* Internet Explorer, Netscape) and to the Internet through an account with an Internet Service Provider (*e.g.,* Microsoft Network, MCI WorldCom, America OnLine). Accordingly, electronic filing can be accomplished with significantly less difficulty and at a lower cost than possible under the earlier CRD redesign approach, which required that firms subscribe to proprietary software and, in most cases, upgrade their computer hardware. In addition, members are already required to have an electronic mail account and to be able to access NASDR's Web site for the purpose of updating their Firm Contact Questionnaire. *See* NASD By-Laws Article IV, Section 3.

[12] 1999 Conferences have been held in Los Angeles, CA (April 7–8); Atlanta, GA (April 14–15); Washington, DC (April 20–21); New York, NY (April 29–30 and May 21); and Chicago, IL (May 4–5).

users that explain how to navigate and use the system.

Rule 3010 also is amended to remove a reference to the Firm Access Query System (FAQS), a system that currently permits members to view certain information in the CRD for the purpose of investigating applicants for employment. Upon deployment of Web CRD, FAQS will be obsolete; members will use Web CRD to conduct qualifications investigations and will have access to all of the same information that was available to them under FAQS.

NASDR proposes to make Rule 1140, as amended, effective for all members on August 16, 1999. The effective date will be announced at least 30 days in advance in a Notice To Members.

2. Statutory Basis

NASDR believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6)[13] of the Act, which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASDR believes that the proposed rule change will make processing of Forms U–4 and U–5 more efficient, will allow members and regulators to have quicker access to information contained in those filings, and facilitate oversight of securities industry firms and their personnel.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDR does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–28 and should be submitted by July 28, 1999.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act[14] and the rules and regulations thereunder applicable to the NASD.[15] Specifically, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6)[16] which requires, among other things, that the rules of an association be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination among customers, issuers, brokers, or dealers.

The Commission has determined to approve the changes to the NASD rules that would require electronic filing. The Commission believes that electronic filing will streamline the registration and termination process for individuals and firms. Under the NASDR's proposal, an individual seeking registration will be required to fill out an electronic Form U–4, which will be available on NASDR's website, and submit it electronically. Further, when an associated person ends his association with a broker-dealer, the broker-dealer will be required to fill out an electronic Form U–5, which will also be available on the NASDR's website, and submit it electronically.

In addition, under the proposal, firms and individuals will no longer rely on the mail system to transmit the forms to NASDR. Now, individuals and firms will electronically submit Forms U–4 and U–5 through the World Wide Web, which means NASDR should receive the forms more quickly. The Commission also believes that investors will benefit from the expedited registration and termination process because the faster NASDR receives the forms, the faster information on the forms can be disclosed to investors through the NASD's Public Disclosure program.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register.** The Commission notes that NASD Rule 1140, in substantive form, was approved by the Commission in 1996.[17] The Commission also notes that the rule is currently in the NASD Manual, but is not in effect. Further, this proposal's companion filing,[18] which implemented Web CRD and amended disclosure questions on Forms U–4 and U–5, received no comments when it was submitted for the requisite notice and comment period. The NASD will implement this proposal simultaneously with the companion filing . Accelerated approval will provide the NASD lead time to issue a Notice to Members explaining how the process will work. Thus, the Commissions finds no reason to delay the effectiveness of a rule that has been previously approved and will serve to facilitate an important investor benefit—Web CRD. The Commission finds, therefore, that granting accelerated approval to the proposed rule change is appropriate and consistent with Section 15A[19] of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–NASD–99–28)—is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

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[13] 15 U.S.C. 78*o*–3(b)(6).

[14] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. The Commission notes that electronic filing provides SROs and states with an efficient means of receiving and maintaining information on associated persons. Moreover, the impact on competition is negligible because all NASD member firms will be subject to the electronic filing requirement. 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78*o*–3.

[16] 15 U.S.C. 78*o*3(b)(6).

[17] *See supra* note 3.

[18] *See supra* note 5.

[19] 15 U.S.C. 78*o*–3.

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Docket No. 34–41570; File No. SR–NYSE–99–11]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment No. 1 to a Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Definition of Volatile Days in the Specialist Capital Utilization Measure

June 28, 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 March 19, 1999, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change amending the definition of ''volatile days'' used in the NYSE's specialist capital utilization measure. The Exchange amended its proposal on May 4, 1999.[3] The proposed rule change, as amended, is described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice and order to solicit comments on the proposed rule change and Amendment No. 1 from interested persons and to approve the proposal, as amended, on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to revise the definition of volatile days used in the NYSE's specialist capital utilization measure.[4] The specialist capital utilization measure is designed to measure specialist dealer participation to assist in cushioning price movements during days when there is general market volatility or significant price movements in individual stocks (''volatile days''), as well as during non-volatile periods. As discussed more fully below, the specialist capital utilization measure provides two definitions of volatile days: (1) days when the range between the highest and lowest values of the S&P 500 Stock Price Index (''S&P 500 Index'') equals or exceeds 1% of the previous closing value (''1% Days''); and (2) each stock's 10% most volatile days (a percentage calculated by comparing a day's high/low range to the opening price) (''10% Days''). The NYSE proposes to revise the 1% Days component of this definition by defining volatile days to include days when the range between the S&P 500 Index's highest and lowest values equals or exceeds 2%, rather than 1%, of the previous closing value. The 10% Days definition will remain the same.

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 Exchange 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 III 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

Background. In December 1993, the NYSE developed the specialist capital utilization measure as an objective measure of specialist performance that recognizes the importance of dealer participation, particularly in volatile markets, when such participation contributes to maintaining liquid and orderly markets.[5] The specialist capital utilization measure derives two capital utilization percentages for each eligible stock[6] traded by a specialist unit: (1) a percentage calculated by dividing the average daily dollar value of the unit's stabilizing purchases and sales in a stock by the average daily total dollar value of shares traded in the unit's stocks; and (2) a percentage calculated by dividing the average daily dollar value of the unit's stabilizing plus reliquifying[7] trades by the average daily total dollar value of shares traded in the unit's stocks. These two percentages are calculated separately for base periods (*i.e.*, non-volatile periods) and volatile periods, so that the performance of a unit relative to other units can be compared as to volatile and non-volatile market conditions. As noted above, the NYSE currently defines volatile periods as (1) days when the range between the highest and lowest values of the S&P 500 Index equals or exceeds 1% of the previous closing value (''1% Days''); and (2) each stock's 10% most volatile days (a percentage calculated by comparing a day's high/low range to the opening price) (''10% Days'').

To compare a specialist unit's capital utilization with other units, the specialist capital utilization measure separates stocks into three broad groupings.[8] Specialist units are then placed into three tiers based on their capital utilization percentages for each of the three groupings of stocks. Within each grouping, a Floor-wide mean capital utilization percentage is calculated. A unit would be in Tier 1 if its capital utilization percentage is more

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 CFR 240.19b–4.

[3] *See* Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Richard Strasser, Assistant Director of Market Regulation (''Division''), Commission, dated May 4, 1999 (''Amendment No. 1''). Amendment No. 1 provides further details regarding the Exchange's specialist capital utilization measure and offers additional reasons to support approval of the proposal on an accelerated basis.

[4] The specialist capital utilization measure is contained in the NYSE's Allocation Policy and Procedures (''Allocation Policy''), which governs the allocation of equity securities to NYSE specialist units. The Allocation Committee renders decisions based upon the allocation criteria specified in the Allocation Policy, including the Specialist Performance Evaluation Questionnaire, objective performance measures (*e.g.*, the capital utilization measure), and the Allocation Committee's professional judgment. *See* Securities Exchange Act Release No. 34906 (October 27, 1994), 59 FR 55142 (November 3, 1994) (order approving revisions to the NYSE's Allocation Policy). The specialist capital utilization measure focuses on a specialist unit's use of its own capital in relation to the total dollar volume of trading activity in the unit's stocks. For a detailed discussion of the specialist capital utilization measure, *see* Securities Act Release Nos. 33369 (December 22, 1993), 58 FR 69431 (December 30, 1993) (''December 1993 Order''); and 35926 (June 30, 1995), 60 FR 35760 (July 11, 1995) (''June 1995 Order'').

[5] The Commission approved the capital utilization measure on a one-year pilot basis, and subsequently approved three extensions of the pilot program. *See* Securities Exchange Act Release Nos. 33369, *supra* note 4; 35175 (December 29, 1994), 60 FR 2167 (January 6, 1995) (extending pilot through June 30, 1995); 35926, *supra* note 4 (extending pilot through September 10, 1996); and 37668 (September 11, 1996), 61 FR 49371 (September 19, 1996) (extending pilot through January 10, 1997). The Commission approved the pilot program on a permanent basis on January 10, 1997. *See* Securities Exchange Act Release No. 38158 (January 10, 1997), 62 FR 2704 (January 17, 1997) (''January 1997 Order'').

[6] The following stocks are not included: foreign stocks, preferred stocks, warrants, when issued stocks, IPOs (for the first 60 days), closed-end funds, stocks selling for $5 and under, stocks with less than 2,000 shares average daily trading volume and stocks with more than one class of stock. *See* June 1995 Order, *supra* note 4.

[7] A reliquifying transaction is one in which the specialist reduces a position in a specialty stock by selling part of a long position on a zero-minus tick, or purchasing to cover part of a short position on a zero-plus tick. *See* December 1993 Order, *supra* note 4.

[8] The three broad groupings are: (1) stocks included in the top 200 stocks in the S&P 500 Stock Index and other stocks that are at least as active (based on average daily dollar value of shares traded); (2) the remainder of the S&P 500 and any stocks among the 500 most active on the Exchange; and (3) all other stocks traded on the Exchange. *See* June 1995 Order, *supra* note 4.

than 1.1 standard deviations above the mean.[9] A unit would be in Tier 2 if its capital utilization percentage is within 1.1 standard deviations of the mean. A unit would be in Tier 3 if its capital utilization percentage is more than 1.1 standard deviations below the mean. The tiers are presented to the Allocation Committee for each specialist unit applying for a new listing and are a factor in allocating newly-listed stock.

The Tiers are presented to the Allocation Committee for each specialist unit applying for a new listing and are one factor among several in allocating newly-listed stock. Allocation decisions are based on the professional judgment of the Allocation Committee in applying specific criteria. A Tier I classification would indicate to the Committee that the unit's value-added dealer participation was well above the average for all specialist units, whereas a Tier III classification would indicate that the unit's value-added dealer participation was below the average for all specialist units.[10]

Proposal. According to the NYSE, market volatility has increased substantially since the capital utilization measure was introduced. For instance, the Exchange notes that while 1% Days occurred on 27% of the trading days in 1994, 1% Days occurred on 70% of the trading days in 1998. As a result, the NYSE believes that 1% Days are now more characteristic of usual market conditions.

The Exchange proposes to revise the 1% Day component of its definition of volatile days to better distinguish between volatile and base periods in light of increasing overall market volatility since the NYSE introduced the capital utilization measure. Specifically, the Exchange proposes to amend its definition of volatile days to include days when the range between the S&P 500 Index's highest and lowest values equals or exceeds 2% of the previous closing value. The NYSE believes that raising the percentage from 1% to 2% will bring the capital utilization measure's definition of volatile days back in line with the frequency of overall market volatility that existed in 1993. According to the NYSE, a 2% daily price movement in the S&P 500 Index will provide approximately the same number and percentage of volatile days in 1998 as the 1% daily price movement provided in 1994 (*i.e.*, 55 versus 67 days, or 22% versus 27%).

In addition, the NYSE believes that the revised definition of volatile days will reinforce the Exchange's expectation that specialists provide ''value-added'' dealer participation during periods of unusual price movements, and maintain the emphasis given to the capital utilization measurement in particularly volatile markets. The NYSE notes that the use of a 2% standard for volatile days also will coinside with the recent revision of NYSE Rule 80A, which limits the entry of index arbitrage orders in any component stock of the S&P 500 Index when there is a movement in the Dow Jones Industrial Average of an amount that approximates 2% of its value.[11]

The 10% Days definition will remain unchanged.

