

substitutes would enjoy increased purchases.

### G. Solicitation of Information and Comments

This ANPR is the first step of a proceeding that could result in a mandatory rule for dive sticks to address the described risk of injury. All interested persons are invited to submit to the Commission their comments on any aspect of the alternatives discussed above. In particular, CPSC solicits the following additional information:

1. The models and numbers of dive sticks produced for sale in the U.S. each year from 1990 to the present;

2. The names and addresses of manufacturers and distributors of dive sticks;

3. The expected useful life of dive sticks.

4. Comparisons of the utility obtained from dive sticks versus substitute products (e.g., dive rings or disks or dive sticks that lie horizontally, rather than vertically);

5. The number of persons injured or killed by the hazards associated with dive sticks;

6. The circumstances under which these injuries and deaths occur, including the ages of the victims;

7. An explanation of designs that could be adapted to dive sticks to reduce the described risk of injury;

8. Physical or performance characteristics of the product that could or should not be used to define which products might be subject to a rule;

9. The costs to manufacturers involved in either redesigning dive sticks to remove the risk or removing dive sticks from the market.

10. Other information on the potential costs and benefits of potential rules;

11. Steps that have been taken by industry or others to reduce the risk of injury from the product;

12. The likelihood and nature of any significant economic impact of a rule on small entities;

13. The costs and benefits of mandating a banning, labeling or instructions requirement.

Also, in accordance with section 3(f) of the FHSA, the Commission solicits:

1. Written comments with respect to the risk of injury identified by the Commission, the regulatory alternatives being considered, and other possible alternatives for addressing the risk.

2. Any existing standard or portion of a standard which could be issued as a proposed regulation.

3. A statement of intention to modify or develop a voluntary standard to address the risk of injury discussed in this notice, along with a description of a plan (including a schedule) to do so.

Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504-0800. Comments also may be filed by telefacsimile to (301) 504-0127 or by email to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments should be captioned "ANPR for Dive Sticks." All comments and submissions should be received no later than September 14, 1999.

Dated: July 12, 1999.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 99-18113 Filed 7-15-99; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### 29 CFR Part 2510

RIN 1210-AA48

#### Plans Established or Maintained Pursuant to Collective Bargaining Agreements Under Section 3(40)(A) of ERISA

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**ACTION:** Negotiated rulemaking committee notice of meeting.

**SUMMARY:** The Department of Labor's (Department) ERISA Section 3(40) Negotiated Rulemaking Advisory Committee (Committee) was established under the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act (the FACA) to develop a proposed rule implementing the Employee Retirement Income Security Act of 1974 (ERISA), as amended. The purpose of the proposed rule is to establish a process and criteria for a finding by the Secretary of Labor that an agreement is a collective bargaining agreement for purposes of section 3(40) of ERISA. The proposed rule will also provide guidance for determining when an employee benefit plan is established or maintained under or pursuant to such an agreement. Employee benefit plans that are established or maintained for the purpose of providing benefits to the employees of more than one employer are "multiple employer welfare arrangements" (MEWAs) under section 3(40) of ERISA, and therefore are subject

to certain state laws, unless they meet one of the exceptions set forth in section 3(40)(A). At issue in this regulation is the exception for plans or arrangements that are established or maintained under one or more agreements which the Secretary finds to be collective bargaining agreements. It is the view of the Department that it is necessary to distinguish organizations that provide benefits through collectively bargained employee representation from organizations that are primarily in the business of marketing commercial insurance products.

**DATES:** The Committee will meet from 9:00 to approximately 5 pm on each day on Wednesday, August 25, 1999, and Thursday, August 26, 1999.