2. Statutory Basis

The NYSE believes that the basis under the Act for the proposed rule change is the requirement under Section 6(b)(5)[12] of the Act that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to file No. SR–NYSE–99–11 and should be submitted by July 28, 1999.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, with the requirements of Section 6(b)(5)[13] of the Act.[14] Specifically, the Commission finds the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to facilitate transactions in securities. Further, the Commission finds that the proposal is consistent with Section 11(b)[15] of the Act and Rule 11b-1[16] under the Act, which allow securities exchanges to promulgate rules relating to specialists to ensure fair and orderly markets. Specifically, the Commission believes that amending the definition of volatile days in the capital utilization measure to include days when the range between the S&p 500 Index's highest and lowest values equals or exceeds 2% of the previous closing value will help to maintain the effectiveness of the capital utilization measure as an objective measure of specialist performance, thereby protecting investors and the public interest.

Specialists play a crucial role in providing stability, liquidity and continuity to the trading of securities. The NYSE implemented objective measures of specialist performance, like the capital utilization measure, to help ensure that specialists fulfill the obligations imposed on them by the NYSE and by the Act and rules thereunder to maintain fair and orderly markets in designated securities.[17] The Commission believes that performance-based stock allocation could provide an

[9] A standard deviation is a statistical measure of the distance from the mean.

[10] Telephone call between Don Siemer, Director, Market Surveillance, NYSE, and Anitra T. Cassas, Division, Commission, on June 21, 1999.

[11] *See* Securities Exchange Act Release No. 41041 (February 11, 1999), 64 FR 8424 (February 19, 1999).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(5).

[14] In approving this rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78k(b).

[16] 17 CFR 240.11b–1.

[17] *See, e.g.*, 17 CFR 240.11b–1; NYSE Rule 104.

incentive for specialists to improve their performance or maintain superior performance.[18]

The Commission continues to believe, as it has concluded previously, that capital utilization is a relevant measure of specialist performance because if indicates the extent to which a specialist unit commits capital to and participates in the market for its securities, thereby contributing to market liquidity.[19] According to the NYSE, market volatility has increased substantially since the NYSE implemented the specialist capital utilization measure in 1993. The NYSE notes, for example, that 1% Days occurred on 27% of the trading days in 1994, and on 70% of the trading days in 1998. As a result, the NYSE believes that the 1% Days definition of volatility is now more characteristic of usual market conditions. The 2% Days definition is designed to better distinguish between volatile and non-volatile days in light of the increased overall market volatility since 1993. According to the NYSE, the 2% Days definition would have provided approximately the same number and percentage of volatile days in 1998 as the 1% Days definition provided in 1994 (*i.e.*, 55 days versus 67 days or 22% versus 27%).

The Commission believes that the proposed rule change will ensure that the definition of volatile days is meaningful in light of current market conditions. Accordingly, the Commission believes that the proposed rule change will make the definition of volatile day consistent with the spirit of the rule adopted in 1993, when the NYSE implemented the specialist capital utilization measure, and will ensure that the capital utilization measure continues to function effectively as an indication of specialist performance.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the **Federal Register.** The Commission believes accelerated approval should help maintain the relative proportion of volatile periods to base periods comparable to that which existed when the capital utilization measure was adopted, thereby preserving the original intent of the performance measure.

It is therefore ordered, pursuant to Section 19(b)(2)[20] of the Act, that the proposed rule change (SR–NYSE–99–11), as amended, is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–17151 Filed 7–6–99: 8:45 am]

BILLING CODE 8010–01–M

[18] *See* January 1997 Order, *supra* note 4.

[19] *See* December 1993 Order, *supra* note 4.

[20] 15 U.S.C. 78s(b)(2).

[21] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice #3075]

Overseas Presence Advisory Panel (OPAP); Closed Meeting

The Department of State announces a meeting of the Overseas Presence Advisory Panel on Tuesday, July 20, 1999, from 9:00 a.m. to 1:00 p.m. at the U.S. Department of State. Pursuant to Section 10 (d) of the Federal Advisory Committee Act and 5 U.S.C. 552b [c] [1], it has been determined that the meeting will be closed to the public. The Panel is charged with advising the Secretary of State with respect to the level and type of representation required overseas in light of new foreign policy priorities, a heightened security situation and extremely limited resources. The agenda includes a discussion of sensitive information relating to the Panel's final draft report of ongoing findings and recommendations concerning Embassies and Consulates overseas; this would include, but not be limited to, intelligence and operational policies, and security aspects of all the U.S. Government agencies the Department of State supports abroad.

FOR FURTHER INFORMATION CONTACT: Mrs. Marilyn Shapiro, Overseas Presence Advisory Panel, Department of State, Washington, DC 20520; phone: 202–647–6427.

Dated: June 29, 1999.

Ambassador William H. Itoh,

Executive Secretary, Overseas Presence Advisory Panel.

[FR Doc. 99–17181 Filed 7–6–99; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending June 25, 1999

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–99–5869.

Date Filed: June 22, 1999.

Parties: Members of the International Air Transport Association.

Subject: PTC2 EUR 0260 dated 22 June 1999; Mail Vote 010–Resolution 010p; TC2 Within Europe Special Passenger Amending Resolution from Belgium; Intended effective date: 1 July 1999.

Docket Number: OST–99–5870.

Date Filed: June 22, 1999.

Parties: Members of the International Air Transport Association.

Subject: PTC12 USA–EUR 0076 dated 18 June 1999; Expedited North Atlantic USA-Europe Expedited Resolutions 002kk 015n; PTC12 USA–EUR 0077 dated 22 June 1999; Correction to PTC12 USA–EUR 0076 dated 18 June 1999; Intended effective date: 1 August 1999.

Docket Number: OST–99–5874.

Date Filed: June 23, 1999.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0345 dated 25 June 1999; Mail Vote 014–Resolution 010r; TC3 Special Passenger Amending Resolution Within South Asian Subcontinent; Intended effective date: 8 July 1999.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–17132 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 25, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–5868.

Date Filed: June 21, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: July 19, 1999.

Description: Application of Continental Airlines, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, applies for renewal of segments 1, 2, 4, 5, 6, 7, 8, 9 and 10 of its Route 561 certificate authority. Continental also applies to amend Route 561 to award Continental authority to provide scheduled air transportation of persons, property and mail between Houston and Ixtapa/Zihuatenejo, Merida, Tampico and San Jose del Cabo; between Cleveland and Cancun and between Newark and Cozumel. Continental asks for authority to integrate its amended Route 561 certificate authority with its existing certificate and exemption authority, asks that the authority become effective immediately for a five-year period.

Docket Number: OST–99–5871.

Date Filed: June 22, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: July 20, 1999.

Description: Application of American Airlines, Inc. pursuant to 49 U.S.C. 41102 and Subpart Q, applies for a certificate of public convenience and necessity to engage in foreign air transportation of persons, property, and mail between points in the United States, on the one hand, and Shanghai, Guangzhou, Beijing, and two additional points in the People's Republic of China to be selected by the United States. American also applies for the allocation of 10 weekly U.S.-China frequencies. Finally, American requests route integration with its other certificates and exemptions to conduct foreign air transportation.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–17133 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Research and Special Programs Administration

Department-Wide Program Evaluation of the Hazardous Materials Transportation Program (HM Program Evaluation)

AGENCY: Office of Inspector General (OIG) and Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of meetings and request for comments.

SUMMARY: The Department of Transportation (DOT) is announcing a series of three HM Program Evaluation Focus Group Meetings to discuss issues with interested stakeholders concerning DOT's hazardous materials safety programs and to request comments form parties unable to attend the series of meetings. Each meeting will concentrate on a specific topic and likely involve six to ten members pre-selected from the hazardous materials community for each focus group. Other interested parties are invited to observe each meeting and will be given the opportunity to ask questions and raise issues. Focus Group Meeting #1 will focus on the ''Effectiveness and Adequacy of DOT's Hazardous Materials Regulatory Program.'' Focus Group Meeting #2 will focus on the ''Effectiveness of DOT's Approach for Gaining Compliance.'' Focus Group Meeting #3 will focus on ''Measuring DOT's Performance in Hazardous Materials Safety.'' This action is in support of the internal DOT-wide Program Evaluation of the Hazardous Materials Transportation Programs (HM Program Evaluation) which DOT announced in the **Federal Register** on March 9, 1999. The HM Program Evaluation will document and assess the effectiveness of DOT's hazardous materials transportation safety programs in order to improve safety and environmental protection. Your participation in these HM Program Evaluation Focus Group Meetings and responses to the issues raised in this notice and during the meetings will assist DOT in identifying issues that the HM Program Evaluation team may address and evaluate as it continues its efforts.

DATES: *Comment Date:* Comments must be received on or before August 27, 1999.

Public Meeting Dates: Public meetings will be held on July 22, 1999, August 11, 1999, and August 17, 1999. Meetings are scheduled from 9 a.m. to 4:00 p.m.

ADDRESSES: *Written Comments:* Address written comments to HM Program Evaluation Team, U.S. Department of Transportation, 400 Seventh Street, SW, Room 2438, Washington, DC 20590–0001. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. You may also submit comments by e-mail at: ''9.awa-dot-hmpe@faa.gov''.

Public Meetings: The July 22, 1999 meeting will be held in Room 2230 of the DOT Headquarters Building (Nassif Building) 400 Seventh Street, SW, Washington, DC 20590–0001. The August 11, 1999, meeting will be held in the Illinois/Minnesota Rooms of the FAA Building, 2300 East Devon Avenue, Des Plaines, IL. The August 17, 1999, meeting will be held in Room 2230 of the DOT Headquarters Building (Nassif Building) 400 Seventh Street, SW, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Jackie A. Goff, 202–493–0326, or George Whitney, 202–366–4831, Co-Chairs, HM Program Evaluation Team, U.S. Department of Transportation; Room 2438, 400 Seventh Street SW, Washington, DC 20590–0001. For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Ms. Goff or Mr. Whitney. If you are unable to attend one or more of these meetings or wish to provide additional comments, we welcome your written responses no later than August 27, 1999. If you would like your comments considered during a specific meeting for which you will be unable to attend, your comments should be received by the team at least 5 working days prior to that specific meeting and sent to the DOT address provided above or e-mailed to: ''*9.awa-dot-hmpe@faa.gov*''.

I. Background

On March 9, 1999, DOT published a Notice in the **Federal Register** (64 FR 11528) announcing the initiation of an internal Department-wide Program Evaluation of the Hazardous Materials Transportation Programs (HM Program Evaluation). In that Notice it was announced that the HM Program Evaluation team is staffed by 10 full-time persons, including at least one full-time person from the OIG and RSPA and each of the following Operating Administrations: The United States Coast Guard (USCG); the Federal Aviation Administration (FAA); The Federal Highway Administration (FHWA); and the Federal Railroad Administration (FRA).

The HM Program Evaluation team is examining the Federal hazardous materials transportation law, the program structure defined by the delegation of authority within DOT, and assessing program delivery. The HM Program Evaluation is intended to allow DOT to determine the effectiveness of the current hazardous material programs, including the division of responsibilities across and within modes, and the allocation of resources dedicated to specific functions. The HM Program Evaluation is also focusing on cross-modal issues and will include an analysis and critique of DOT's current program intervention tools including regulation, education, training,

outreach, inspection, and enforcement. This will position DOT to potentially increase safety and environmental protection when hazardous materials are in commerce.

The scope of the HM Program Evaluation is limited to those activities covered by 49 CFR Part 106 (Rulemaking Procedures), Part 107 (Hazardous Materials Program Procedures), and the Hazardous Materials Regulations (HMR), 49 CFR Parts 171–180. International shipments of hazardous materials are also included in the scope of the HM Program Evaluation to permit a review of the International Maritime Dangerous Goods Code (IMDG) and the International Civil Aviation Organization's Technical Instructions on the Transportation of Dangerous Goods by Air (ICAO), both of which are authorized by HMR as alternative standards for many of the requirements in the HMR for shipments destined for export or that are being imported. The team will be examining whether the current programs are achieving the stated purpose of the Federal hazardous materials transportation law.

II. HM Program Evaluation Meetings and Issues

DOT's intent is to use information gathered during three focus group meetings to further develop issues for consideration by the HM Program Evaluation team. We anticipate that each focus group will consist of approximately six to ten pre-selected individuals from the hazardous materials community. To maximize the benefits of the focus groups, they will be comprised of individuals having expertise in hazardous materials transportation who are likely to be affected by the outcome of the HM Program Evaluation. Our aim is that members of the focus groups will be representative of the community of shippers, carriers, packaging manufacturers, hazmat employees, enforcement personnel, emergency responders, trade associations, labor representatives and other interested parties involved with the transportation of hazardous materials. In addition to the focus group members, other interested parties are invited to observe at each focus group meeting. They will have an opportunity to raise issues and ask questions. The issues to be discussed during the three different focus groups are outlined below.

Focus Group Meeting #1, Washington, DC, July 22, 1999: ''Effectiveness and Adequacy of DOT's Hazardous Materials Regulatory Program''

Focus Group Meeting #1 will focus primarily on issues involving the effectiveness and adequacy of DOT's regulatory program. Rulemaking procedures for the hazardous materials program are in 49 CFR Part 106. These procedures address petitions for rulemaking, advance notices and notices of proposed rulemaking, final rules, interim final rules, and direct final rules. In addition to these procedural rules, the rulemaking process is governed by a variety of statutes and Executive Orders. Procedures concerning exemptions to regulations are in 49 CFR Part 107. Exemptions authorize the regulated industry to perform functions that are not otherwise authorized by the Hazardous Materials Regulations. The regulatory scheme requires that the agency must find that the exemption establishes a level of safety at least equal to that required by the regulation. If the regulations do not establish a level of safety, the agency must find that the exemption is consistent with the public interest.

In Focus Group Meeting #1, we are interested in determining how well DOT's hazardous materials regulatory system is minimizing risk. The hazardous materials regulatory system is designed to reduce the risks associated with the transportation of hazardous material shipments. Reduction of risk is the major way in which DOT improves the overall level of safety in the transportation system. Questions related to this issue include:

- Based on your experiences with the regulatory system for hazardous materials (domestic and international), can you identify areas in which deficiencies exist that increase the risk of shipping hazardous materials?
- How would you describe your experiences in attempting to comply with the regulations contained in 49 CFR in terms of their ease of use and your perception that you take the required actions to reduce the risk of hazardous materials in transportation?
- What, if any, measures could DOT implement that would lower the risk that hazardous materials may pose while in the transportation system?

Another aspect that has the potential to impact the safety of the transportation system is the act of shipping or transporting undeclared hazardous materials (undeclared or ''hidden'' shipments are shipments offered for transportation, or subsequently transported, that are not identified as hazardous materials as required by regulation). DOT is generally only made aware of an undeclared shipment of hazardous materials after a related accident or incident occurs or if it is otherwise reported to DOT. Questions related to this issue include:

- To what extent are you aware of any problems associated with undeclared shipments of hazardous materials?
- What detection methods, if any, have you implemented to recognize potential shipments of undeclared hazardous materials?
- What prevention methods would you offer to DOT to reduce the practice of shipping or transporting undeclared shipments?
- Are undeclared shipments a result of ignorance or willfulness? Please describe.
- What is your experience concerning undeclared shipments occurring within the different modes of transportation (air, highway, rail and water)?
- Do you believe that either the risk level or volumes of activities associated with undeclared shipments is equal among the modes? Please describe.

An important segment of the Hazardous Materials Regulations is hazard communication. Hazard communication under the HMR is addressed in five components: Shipping papers, marking, labeling, placarding, and emergency response information. Questions related to this issue include:

- To what extent does the current regulatory system provide adequate hazard communication information on shipments in transit?
- Are there other sources of information that provide hazard communication information and could they become the basis for an industry standard? For example, is there other information or documents in use related to hazardous materials in transit besides the information provided on a shipping paper that could be standardized or combined in one document?

The regulatory system permits the establishment of exceptions and exemptions that are intended to safely and efficiently expedite the movement of certain hazardous materials. Questions related to this issue include:

- Do exceptions and exemptions complicate the understanding of the regulations?
- Do exceptions and exemptions achieve an adequate level of safety?
- How would you recommend that DOT achieve its intended goal of safely and efficiently moving hazardous materials differently given the industry need for and benefit of these alternatives?

• What do you see as the major enforcement or emergency response concerns related to DOT's use of exceptions and exemptions?

Focus Group Meeting #2, Chicago, IL, August 11, 1999: ''Effectiveness of DOT's Approach for Gaining Compliance''

Focus Group Meeting #2 will focus primarily on issues involving reducing violations, means of intervention, and improving compliance with the regulations. To improve the level of compliance by industry DOT focuses its efforts at a variety of intervention points in the transportation system, including activities at the packaging, manufacturer, offeror and transporter stages. Intervention methods include regulations, education, training, outreach, inspection and enforcement. With respect to intermodal shipments, more than one modal administration has the opportunity to intervene with the same shipment as it passes from one mode of transportation to another.

DOT engages in numerous activities to provide information and improve awareness of and compliance with the safety requirements. These outreach activities include: Publishing notices in the **Federal Register**; issuing press releases; using Internet web pages; conducting training seminars and public meetings; participating in stakeholder conferences; and distributing pamphlets, brochures, videos, and CD ROMS.

In Focus Group Meeting #2, we are interested in determining how effective DOT's approach is for reducing violations and increasing compliance. Questions related to this issue include:

• Historically, compliance inspection data reveal that placarding and shipping paper deficiencies are the most cited violations. How would you recommend that DOT increase compliance in these areas?

• Based on your experiences with DOT, please comment on which of DOT's intervention methods are most effective (regulations, education, training, outreach, inspection and enforcement). Why?

• Where do you believe DOT's intervention could be most effective (at the packaging, manufacturer, offeror or transporter stages) and what intervention approach should DOT employ?

• What are your observations and experiences regarding the depth and quality of DOT's compliance inspections? Please be specific, if possible, in your comments with respect to individual operating administrations within DOT (USCG, FAA, FHWA, FRA, and RSPA).

• Are DOT inspectors helpful in providing compliance assistance and in explaining non-complying conditions? If possible, please be modal specific.

• What current DOT outreach efforts (e.g., informational pamphlets, seminars, classroom training and on-site assistance) do you have experience with and which are the most effective?

• What other, if any, DOT outreach activities do you suggest?

DOT's efforts to influence the level of compliance with the HMR involve use of the civil penalty assessment process including notices of probable violation, final orders, administrative law judge hearings, ticketing, and alternative means of dispute resolution, including alternatives to traditional enforcement. Questions related to this issue include:

• Do you believe civil penalties are effective in gaining compliance?

• Can you recommend ways to improve the civil penalty program?

• What are your major concerns about the process DOT uses for determining the penalty amounts in relationship to a violation of the HMR?

The HMR include training requirements which are intended to ensure employees are competent to fulfill their roles; however, the adequacy of the scope or frequency of the required training is unknown. DOT has observed that many shippers and carriers employ the services of third-party trainers (i.e., non-governmental parties who provide training on the HMR). Questions related to this issue include:

• Do you believe the existing training standards are adequate to ensure all personnel responsible for the safe transportation of hazardous materials understand the pertinent requirements of the HMR?

• If not, how would you modify the training or employee competency requirements to improve this aspect of the safety scheme?

DOT currently uses a variety of approaches to work with state personnel to gain compliance with the HMR. These approaches include: (1) Providing funding to states to increase compliance with the HMR through the deployment of wide-scale inspections and enforcement activities; (2) using a mix of Federal and state inspectors in some of DOT's operating administrations; and (3) conducting inspections and other activities using only Federal DOT inspectors. Questions related to this issue include:

• How effective are DOT's different approaches of using Federal and/or state personnel as an intervention practice?

• Please explain if, and why, one approach is better than another.

Domestic and foreign shipper practices have the potential to significantly affect hazardous materials safety and influence the level of compliance with the HMR. Deficiencies discovered by modal inspectors are typically tracked back to the original shipper to rectify the deficiency. Such corrective follow up is more difficult for import shipments. Effective outreach overseas is a challenge. Questions related to this issue include:

• If you are an importer of hazardous materials, how frequently do you receive hazardous materials that do not comply with the regulations?

• To the extent that there are non-complying shipments, what do you believe is the major reason (ignorance or willfulness)? Please describe.

Focus Group Meeting #3, Washington DC, August 17, 1999: ''Measuring DOT's Performance in Hazardous Materials Safety''

Focus Group Meeting #3 will focus primarily on issues involving DOT's performance measures as it relates to minimizing the risk of hazardous materials transportation. In this meeting, we are concerned about DOT's performance with regard to reducing HM safety risks and in determining the best measures of success.

In DOT's Performance Plan for Fiscal Year 2000, the primary hazardous materials safety performance goal is to reduce the number of serious HM incidents in transportation (to 411 or fewer in the year 2000 from a peak of 464 in 1996.) DOT defines a serious hazardous materials incident as one that involves a fatality or major injury due to a hazardous material, closure of a major transportation artery or facility or evacuation of six or more persons due to the presence of a hazardous material, or a vehicle accident or derailment resulting in the release of a hazardous material.

Trends in serious incidents in the past decade have been fairly stable—averaging about 407 per year since 1990. In a typical year, serious hazardous materials incidents account for 10–15 deaths (with the notable exception of 1996, when the ValueJet crash resulted in 110 deaths,) and fewer than 300 major injuries. Because of the inherent risk in handling and transporting hazardous materials, there are limits to how far the number of incidents could be reduced. Furthermore, serious incidents often require mitigation measures that are mode specific and might not benefit all hazardous materials operations.

There are safety advocates who maintain that *any* unintentional release, large enough to be reportable, is a flag indicating safety risks or flaws in operating and handling procedures. Minimizing these releases, many experts argue, should be the goal of the regulatory agencies. Looking at all reported hazardous materials incidents—serious and non-serious—there has been an overall decline since the high of 16,000 in 1983, with the numbers fluctuating between fewer than 10,000 in 1990 to under 14,000 last year. Assessing changes in the total number of incidents to be used as a measure of effectiveness in conjunction with close integration of the incident reporting system in the entire process of hazardous materials intervention—from training, inspection, and enforcement—could be used by DOT to identify the underlying causes of many incidents.

In Focus Group Meeting #3, we are interested in gauging DOT's success and in developing appropriate measures or candidate measures. Questions related to this issue include:

- Are serious incidents the best measure of our success in reducing risk in hazardous materials transportation?
- Is the goal of reducing the number of serious incidents by a targeted amount the best alternative?
- Would trends in all unintentional releases of hazardous materials be a better indicator of how well we have succeeded in controlling the risk of hazardous materials in transportation?
- How can we best measure the success of the hazardous materials program? How would you evaluate the overall effectiveness of the hazardous materials intervention program in addressing the level of risk hazardous materials pose in transportation?

Issued in Washington, DC on June 30, 1999.

Jackie A. Goff,

Co-Chair, Hazardous Materials Program Evaluation Team.

George Whitney,

Co-Chair, Hazardous Materials Program Evaluation Team.

[FR Doc. 99–17175 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration (FAA), 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 extension of currently approved collections. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 7, 1999. 64 FR 17055–17056.

DATES: Comments must be submitted on or before August 6, 1999. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION: .

Federal Aviation Administration (FAA)

Title: Special Federal Aviation regulation (SFAR) 36, Department of Major Repair Data.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2120–0507.

Forms(s): N/A.

Affected Public: Aircraft maintenance, Commercial Aviation, Aircraft Repair Stations, Air Carriers, Air Taxi, and Commercial Operators.

Abstract: SFAR 36 allows authorized certificate holders to approve aircraft product and articles for return to service after accomplishing major repairs using data developed by the holder that have not been directly approved by the FAA.

Estimated Annual Burden Hours: 530 burden hours annually.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street, NW., Washington, DC 20503, Attention FAA 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 Department's 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.

Issued in Washington, DC, on June 29, 1999.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 99–17085 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Special Committee 186; Automatic Dependent Surveillance—Broadcast (ADS–B)

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee (SC)–186 meeting to be held July 26–30, 1999, starting at 9:00 a.m. The meeting will be held at National Lucht-& Ruimtevaartlaboratorium (National Aerospace Laboratory), 1059 CM Amsterdam, The Netherlands.

The agenda will include: July 26: Working Group (WG)–1, Conflict Detection and Resolution. July 27–28: WG–1, Conflict Detection and Resolution; WG–4, Application Technical Requirements.

Joint RTCA SC–186/EUROCAE WG–51 Plenary Session, July 29–30, 9:00 a.m.–5:00 p.m.: Chairman's Introductory Remarks; (2) Review of the Meeting Agenda; (3) Review and Approval of the Relevant Meeting Minutes; (4) Status of Actions; (5) SC–186 Activity Report and Committee Roadmap; (6) WG–51 Report; (7) 1090 Minimum Operational Performance Standards (MOPS) Development; (8) VDL4 MOPS Development; (9) SC–186/WG–1 Report; (10) SC–186/WG–4 Report; (11) Automatic Dependent Surveillance Minimum Avaition System Performance Standard—Status and Plans (12) WG–51/SC–186 Applications Templates; (13) Safe Flight 21 Update; (14) EUROCONTROL ADS Programme; (15) Future Work Programme; (16) Date, Place and Time of Next Meeting; (17) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statement at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http:www/rtca/org (web site). Members of the public may preesent a written statement to the committee at any time.

Issued in Washington, DC, on June 30,1999.

Janice L. Peters,

Designated Official.

[FR Doc. 99–17174 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection (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 collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on April 30, 1999 (64 FR 23385).

DATES: Comments must be submitted on or before August 6, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., N.W., Mail Stop 17, Washington, D.C. 20590 (telephone: (202) 493–6292) or Dian Deal, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., N.W., Mail Stop 35, Washington, D.C. 20590 (telephone: (202) 493–6133). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 C.F.R. Part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 C.F.R. 1320.5, 1320.8(d)(1), 1320.12. On April 30, 1999, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 64 FR 23385. FRA received no comments after issuing this notice. Accordingly, DOT announces that these information collection activities have been reevaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); see also 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: Supplemental Qualifications Statement for Railroad Safety Inspector Applicants.

OMB Control Number: 2130–0517.

Type of Request: Revision of a currently approved collection.

Affected Public: Individuals or Households.

Form(s): FRA–F–120.

Abstract: The Supplemental Qualifications Statement for Railroad Safety Inspector Applicants is an information collection instrument used by FRA to gather additional background data so that FRA can evaluate the qualifications of applicants for the position of Railroad Safety Inspector. The questions cover a wide range of general and specialized skills, abilities, and knowledge of the five types of railroad safety inspector positions.

Annual Estimated Burden Hours: 6,000 hours.

Addressee: Send comments regarding this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, N.W., Washington, DC, 20503, Attention: FRA Desk Officer.

Comments are invited on the following: 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 Department's 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 best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Marie S. Savoy,

Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 99–17231 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–1999–5920]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before September 7, 1999.

FOR FURTHER INFORMATION CONTACT: Crawford Ellerbe, Office of Maritime Labor, Training and Safety, Maritime Administration, MAR–250, Room 7302, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone 202–366–5755 or FAX 202–493–2288. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: U.S. Merchant Marine Academy Application for Admission.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0010

Form Number: KP 2–65.

Expiration Date of Approval: 12–31–2000

Summary of Collection of Information: The collection consists of Parts I, II, and III of Form KP 2–65 (U.S. Merchant Marine Academy Application

for Admission). These items are completed by individuals wishing to be admitted as students to the U.S. Merchant Marine Academy and are reviewed by staff members of the Academy.

Need and Use of the Information: The collected information is necessary to select the best qualified candidates for the U. S. Merchant Marine Academy.

Description of Respondents: Individuals desiring to become students at the U.S. Merchant Marine Academy.

Annual Responses: 2500

Annual Burden: 5 hours

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments maybe submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at *http://dmses.dot.gov/submit*. Specifically, address whether this information collection is necessary for proper performance of the function of the agency and will have practical utility, accuracy, of the burden estimates, ways to minimize this burden, and ways to enhance quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov*.

Dated: July 1, 1999.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 99–17200 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–18–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5914]

Decision That Nonconforming 1991–1998 Honda VT600 Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1991–1998 Honda VT600 motorcycles are eligible for importation.

SUMMARY: This document announces the decision by NHTSA that 1991–1998 Honda VT600 motorcycles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 1991–1998 Honda VT600), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective July 7, 1999.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) petitioned NHTSA to decide whether 1991–1998 Honda VT600 motorcycles are eligible for importation into the United States. NHTSA published notice of the petition under Docket No. NHTSA–98–4864 on Wednesday, December 16, 1998 (63 FR 69357) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

One comment was received in response to the notice of the petition, from American Honda Motor Co., Inc. (''Honda''), the United States representative of the vehicles' manufacturer. In this comment, Honda stated that the headlights on non-U.S. certified 1991–1998 Honda VT600 motorcycles do not conform to Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, because they have an asymmetrical beam for right hand traffic. Honda also stated that vehicle identification numbers assigned to non-U.S. certified 1991–1998 Honda VT600 motorcycles contain only eleven digits, and therefore do not conform to the requirements of 49 CFR part 565.

NHTSA accorded Champagne an opportunity to respond to Honda's comment. In its response, Champagne stated that it will modify the headlights on non-U.S. certified 1991–1998 Honda VT600 motorcycles to comply with Standard No. 108. Additionally, Champagne stated that it will address the vehicle identification number issue raised by Honda by utilizing the eleven digit VIN assigned by the original manufacturer of the vehicles as a substitute for the U.S. VIN, as permitted by 49 CFR 565.5(a).

NHTSA believes that Champagne's response adequately addresses the issues that Honda has raised regarding the petition. NHTSA further notes that Honda has not contended that non-U.S. certified 1991–1998 Honda VT600 motorcycles are incapable of being readily altered to comply with applicable motor vehicle safety standards, and that the modifications described by Champagne, which have been performed with relative ease on thousands of motor vehicles imported over the years, would not preclude non-U.S. certified 1991–1998 Honda VT600 motorcycles from being found capable of being so altered.

NHTSA has accordingly decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–294 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that non-U.S. certified 1991–1998 Honda

VT600 motorcycles are substantially similar to 1991–1998 Honda VT600 motorcycles originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 1, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–17164 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5913]

Receipt of Petition for Decision that Nonconforming 1993 Mercedes-Benz 320CE Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 1993 Mercedes-Benz 320CE passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1993 Mercedes-Benz 320CE passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 6, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9 am to 5 pm).

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''Wallace'') (Registered Importer 90–005) has petitioned NHTSA to decide whether 1993 Mercedes-Benz 320CE passenger cars are eligible for importation into the United States. The vehicles which Wallace believes are substantially similar are 1993 Mercedes-Benz 300CE passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer, Daimler Benz, A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the 1993 Mercedes-Benz 320CE to the 1993 Mercedes-Benz 300CE, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Wallace submitted information with its petition intended to demonstrate that the 1993 Mercedes-Benz 320CE, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1993 Mercedes-Benz 300CE, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1993 Mercedes-Benz 320CE is identical to the 1993 Mercedes-Benz 300CE with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence . . . .,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the 1993 Mercedes-Benz 320CE complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) replacement of the speedometer/odometer with one calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlight and front sidemarker assemblies; (b) installation of U.S.-model taillight lenses; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* Inscription of the required warning statement in the passenger side rearview mirror.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly.

Standard No. 208 *Occupant Crash Protection:* (a) Replacement of the driver's seat belt latch and installation of a safety belt warning system that conforms to the standard; (b) replacement of the driver's and passenger's side air and knee bolster with U.S.-model components on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped with Type II seat belts at the front and rear outboard designated seating positions, and with a lap belt at the rear center designated seating position.

Standard No. 214 *Side Impact Protection:* Installation of reinforcing door beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative cannister.

Additionally, the petitioner states that all vehicles will be inspected prior to importation to assure compliance with the Theft Prevention Standard found in 49 CFR part 541.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9 am to 5 pm.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 1, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–17165 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5912]

Receipt of Petition for Decision That Nonconforming 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 Motorcycles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because: (1) They are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 6, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9 am to 5 pm).

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether non-U.S. certified 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1991–1997 Honda VFR 750 and 1998–1999 Honda VFR 800 motorcycles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 106 *Brake Hoses*, 111 *Rearview Mirrors*, 116 *Brake Fluid*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, and 122 *Motorcycle Brake Systems*.

Petitioner additionally contends that the vehicles are capable of being readily altered to meet the following standard, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Installation of U.S.-model head lamp assemblies.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* Installation of a tire information label.

Standard No. 123 *Motorcycle Controls and Displays:* Installation of a U.S.-model speedometer/odometer calibrated in miles per hour.

The petitioner also states that a vehicle identification number plate will be affixed to the vehicles to meet the requirements of 49 CFR part 565.

Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: July 1, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–17166 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5607; Notice 2]

Qvale Automotive Group SrL; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

For the reasons given below, we are granting the application by Qvale Automotive Group, SrL of Modena, Italy (''Qvale''), for an exemption until March 31, 2001, from the automatic restraint requirements of Federal Motor Vehicle Safety Standard No. 208 Occupant Crash Protection. Qvale applied for the exemption on the basis that ''compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.'' 49 CFR 555.6(a).

We published a notice of receipt of the application on May 5, 1999 (64 FR 24216), and received no comments in response.

The discussion that follows is based on information contained in Qvale's application.

Why Qvale Needs a Temporary Exemption

Qvale is an Italian corporation, formed in January 1998. It is controlled by an American corporation owned by the Qvale family of San Francisco, California, which was also formed in January 1998. The American corporation does business as DeTomaso Automobiles, Ltd.

DeTomaso Modena SpA, a small manufacturer of automobiles which produces less than 100 motor vehicles a year, developed a convertible passenger car, the Bigua, but was financially unable to produce it. Qvale has obtained the worldwide rights to manufacture and sell the Bigua under the name DeTomaso Mangusta. As of March 1999, Qvale had invested more than $7,000,000 in the Mangusta project, and anticipates an additional investment of $3,000,000 by the time production begins in September 1999.

When the project began in early 1998, Qvale expected that a Ford Mustang air bag system could be easily integrated into the Mangusta, because DeTomaso Modena had anticipated that the U.S. would be the primary market for the car. However, it has developed that significant re-engineering will be required to incorporate an inflatable restraint system that complies with S4.1.5.3 of Standard No. 208. Qvale believes that it will be able to manufacture a conforming car beginning in May 2000, but says that it needs an exemption so that it may sell the Mangusta in the United States, beginning in November 1999, to generate funds under its business plan. It has asked to be exempted through March 31, 2001, to allow for unforeseen problems during development. The applicant intends to retrofit exempted vehicles with air bag systems when they become available. It anticipates sales of 200–250 Mangustas under the exemption.

Why Compliance Would Cause Qvale Substantial Economic Hardship

Neither Qvale nor its American parent has had any income or sales since their inception in January 1998. Qvale had a net loss of $685,000 for 1998, with a negative cash flow of $511,000. If an exemption is not granted and U.S. sales do not begin until May-June 2000, the company anticipates total net losses of approximately $4,800,000 in 1999 with a total negative cash flow of over $3,000,000. Even with an exemption that would permit U.S. sales to begin in November 1999, Qvale expects a net loss for 1999 of $4,124,025 and a negative cash flow of $2,502,025. In fact, even with an exemption, Qvale anticipates net losses through at least 2001 though the cash flow would become positive in 2000 and increase slightly in 2001.

Qvale's U.S. parent has already hired a sales and distribution staff, and would suffer losses of $1,800,000 if it cannot begin sales of the Mangusta in November 1999.

How Qvale Has Tried To Comply With the Standard in Good Faith

Qvale's production plan involves the use of the 4.6L Ford Cobra V–8 engine as well as a significant number of Ford parts including the air bag system. Ford's parts division, Visteon, is the prime subcontractor responsible for the interior and air bags. Isis Automotive, an engineering company in the United Kingdom, has been chosen as the safety engineering project manager.

It was anticipated that the Ford air bag system could be integrated into the Mangusta but the final chassis engineering that had continued during the Fall of 1998 indicated otherwise. Visteon found it necessary to redesign the dashboard, including the passenger side air bag door in order to make the Mangusta commercially viable, but is not able to furnish the redesigned interior parts until the Summer of 1999. Without these parts, an air bag system cannot be properly tested. In addition, the construction of 10 pre-production prototypes necessary for safety testing has been delayed until July 1999 because of problems with the prototype manufacturer (an outside supplier) and ongoing design changes. Finally additional time is needed to organize the supplier and engineering personnel and resources necessary for the air bag system development work (e.g., laboratory testing and sensor calibration).

Because of these factors, Qvale's plans to incorporate an air bag system have been delayed from September 1999 to May or June 2000.

Why Exempting Qvale Would Be Consistent With the Public Interest and Objectives of Motor Vehicle Safety

Qvale believes that the small number of vehicles that will be produced under an exemption will have no discernable effect upon safety. It intends to equip all of its U.S. vehicles with manual three point belts, and will meet the injury criteria specified in S4.1.5.3 when tested with belted dummies. The company will affix a label to the instrument panel informing occupants of the exemption and the need to fasten their safety belts. Qvale plans to re-engineer its air bag system so that it may be installed as a retrofit in exempted vehicles. Mangustas will comply with all other applicable Federal motor vehicle safety standards.

In Qvale's opinion, an exemption would permit the availability in the U.S. of the Mangusta's ''high technology, light weight TRM composite body.'' The success of the project will have a beneficial effect upon Visteon, a division of Ford Motor Company, as well as employment elsewhere in the U.S. of sales and service personnel.

Our Finding That Compliance Would Cause Substantial Economic Hardship to a Manufacturer That Has Tried in Good Faith To Comply With Standard No. 208

It is manifest that Qvale has already invested considerable sums in its attempt to make the Bigua/Mangusta a viable commercial product, taking over the project from DeTomaso Automobili who lacked the financial resources to bring it to market. By the time production is scheduled to begin in September 1999, Qvale will have committed $10,000,000 to the enterprise. While denial of an exemption would not cause the failure of Qvale, it would result in total net losses of $4,800,000 before a car conforming to Standard No. 208 could be produced in 2000, as compared with total net losses of $4,124,025 with an exemption that would permit cars to be sold in the United States as of November 1999. Although an added loss of $700,000 may not appear significant in the overall context of an investment of $10,000,000, we note that Qvale cannot begin to generate any income at all until it is able to sell the Mangusta. Under the best of circumstances, the company anticipates net losses through 2001.

From Qvale's application, we surmise that DeTomaso Automobili intended to equip the Bigua with a Ford Mustang air bag system, but that its own financial difficulties prevented it from fully assessing its suitability to the vehicle's design. Since beginning the project early in 1998, Qvale has reviewed these efforts and determined that ''significant re-engineering'' is required to incorporate a conforming automatic restraint system. With its compliance project partners, Visteon and Isis, Qvale is working towards a conformance date less than a year away, May 2000. To allow for unanticipated difficulties it has asked for an exemption of 10 months past the anticipated date that the Mangusta will comply.

After reviewing these arguments, we find that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with Standard No. 208.

Our Finding That an Exemption Would Be in the Public Interest and Consistent With the Objectives of Motor Vehicle Safety

We note with approval Qvale's intent to retrofit exempted vehicles with air bag systems when they become available for the estimated 200–250 Mangustas that will be sold under an exemption. We also note that the Mangusta will comply with all other applicable Federal motor vehicle safety standards.

Qvale is owned by a new American company which is hiring a sales and distribution staff for marketing the Mangusta in the United States. The principal subcontractor responsible for the engine, interior, air bags, and other parts, is also an American corporation.

After reviewing these arguments, we find that a temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety.

Grant of NHTSA Temporary Exemption No. 99–8

For the reasons expressed above, Qvale Automotive Group, SrL, is hereby granted NHTSA Temporary Exemption No. 99–8, from S4.1.5.3 of 49 CFR 571.208 *Occupant Crash Protection*, expiring April 1, 2001.

Authority: 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.

Issued on: July 1, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–17236 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–99–5143; Notice No. 99–8]

Advisory Guidance; Transportation of Batteries and Devices That Contain Batteries

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory guidance.

SUMMARY: RSPA has become aware of several incidents that recently occurred where heat generated by batteries or devices that contain batteries have caused smoke and/or the initiation of a fire while the device or article was being transported in commerce. This suggests that some persons engaged in the offering of batteries and such devices for transportation may not be fully aware of the requirements and prohibitions of the Hazardous Materials Regulations (HMR) applicable to such devices. This advisory guidance is to remind anyone offering for transportation or transporting such devices that electrical storage devices or articles that contain batteries are forbidden from transportation unless properly packaged as to be protected from such an occurrence.

FOR FURTHER INFORMATION CONTACT: Eric Nelson, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, Telephone (202) 366–8553.

SUPPLEMENTARY INFORMATION: RSPA has been made aware of several incidents in which batteries or other devices that contain batteries have short-circuited or otherwise functioned in such a manner so as to generate heat, smoke, or initiate a fire while being transported in commerce. This advisory guidance is intended to remind persons offering for transportation, or personally transporting any battery or electrical device of their responsibility under the Hazardous Materials Regulations (49 CFR parts 171–180) that any battery or electrical device that could create sparks or generate heat may only be offered for transportation or transported when adequately protected from such an occurrence.

I. Background

In May, 1994, while being delivered to a handling agent by road, a shipment of small lithium batteries destined for Gatwick airport in London, England, was found emitting smoke from a Unit Loading Device. The shipment consisted of batteries, approximately the size of a dime and about 5mm high, which had been tossed loosely in a box. The batteries apparently short-circuited when exposed battery terminal tabs came into contact with other batteries, and subsequently started a fire that significantly damaged the shipment. The UK Civil Aviation Authorities investigated the incident. The shipper was fined £1200 with £300 additional costs being paid.

In February, 1996, 106 packaged lawnmowers with an electrical battery installed were offered to an air carrier for transportation. While in an air cargo facility, and after being transported on two separate flights, smoke was discovered coming from one of the boxes. Air cargo personnel determined that an installed battery was dislodged and short-circuited, causing the wiring, plastic housing, and battery to burn and melt. The air carrier immediately took action to locate the other packages, which were in the process of being transported to other destinations throughout the United States. The air carrier returned three airborne flights and two taxiing aircraft to the airport, and held 11 flights preparing to depart until all 106 packages were accounted for. Approximately 50 of the 106 lawnmower batteries short-circuited, and several burned sufficiently to char

the packaging in which they were being shipped.

A November, 1997 incident involved a fiberboard box packaging containing non-spillable, wet electric storage batteries offered to an air carrier for transportation. The shipment was picked up by a messenger service for delivery to the air carrier's cargo facility. The package was discovered burning prior to air transport, the probable cause of which was short-circuiting of the battery caused by storage of cables directly on top of the battery. The short-circuit generated enough heat to ignite nearby combustible materials.

RSPA has become aware of several other occurrences of passenger baggage that have been discovered smoldering or burning as a result of battery short-circuits. These batteries include camcorder, camera, or other dry-cell general use batteries that have short-circuited because of coming into contact with keys or other metallic items packed in proximity to the batteries. When such a short-circuit occurs, the temperature of the device or battery can quickly rise to a point that causes leakage of the battery or ignites nearby combustibles such as packaging materials or suitcase linings.

Based on these and other reports, RSPA is concerned that some persons offering for transportation or transporting batteries or devices that contain batteries may not be fully aware of the applicable provisions of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). During air transport, leakage from batteries, smoke and/or fire in cargo compartments can pose a grave risk to transportation safety.

The serious potential risks posed to flight safety by batteries and devices that contain batteries, in particular where the battery is not otherwise subject to regulation, is specifically addressed by RSPA and the International Civil Aviation Organization (ICAO). On March 5, 1999, RSPA published in the **Federal Register** (64 FR 10742) a final rule in Docket No. RSPA–98–4185 (HM–215C) that amended the Hazardous Material Table to add, among other things, special provision 130 to the entry, Battery, dry, not subject to the requirements of this subchapter. This special provision, codified at § 172.102, identifies conditions that must be met before dry batteries that are not otherwise subject to the HMR may be offered for transportation or transported in commerce. It reads as follows:

''130. Batteries, dry are not subject to the requirements of this subchapter only when they are offered for transportation in a manner that prevents the dangerous evolution of heat (for example, by the effective insulation of exposed terminals).''

In addition, § 173.21 (c) specifies that electrical devices that are likely to create sparks or generate a dangerous quantity of heat, unless packaged in a manner that precludes such an occurrence, may not be offered for transportation in commerce.

In the 1999/2000 edition of the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods, the following prohibitive statement appears in relation to electric storage batteries not listed in the Dangerous Goods List (Table 2–14) or otherwise subject to the provisions of, the Technical Instructions:

''Any electrical battery or battery-powered device having the potential of dangerous evolution of heat that is not prepared so as to prevent a short circuit (e.g., in the case of batteries, by the effective insulation of exposed terminals; or, in the case of equipment, by disconnection of the battery and protection of exposed terminals) is forbidden from transport.'' (Special Provision A123, pg. 2–12–8)

II. Requirements for the Transportation of Electrical Devices

Where the HMR permit batteries to be offered for transportation, either separately or installed in equipment, batteries must be protected against short circuits. The following discusses types of batteries which are regulated by the HMR. *Wet batteries:* Batteries, wet, filled with acid, UN 2794, and Batteries, wet, filled with alkali, UN 2795, are those that contain corrosive battery fluid, and are subject to the packing requirements of § 173.159. *Wet ''non-spillable'' batteries:* Batteries, wet, nonspillable, UN 2800, are wet batteries which are capable of withstanding leakage of battery fluid when subjected to vibration and pressure differential tests, as specified in § 173.159(d)(3). These batteries are excepted from all other requirements of the HMR, provided they meet the requirements of § 173.159 (d)(1), (d)(2), and (d)(3). *Batteries containing sodium:* Batteries, containing sodium, UN 3292, are batteries that contain a material that, by contact with water, are liable to become spontaneously flammable or give off flammable or toxic gas at a rate greater than 1 liter per kilogram of the material per hour. These batteries are subject to the packaging requirements of § 173.189. *Lithium batteries:* Lithium batteries, UN 3090, and Lithium batteries, contained in equipment, UN 3091, are batteries which contain lithium substances that react dangerously with water. Regulated batteries contain, for liquid cathodes, more than 0.5 grams of lithium per cell, or containing an aggregate of over 1.0 gram of lithium or lithium alloy, and batteries which contain solid cathodes, 1.0 gram of lithium or lithium alloy per cell, or an aggregate of over 2.0 grams of lithium or lithium alloy. These batteries are subject to the packaging requirements of § 173.185. Certain lithium batteries are not subject to the requirements of the HMR provided they meet the requirements of § 173.185(c). *Batteries containing potassium hydroxide solids:* Batteries, dry, containing potassium hydroxide solid, UN 3028, are those which contain corrosive solids, and are subject to the packaging requirements of § 173.213.

Dry batteries that are not otherwise subject to the requirements of the HMR are batteries such as rechargeable camera, cell phone, and dry carbon and alkaline batteries which are commonly used by consumers. These batteries are otherwise excepted from requirements of the HMR when offered for transportation or transported in commerce provided the battery is packaged in a manner that prevents the generation of a dangerous quantity of heat that may result from short-circuiting. For the purpose of § 173.21 (c), ''dangerous quantity of heat'' is considered, in part, to be a sufficient amount of energy to cause leakage of the battery contents, smoke or fire, or personal injury.

Even without a short-circuit condition existing, a component in circuitry connected to a battery may become heated to a point where combustion is initiated in the component itself, or in near-by combustible materials, even if the battery or the device in which the battery is installed functions normally. RSPA has become aware of several incidents in which devices that contain batteries, although shipped in compliance with § 173.159, have produced dangerous quantities of heat while in transportation in commerce. RSPA is evaluating the conditions surrounding these incidents.

An example is a November 1997 incident in which a device known commonly as an Uninterruptible Power Source was offered to an air carrier for transportation in commerce. An Uninterruptible Power Source, a device consisting of a battery with associated circuitry, is used both to provide electrical surge protection to computers and to supply emergency power to computers in the event of a loss of normal power. After being transported on at least one flight, the power source, packed in a fiberboard box, was

discovered burning and smoking at a cargo sort facility. A subsequent investigation revealed that the burning initiated in a printed circuit board, with the source of energy being a battery within the device.

Another example of a condition of a component in circuitry connected to a battery may become heated to a point where combustion is initiated in the component itself, or in near-by combustible materials, even when the device functions normally is a properly operating, high-intensity flashlight used by scuba divers. Such devices, packed in checked baggage and unintentionally activated (i.e., by movement of the on/off switch to the ''on'' position), have started fires in passenger baggage.

Airline passengers and persons who offer such electrical devices for transportation as carry on baggage, checked baggage, or as cargo, are responsible for assuring that appropriate means are taken to protect against dangerous levels of heat from inadvertent activation or short-circuit of the electrical device in transportation. Individuals who carry any battery-powered electrical device in their luggage should take care not to pack it in a manner that may lead to a short-circuit by contact with keys or other metallic articles, or its inadvertent activation while in transportation. To address this potential risk, the HMR contains an overriding provision in § 173.21, Forbidden materials and packages. Materials forbidden by § 173.21 may not be offered for transportation, or transported in commerce. This section extends the forbidden designation beyond materials specifically identified in the Hazardous Materials Table or elsewhere in the HMR, to various additional general categories including:

''Electrical devices which are likely to create sparks or generate a dangerous quantity of heat, unless packaged in a manner which precludes such an occurrence.''

Any electrical device, even one not otherwise subject to the HMR (either by specific exception from the HMR, or because the device and its power source contains no material meeting the definition of a hazardous material), is forbidden from being offered for transportation, or transported, if the device is likely to produce sparks or a dangerous quantity of heat.

III. Reminder to Offerers and Transporters

Any persons who offers or transports a battery or an electrical device with an installed battery, including power sources, lights or torches, power tools, and other related articles are encouraged to carefully review this guidance, to examine all of their procedures, and where necessary, to take measures to prevent potential incidents in transportation. While evaluating whether such devices are likely to produce sparks or generate a dangerous quantity of heat, environmental conditions normally encountered in transportation must be taken into account, including temperature, humidity, vibration, impacts from rough handling and other relevant factors. In addition, the possibility of product manufacturing variations such as contamination, spacings, and loose parts should be taken into account.

Persons are reminded that the offering for transportation of any forbidden material in violation of the HMR subjects the offerer to enforcement action, including, but not limited to, significant civil penalties and appropriate judicial remedies. Furthermore, a willful violation of the HMR, or the reckless offering of a material for transportation in violation of the HMR, is subject to criminal penalties of up to 5 years in prison and/or fines.

Issued in Washington, DC, on June 28, 1999.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 99–17123 Filed 7–6–99; 8:45 am]

BILLING CODE 4910–60–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: ''Egyptian Art in The Age of the Pyramids''

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the additional cultural objects to be included in the ''Egyptian Art in The Age of the Pyramids,'' imported from abroad for temporary exhibition in the United States are for exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with a foreign lender. I also determine that the exhibition or display of the listed objects at the Metropolitan Museum of Art from September 13, 1999 to January 9, 2000 is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For a copy of the list of exhibit objects or other information, please contact Carol Epstein, Assistant General Counsel, Office of the General Counsel, 202/619–6981. The address is Room 700 U.S. Information Agency, 301 4th Street, SW, Washington, DC 20547–0001.

Dated: June 29, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–17091 Filed 7–6–99; 8:45 am]

BILLING CODE 8230–01–M

federal register

Wednesday
July 7, 1999

Part II

Department of Education

Office of Postsecondary Education—William D. Ford Federal Direct Loan Program; Notice

DEPARTMENT OF EDUCATION

Office of Postsecondary Education—William D. Ford Federal Direct Loan Program

AGENCY: Department of Education.

ACTION: Notice of deadline for submission of loan records and promissory notes.

SUMMARY: This notice establishes the deadline for the submission of all William D. Ford Federal Direct Loan (Direct Loan) Program electronic loan records and promissory notes to the Secretary for the 1997–1998 academic year (Year 4).

DEADLINE DATES FOR SUBMISSION OF RECORDS: Institutions that participated in the Direct Loan Program during academic year 1997–1998 (Year 4) must submit all electronic loan records and promissory notes associated with Direct Loans made during that year to the Secretary no later than August 2, 1999.

SUPPLEMENTARY INFORMATION: An institution that participates in the Direct Loan Program is required under 34 CFR 685.300(b)(6) to comply with all requirements established by the Secretary relating to loans made under that program. The Secretary has the authority under this provision to establish a deadline by which all required electronic records and promissory notes for a particular academic year must be final, complete, accurate, and submitted to the Secretary.

The Secretary believes that establishing an annual deadline for the submission of all electronic records (both initial and adjusted or revised records) and promissory notes is necessary to protect the rights of borrowers, and to protect the United States from unreasonable financial risks. Under 34 CFR 685.309(a), schools that participate in the Direct Loan Program are required to establish and maintain proper administrative and fiscal accounting procedures. The establishment of an annual submission deadline promotes compliance with this requirement. An annual deadline also enables the Secretary to close out the processing of Direct Loan Program cash records for an academic year and makes it easier for the Secretary to determine that Direct Loan funds were disbursed appropriately to student and parent borrowers. Further, an annual deadline enables the Secretary to conduct program reviews of Direct Loan schools more efficiently, since all Direct Loan records submitted to the Secretary by the deadline are final.

The annual submission deadlines established in this notice are separate from the 30-day requirement for the regular submission of initial electronic records and promissory notes. Under 34 CFR 685.301(d), Direct Loan schools that participate under Origination Option 1 or Origination Option 2 must submit loan origination records, promissory notes, and disbursement records no later than 30 days after the date the disbursements are made. Schools that participate under Standard Origination must submit initial and subsequent disbursement records to the Secretary no later than 30 days after the date of each disbursement.

In some cases, institutions may need to adjust or revise electronic records that were previously submitted to the Secretary within the regular 30-day time period. The annual submission deadline established in this notice is the date by which all electronic records (whether adjusted/revised or initial) and promissory notes for the 1997–1998 academic year (Year 4) must be submitted to and accepted by the Secretary. If initial records and promissory notes have not been submitted before the annual deadline, the annual submission deadline supersedes the regular 30-day requirement under 34 CFR 685.301(d). Therefore, any initial records or promissory notes for the 1997–1998 academic year must be submitted to the Secretary by the annual submission deadline, even if that date is earlier than the regular 30-day deadline.

Any electronic record or promissory note for the 1997–1998 academic year that is submitted to the Secretary after the annual submission deadline will be rejected. This includes any record or promissory note that was previously submitted, but rejected, on or before the submission deadline. Records and promissory notes that have been rejected and remain incomplete or inaccurate by August 2, 1999 may result in institutional, rather than Federal, responsibility for the loan or portion of the loan.

FOR FURTHER INFORMATION CONTACT: Jon Utz, U.S. Department of Education, 400 Maryland Avenue, SW, ROB–3, Room 3045, Washington, DC 20202–3272. Telephone (202) 708–8242. If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to this Document

You may view this document, as well as other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following sites:

http://ocfo.ed.gov/fedreg.htm
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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at:

http://www.access.gpo.gov/nara/index.html

(Catalog of Federal Domestic Assistance Number 84.268, William D. Ford Federal Direct Loan Program)

(**Program Authority:** 20 U.S.C. 1087a *et seq.*)

Dated: July 1, 1999.

Greg Woods,

Chief Operating Officer for the Office of Student Financial Assistance.

[FR Doc. 99–17134 Filed 7–6–99; 8:45 am]

BILLING CODE 4000–01–P

federal register

Wednesday
July 7, 1999

Part III

Department of Justice

Bureau of Prisons

28 CFR Part 553

Inmate Personal Property; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 553

[BOP–1051–F]

RIN 1120–AA46

Inmate Personal Property

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its regulations on inmate personal property to allow for the standardization of authorized personal property lists at Bureau institutions and to facilitate procedures for the transportation of personal property due to inmate transfer or release. In addition, this document clarifies the status of personal property items previously authorized which are subsequently determined to pose a threat to the security, good order, or discipline of the institution. This amendment is intended to provide for the more efficient and secure operation of the institution.

EFFECTIVE DATE: August 6, 1999.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on inmate personal property (28 CFR part 553, subpart B). A proposed rule on this subject was published in the **Federal Register** on April 1, 1996 (61 FR 14440).

Background of Inmate Personal Property

Current regulations governing inmate personal property specify that, consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate (see 28 CFR 553.10). Because of variations among institution lists, when inmates transfer between institutions not all property authorized at the sending institution may be considered authorized at the receiving institution. Any unauthorized property is mailed at government expense to another party of the inmate's choice.

Purpose of the Amended Regulations

In order to alleviate this problem, the Bureau is implementing a standardized list of property which would be authorized for retention at all institutions. The Warden retains the discretion to authorize additional items for retention at his or her institution. Typically, these additional items will be government-issued or perishable. Consequently, § 553.10 is being amended to refer to the standardized list and to additions authorized by the Warden. Under this new procedure, less personal property being transferred between institutions will be subject to rejection by the receiving institution. Property authorized for retention by the Warden in addition to the standardized list will be identified as such. Under the revised regulations, the inmate would be responsible for the cost of remailing items not authorized by the receiving institution.

Both the standardized list and the additional items authorized by the Warden may include numerical limits on specific types of property (for example, two pairs of athletic shoes). Such numerical limits reduce the reliance in the previous regulations on the amount of storage as a determining factor in the retention of personal property (former § 553.11(a)(1) had stated ''Staff may allow an inmate to retain that authorized property which the inmate may neatly and safely store in the designated area''). Revised § 553.11 now includes reference to possible numerical limitations along with the procedures for notifying inmates of such limits.

The provisions for storage space in new paragraph (b) contain a clear statement that authorized personal property is to be stored in the designated area. Specific provisions in the former regulations as to the requirement to store special purchase items, commissary items, correspondence, and reading materials have been removed to reduce redundancy. New paragraphs (c) through (h) now focus on limitations other than those imposed by space constraints. With respect to clothing, new paragraph (c) provides that civilian clothing (i.e., clothing not issued to the inmate by the Bureau or purchased by the inmate from the commissary) ordinarily is not authorized for retention by the inmate. This is in keeping with the standardized list of personal property. The regulations formerly allowed for some variation (former § 553.11(b), ''Staff may allow an inmate to retain that clothing, whether civilian (at institutions where authorized) or institution * * *''). Under new paragraph (c), such civilian clothing possessed by current inmates could be retained no later than the effective date of the revised regulation. As proposed, paragraph (c) identified November 1, 1997 as the planned implementation date. In this final rule, the implementation date has been adjusted to allow for a thirty day delay following publication in the **Federal Register**. New paragraphs (d) and (e) are unchanged and are being republished here for ease of review. New paragraph (f) is merely being redesignated from former paragraph (g) and is also being republished for ease of review.

Section 553.14 has been revised to address more completely procedures for the shipment or disposal of property due to inmate transfer and release. The revised procedures allow for more flexibility in shipping property. Because of the use of a standardized list, the Bureau expects that there would be substantially reduced need for remailing any property which is not authorized by the receiving institution.

Response to Public Comments

Comments on the proposed rule were received from inmates, members of the general public, and other interested parties. The majority of inmate comments consisted of form letters from inmates at various institutions. A summary of the comments and the Bureau's response follow.

1. Appropriateness and Adequacy of Bureau Issue Clothing

Several inmates expressed concern that the new rule would deny them access to clothing appropriate for particular climates and environments. In particular, several inmates at one institution complained that the coats they are issued are not warm enough for the cold temperatures during winter months. One inmate preferred a particular type of coat which he had at a former institution. The Bureau notes that the Warden of each institution is responsible for determining the type of coat which will be issued at the Warden's institution. While this determination naturally is based upon factors such as average temperatures at the institution, security or budgetary constraints may make it not practicable to please everyone's preference. In those instances, however, where the inmate is unsatisfied by the selection at the institution the inmate may use the Administrative Remedy Program to seek appropriate accommodation. Monitoring inmate requests submitted under the Administrative Remedy Program further provides the Bureau with information which can be used to evaluate whether general adjustments in such determinations are necessary.

One commenter suggested that the amount of issued undergarments was not appropriate for inmates, and that personal undergarments should be allowed to supplement the provided totals. In consideration of this concern, the Bureau will amend the issued property list to include ten (10) pairs of undergarments (bras and panties) for female inmates, and ten (10) pairs of underwear (boxers or briefs) for male inmates.

Several female inmates requested that personal sleepwear be allowed because the issued sleepwear is not appropriate for larger-sized women. The Bureau responds that institution commissaries are able to special order particular sizes of clothing for inmates with special needs. Several female inmates commented that the material of the sleepwear provided was too sheer and almost see-through. The Bureau responds that institution commissaries may order different nightshirts if the material is deemed to be too sheer. Inmates unsatisfied with either the size or material may use the Administrative Remedy Program to seek a further solution, as noted above. As a further adjustment, however, the Bureau has chosen to include a bathrobe as part of an inmate's government-issued property.

One commenter noted that the proposed rule only allowed for white clothing, which might be inappropriate for inmates, especially female inmates, with dark pigmentation. In response, Bureau commissaries will now be authorized to issue undergarments, t-shirts and sweat suits in neutral tones (i.e., tan).

Several female inmates commented that the list of personal property seems to favor male inmates more than female inmates. The Bureau responds that this is not the intention of the personal property rule. The Bureau has completed a review of the government issue list with consideration of gender differences and has amended the list as appropriate (for example, with respect to undergarments and hats).

2. Behavior, Education and Recreation of Inmates

Several inmates commented that this rule imposes severe personal property restrictions on inmates who follow all prison regulations and strive to act responsibly. Several inmates commented that personal property privileges are incentives for inmates to behave. These commenters argue that without the privileges, a major incentive for good behavior is removed. One commenter suggested that property restrictions be used to punish infractions of prison rules. The Bureau notes that restrictions on inmate personal property are necessary for the security and orderly running of the institution. The revised regulations leave much of the former property list intact. Inmates are still allowed to retain several items of personal property which may be shipped upon transfer.

Several commenters suggested that the new rule limits the educational opportunities of inmates by restricting the amount of allowed books to five. The Bureau responds that inmates still retain access to institution libraries and to correspondence courses. The limit of five books has been instituted as a practical means of ensuring that the amount of the inmate's personal property will not exceed storage space available at the institution.

One commenter noted that the list of personal property items to be shipped at the inmate's expense includes most of the recreational and hobbycraft items that inmates have been allowed to possess at institutions. The commenter stated that he did not understand the reason for removing items which occupy the time of inmates and contribute to their rehabilitation. The Bureau finds merit in this comment and accordingly shall allow approved recreational and hobbycraft items to be shipped at the government's expense except to the extent that the amount of material exceeds allocated space for the shipment.

One inmate commented that the Bureau and sentencing court represented life in a low-security camp as including the privilege of wearing personal clothing. Previously, under § 553.11(b) staff may allow an inmate to retain civilian clothing at institutions where authorized. The determination to allow retention of civilian clothing (and presumably the wearing of civilian clothing) was always at the discretion of the Bureau and was not an entitlement of the inmate. As noted in the proposed rule, the provisions on civilian clothing were revised and ordinarily would not be authorized for retention at any institution in keeping with the standardized list of property. General conditions of incarceration in a low-security camp otherwise serve as sufficient motivation for continued positive institutional adjustment of qualified inmates.

3. Financial Impact of These Restrictions

One inmate commented that it made financial sense to let inmate families and friends donate needed clothing to offset the Bureau's costs, and one inmate commented that allowing personal property would not create any additional costs for the Bureau. The Bureau notes, however, that allowing such a volume of clothing into institutions would put an undue strain on the institution staff who inspect incoming packages. The presence of civilian clothing within the institution may give rise to the appearance of favoritism based upon an inmate's social or economic status. This appearance could serve to encourage disruptive behavior and thus compromise the security and good order of the institutions.

Several inmates commented about high commissary prices and how this policy would result in the commissary being able to turn a higher profit. The Bureau responds that institution commissaries purchase reasonably priced clothing and then use a standard markup to reach the commissary price. This markup will not change to take advantage of the new personal property rule. Fluctuations in price are normally due to changes in the unit cost. One possible benefit from the use of a standardized personal property list is the cost savings benefit from higher volume single source orders. The Bureau further points out that any profits generated by the commissary are used to support institution programming and programs designed for the inmate's benefit (for example, inmate organization or recreational activities).

One inmate commented that the prices in the commissary are too high to be able to afford desired items. The Bureau notes that all required clothing and personal care items are provided to inmates through government issue. Additional items may be acquired with funds from the inmate's commissary account. The Bureau has no control over how many external sources of money an inmate has access to while in prison. Inmates with few outside sources are given the opportunity to work in order to earn commissary funds.

One inmate commented that the Financial Responsibility Program also limits the ability of inmates to purchase commissary items. The Bureau responds that inmates who owe financial debts imposed as part of the sentence must take care of those obligations. Citizens who are not incarcerated must pay their debts before being able to spend money on discretionary items, and inmates are not exempt from this responsibility.

Several inmates commented that the new rule will impose higher costs on them and their families because now commissary items will have to be repurchased each time an inmate transfers institutions. The Bureau

responds that under the new personal property list, Wardens may allow some items to be retained. However, the new lists provide notice to inmates about what property is allowed, and thus inmates can plan to use their commissary money to purchase items that are retainable if they will be unable to purchase new items that are non-transferrable.

One inmate commented that the federal deficit could be offset and that other federal budget cuts could be avoided if the Bureau avoided spending money on issuing clothing to prisoners by letting inmates possess personal clothing. The Bureau responds that the potential security risks which would be created by letting all inmates have personal clothing outweigh any conjectural budgetary relief such a measure might create.

4. Necessity and Philosophy of the Policy

Several commenters questioned the necessity of this new rule. One commenter suggested that other alternatives to serve the Bureau's purposes have not been tried yet. Another commenter stated that avoiding tort claims and promoting uniformity did not sufficiently justify the new property restrictions. The Bureau disagrees. Standardization of inmate personal property at all institutions reduces the potential for the accumulation of property which would not be transferrable to other institutions. This would further reduce costs for remailing of items.

One commenter questioned how the Bureau could justify not classifying this rule as a ''significant regulatory action'' since it impacts approximately 100,000 people in federal custody. As noted below, the Bureau affirms that the rule does not have a significant impact upon a substantial number of small entities. Under the Act ''small entities'' has the same mean as ''small businesses, organizations, or small governmental jurisdictions''.

Several commenters expressed concern that the new rules would remove the flexibility Wardens have to run individual institutions. One commenter suggested that the rule does not take into consideration the differences between security levels. Another inmate stated that the rule does not allow for accommodations of institution or individual needs. Another commenter worried that the new rule was vague enough to allow for too many arbitrary interpretations at the institution level. Wardens retain the authority to allow for additional items at their institutions. Because these items are identified as being approved for local use only, the inmate's choice to purchase the item is an informed one in light of the item's disposition consequent to the inmate's subsequent transfer from the institution.

5. Premature Implementation of the Policy

Several inmates complained that the policy has already been implemented at some institutions even though it was only a proposed rule. The Bureau responds that under the previous regulations the Warden had explicit authority to identify personal property limits for the institution. In any event, any specific complaints may be addressed through the Administrative Remedy Program.

6. Psychological Impact on Inmates

Several inmates and interested parties expressed concern that the new property rule would have a severe adverse psychological impact on inmates. Several commenters noted that personal clothing contributes to a person's self-esteem, dignity, sense of self-worth, and identity. One commenter hypothesized that the denial of personal clothing would be so degrading as to actually harden inmates even more against society. As noted above, the Bureau believes that the presence of civilian clothing within the institution may instead lead to disruptive behavior.

Several commenters remarked upon recent statutory restrictions on the provisioning of certain amenities (weight training equipment and premium cable television channels). Several commenters worried that the combination of statutory restrictions and the revised personal property regulations would cause some inmates to lose interest in life. One commenter worried that the combination of all of the restrictions would make the maintenance of order in the institution significantly more difficult for institution staff. The mandatory statutory restrictions alluded to by the commenters are outside the scope of this rulemaking. With respect to the standardized list, the Bureau believes that its use will improve orderly operation at the institution.

7. Security Issues

One inmate suggested that inmates should be allowed to share clothing without generating an incident report. The ''sharing'' of clothing qualifies as a prohibited act because such would constitute the possession of property not issued to or authorized for possession by the inmate. Determinations pertaining to prohibited acts are resolved under the Bureau's inmate discipline regulations (see 28 CFR part 541).

Several inmates commented that removing all personal clothing would promote stealing among inmates. The Bureau believes that such is not the case.

One inmate speculated that the purpose of the new property restrictions was to alleviate gang participation. The commenter suggested that gang members have several ways of keeping track of each other, and so the property restrictions are not necessary. As noted above, a purpose of the revised regulations is to alleviate inefficiencies caused by the transfer of personal property between institutions when institutions have different lists of authorized property.

One commenter asked why hooded sweatshirts were prohibited, but wool hats were allowed. This question is not particularly relevant to the final rule at issue here. However, the Bureau responds that there are enough differences between a hooded sweatshirt and a separate hat to make them a security risk, particularly the potential for hiding small items in the hood.

8. Shipping, Storage and Transfer Issues

Several commenters expressed concern over the Bureau abandoning all shipping costs after the effective date of the revised regulations. For purposes of the proposed rulemaking, § 553.14(b) identified November 1, 1997 as the implementation date of the provision. In this final rule, the implementation date in § 553.14(b) has been adjusted to allow for a thirty day delay following publication of the final rule in the **Federal Register**.

One inmate suggested that Bureau allow each inmate a specific amount of materials which can be shipped at institution expense. The Bureau notes that the assumption by the inmate of shipping costs only pertains to excess material not authorized by the receiving institution. The Bureau is still responsible for the cost of shipping authorized property as identified on the standardized list. One inmate worried what would happen to materials whose owners could not afford to ship. Section 553.14(c) specifies that such property would be disposed of through approved methods, including destruction of the property. However, pursuant to § 553.13(b)(2)(iii), the Warden or designee may authorize the institution to pay the cost of mailings where the inmate has insufficient funds and no likelihood of new funds being received.

Several inmates expressed concern over the two box storage limit set for inmate property. One inmate stated that inmates serving long or life sentences can easily accumulate more than two boxes worth of property. Another inmate reported that there is confusion over whether issued items can be stored in a locker instead of the boxes. The two box storage limit refers to the means of transporting approved non-government issued items for inmates who are transferring to another institution. These boxes therefore are not used in place of lockers at the institution. The Bureau has deemed that the dimensions of the boxes are sufficient to transport approved non-government issued items which have been identified on the standardized list as acceptable at all institutions.

Several inmates express dissatisfaction with the list of items which can be transferred. Inmates complained that pajamas, extra underwear, visitation clothes, and recreational and hobby craft items are not transferable. Several inmates complained that items available for purchase in the commissaries are not transferable (e.g. fans). As noted above, some of these items would be authorized for shipment at the expense of the inmate. In any event, through implementation of a standardized property list, inmates would be aware of how commissary purchased items would be treated when the inmate transfers to another institution.

Clarification of Contraband Items

In adopting the regulations as final, the Bureau is clarifying the status of personal property items previously authorized which are subsequently determined to pose a threat to the security, good order, or discipline of the institution. The term ''contraband'' is defined in 28 CFR 500.1(h). For the sake of consistency, the Bureau is revising § 553.12 to refer to this definition. Because circumstances pertinent to the identification of threats to security, good order, or discipline can change, revised § 553.12 also notes that a property item can be found to pose a threat to institution security, good order, or discipline subsequent to an initial determination that it did not pose such a threat. The introductory text of § 553.10 has also been amended in conformance by qualifying (''ordinarily'') the description of authorized property. The procedures for handling contraband in § 553.13(b)(2)(iii) are being revised to allow for the institution to bear the cost of mailing such personal property items.

Members of the public may submit further comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

Executive Order 12612

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

Regulatory Flexibility Act

The Director of the Bureau of Prisons, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Roy Nanovic, Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First St., Washington, DC 20534; telephone (202) 514–6655.

List of Subjects in 28 CFR Part 553

Prisoners.

Kathleen Hawk Sawyer,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(o), part 553 in subchapter C of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 553—INMATE PROPERTY

1. The authority citation for 28 CFR part 553 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Section 553.10 is amended by revising the first and the last sentences to read as follows:

§ 553.10 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate may possess ordinarily only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate. * * * Consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate in addition to that personal property which has been approved by the Director for retention at all institutions.

3. Section 553.11 is revised to read as follows:

§ 553.11 Limitations on inmate personal property.

(a) *Numerical limitations.* Authorized personal property may be subject to numerical limitations. The institution's

Admission and Orientation program shall include notification to the inmate of any numerical limitations in effect at the institution and a current list of any numerical limitations shall be posted on inmate unit bulletin boards.

(b) *Storage space.* Staff shall set aside space within each housing area for use by an inmate. The designated area shall include a locker or other securable area in which the inmate is to store authorized personal property. The inmate shall be allowed to purchase an approved locking device for personal property storage in regular living units. Staff may not allow an inmate to accumulate materials to the point where the materials become a fire, sanitation, security, or housekeeping hazard.

(c) *Clothing.* Civilian clothing (i.e., clothing not issued to the inmate by the Bureau or purchased by the inmate from the commissary) ordinarily is not authorized for retention by the inmate. Civilian clothing which previously had been approved for retention may not be retained after August 6, 1999. Prerelease civilian clothing for an inmate may be retained by staff in the Receiving and Discharge area during the last 30 days of the inmate's confinement.

(d) *Legal materials.* Staff may allow an inmate to possess legal materials in accordance with the provisions on inmate legal activities (see § 543.11 of this chapter).

(e) *Hobbycraft materials.* Staff shall limit an inmate's hobby shop projects within the cell or living area to those projects which the inmate may store in designated personal property containers. Staff may make an exception for an item (for example, a painting) where size would prohibit placing the item in a locker. This exception is made with the understanding that the placement of the item is at the inmate's own risk. Staff shall require that hobby shop items be removed from the living area when completed, and be disposed of in accordance with the provisions of part 544, subpart D, of this chapter.

(f) *Radios and Watches.* An inmate may possess only one approved radio and one approved watch at a time. The inmate must be able to demonstrate proof of ownership. An inmate who purchases a radio or watch through a Bureau of Prisons commissary is ordinarily permitted the use of that radio or watch at any Bureau institution if the inmate is later transferred. If the inmate is not allowed to use the radio or watch at the new institution, the inmate shall be permitted to mail, at the receiving institution's expense, the radio or watch to a destination of the inmate's choice. Where the inmate refuses to provide a mailing address, the radio and/or watch may be disposed of through approved methods, including destruction of the property.

(g) *Education Program Materials.* Education program materials or current correspondence courses may be retained even if not stored as provided in paragraph (b) of this section.

(h) *Personal Photos.* An inmate may possess photographs, subject to the limitations of paragraph (b) of this section, so long as they are not detrimental to personal safety or security, or to the good order of the institution.

4. Section 553.12 is revised to read as follows:

§ 553.12 Contraband.

(a) Contraband is defined in § 500.1(h) of this chapter. Items possessed by an inmate ordinarily are not considered to be contraband if the inmate was authorized to retain the item upon admission to the institution, the item was issued by authorized staff, purchased by the inmate from the commissary, or purchased or received through approved channels (to include approved for receipt by an authorized staff member or authorized by institution guidelines).

(b) For the purposes of this subpart, there are two types of contraband.

(1) Staff shall consider as hard contraband any item which poses a serious threat to the security of an institution and which ordinarily is not approved for possession by an inmate or for admission into the institution. Examples of hard contraband include weapons, intoxicants, and currency (where prohibited).

(2) Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to security or its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include: personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area; food items which are spoiled or retained beyond the point of safe consumption; government-issued items which have been altered, or other items made from government property without staff authorization.

5. In § 553.13, paragraph (b)(2)(iii) is amended by revising the second and third sentences to read as follows:

§ 553.13 Procedures for handling contraband.

* * * * *

(b) * * *

(2) * * *

(iii) * * * The Warden or designee may authorize the institution to pay the cost of such mailings when the item had not been altered and originally had been permitted for admission to the institution or had been purchased from the commissary, or where the inmate has insufficient funds and no likelihood of new funds being received. Where the inmate has established ownership of a contraband item, but is unwilling, although financially able to pay postage as required, or refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

* * * * *

6. Section 553.14 is revised to read as follows:

§ 553.14 Inmate transfer between institutions and inmate release.

(a) Except as provided for in paragraphs (a)(1) through (3) of this section, authorized personal property shall be shipped by staff to the receiving institution.

(1) The Warden ordinarily shall allow an inmate transferring to another institution to transport personal items determined necessary or appropriate by staff and, if applicable, legal materials for active court cases.

(2) The Warden may require or allow an inmate who is transferring to another institution under furlough conditions to transport all the inmate's authorized personal property with him or her.

(3) An inmate who is being released or who is transferring to a Community Corrections Center may arrange to ship personal property at the inmate's expense. The inmate is responsible for transporting any personal property not so shipped.

(b) If the inmate's personal property is not authorized for retention by the receiving institution, staff at the receiving institution shall arrange for the inmate's excess personal property to be mailed to a non-Bureau destination of the inmate's choice. The inmate shall bear the expense for this mailing.

(c) Whenever the inmate refuses to provide a mailing address for return of the property or, when required, refuses to bear the expense of mailing the property, the property is to be disposed

of through approved methods, including destruction of the property.

[FR Doc. 99–17214 Filed 7–6–99; 8:45 am]

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federal register

Wednesday
July 7, 1999

Part IV

The President

Executive Order 13129—Blocking Property and Prohibiting Transactions With the Taliban

Federal Register
Vol. 64, No. 129
Wednesday, July 7, 1999

Presidential Documents

Title 3—

The President

Executive Order 13129 of July 4, 1999

Blocking Property and Prohibiting Transactions With the Taliban

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*)(''IEEPA''), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that the actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) all property and interests in property of the Taliban; and

(b) all property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(i) to be owned or controlled by, or to act for or on behalf of, the Taliban; or

(ii) to provide financial, material, or technological support for, or services in support of, any of the foregoing,

that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked.

Sec. 2. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of the Taliban or persons designated pursuant to this order;

(b) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, software, technology (including technical data), or services to the territory of Afghanistan controlled by the Taliban or to the Taliban or persons designated pursuant to this order is prohibited;

(c) the importation into the United States of any goods, software, technology, or services owned or controlled by the Taliban or persons designated

pursuant to this order or from the territory of Afghanistan controlled by the Taliban is prohibited;

(d) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(e) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby directed to authorize commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end use in the territory of Afghanistan controlled by the Taliban under appropriate safeguards to prevent diversion to military, paramilitary, or terrorist end users or end use or to political end use.

Sec. 4. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term ''the Taliban'' means the political/military entity headquartered in Kandahar, Afghanistan that as of the date of this order exercises de facto control over the territory of Afghanistan described in paragraph (d) of this section, its agencies and instrumentalities, and the Taliban leaders listed in the Annex to this order or designated by the Secretary of State in consultation with the Secretary of the Treasury and the Attorney General. The Taliban is also known as the ''Taleban,'' ''Islamic Movement of Taliban,'' ''the Taliban Islamic Movement,'' ''Talibano Islami Tahrik,'' and ''Tahrike Islami'a Taliban''

(d) the term ''territory of Afghanistan controlled by the Taliban'' means the territory referred to as the ''Islamic Emirate of Afghanistan,'' known in Pashtun as ''de Afghanistan Islami Emarat'' or in Dari as ''Emarat Islami-e Afghanistan,'' including the following provinces of the country of Afghanistan: Kandahar, Farah, Helmund, Nimruz, Herat, Badghis, Ghowr, Oruzghon, Zabol, Paktiha, Ghazni, Nangarhar, Lowgar, Vardan, Faryab, Jowlan, Balkh, and Paktika. The Secretary of State, in consultation with the Secretary of the Treasury, is hereby authorized to modify the description of the term ''territory of Afghanistan controlled by the Taliban''

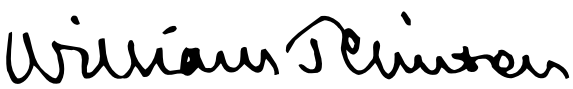
(e) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. (a) This order is effective at 12:01 a.m. Eastern Daylight Time on July 6, 1999.

(b) This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
July 4, 1999.

Billing code 3195–01–P

Annex

Mohammed Omar (Amir al-Mumineen [Commander of the Faithful]);

[FR Doc. 99–17444
Filed 7–6–99; 12:38 pm]
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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.

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Agricultural Marketing Service

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- California; published 6-7-99

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:
- Group risk plan of insurance; 2000 and succeeding crop years; published 6-7-99

COMMODITY FUTURES TRADING COMMISSION

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- Recordkeeping requirements; electronic storage media and other recordkeeping-related issues; published 7-7-99

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Air quality implementation plans; approval and promulgation; various States:
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- Agency protests; mandatory solicitation provision; published 7-7-99
- Miscellaneous administrative revisions; published 7-7-99

TRANSPORTATION DEPARTMENT

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Federal Aviation Administration

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Agricultural Marketing Service

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Pork promotion, research, and information order; comments due by 7-12-99; published 6-10-99

AGRICULTURE DEPARTMENT

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AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

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  - Gulf of Mexico Fishery Management Council; hearings; comments due by 7-14-99; published 6-11-99
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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''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. 435/P.L. 106–36

Miscellaneous Trade and Technical Corrections Act of 1999 (June 25, 1999; 113 Stat. 127)

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