**ADDRESSES:** This Committee meeting will be held at the offices of the US Department of Labor, Room N-3437, Conference Room C/D. All interested parties are invited to attend this public meeting. Seating is limited and will be available on a first-come, first-serve basis. Individuals with disabilities wishing to attend who need special accommodations should contact, at least 4 business days in advance of the meeting, Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N-4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202) 219-4600; fax (202) 219-7346). The date, location and time for subsequent Committee meetings will be announced in advance in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N-4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202) 219-4600; fax (202) 219-7346). This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Minutes of all public meetings and other documents made available to the Committee will be available for public inspection and copying in the Public Documents Room, Pension and Welfare Benefits Administration, US Department of Labor, Room N-5638, 200 Constitution Avenue, NW, Washington, DC from 8:30 a.m. to 4:30 p.m. Any written comments on these minutes should be directed to Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N-4611, 200 Constitution Avenue, NW, Washington, DC 20210 (telephone (202) 219-4600; fax (202) 219-7346). This is not a toll-free number.

## Agenda

The Committee will continue to discuss the possible elements of a process and potential criteria for a finding by the Secretary of Labor that an agreement is a collective bargaining agreement for purposes of section 3(40) of ERISA, (29 U.S.C. 1002(40)).

Discussion of these issues is intended to help the Committee members define the scope of a possible proposed rule.

Members of the public may file a written statement pertaining to the subject of this meeting by submitting 15 copies on or before Wednesday, August 18, 1999, to Ellen Goodwin, Office of the Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Room N-4611, 200 Constitution Avenue, NW, Washington, DC 20210. Individuals or representatives wishing to address the Committee should forward their request to Ms. Goodwin or telephone (202) 219-4600. During each day of the negotiation session, time permitting, there shall be time for oral public comment. Members of the public are encouraged to keep oral statements brief, but extended written statements may be submitted for the record.

Organizations or individuals may also submit written statements for the record without presenting an oral statement. 15 copies of such statements should be sent to Ms. Goodwin at the address above. Papers will be accepted and included in the record of the meeting if received on or before August 18, 1999.

Signed at Washington, DC, this 12th day of July, 1999.

**Richard McGahey,**

*Assistant Secretary, Pension and Welfare Benefits Administration.*

[FR Doc. 99-18170 Filed 7-15-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-220-FOR]

#### Kentucky Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** OSM is reopening the public comment period on a proposed amendment to the Kentucky regulatory program (hereinafter the "Kentucky program") under the Surface Mining

Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Kentucky regulations pertaining to reclamation in lieu of cash payment of civil penalties. The amendment is intended to revise the Kentucky program as required by 30 CFR 917.16(c)(3).

**DATES:** Written comments must be received by 4:00 p.m., [E.S.T.], August 2, 1999.

**ADDRESSES:** Written comments should be mailed or hand delivered to William J. Kovacic, Director, at the address listed below.

Copies of the Kentucky program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233-2494. Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601. Telephone: (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233-2494.

#### SUPPLEMENTARY INFORMATION:

#### I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

#### II. Description of the Proposed Amendment

By letter dated December 22, 1999 (Administrative Record No. KY-1449), Kentucky submitted a proposed amendment at 405 KAR 7:097, which authorizes the cabinet to allow a permittee, person, or operator to perform in-kind reclamation, environmental rehabilitation, or similar

action to correct environmental pollution—instead of making cash payment of a civil penalty assessed under KRS 350.990(11). The proposed amendment was announced in the January 25, 1999, **Federal Register** (64 FR 3670).

On April 19, 1999, a Statement of Consideration of public comments received by Kentucky was filed with the Kentucky Legislative Research Committee. As a result of the comments, by letter dated April 19, 1999, Kentucky made changes to the original submission (Administrative Record No. KY-1458). By letter dated June 10, 1998 (Administrative Record No. KY-1461), Kentucky submitted the final version of the proposed amendments. Following are the changes to 405 KAR made in the final submission and not previously described in the January 25, 1999, **Federal Register** notice. Revisions concerning nonsubstantive wording, format, or organizational changes will not be described in this notice.

Subsections (1) through (5) of Section 2 of the original amendment stipulated the conditions under which a permittee, person, or operator becomes ineligible for reclamation in lieu of cash payment for civil penalties. Kentucky has deleted these subsections. Section 2 of the revised amendment now reads in its entirety: "The cabinet shall not authorize a permittee, person, or operator to perform activities under this administrative regulation if the permittee, person or operator is ineligible receive a permit under KRS Chapter 350 and 405 KAR Chapters 7-24 for a reason other than nonpayment of a civil penalty."

Kentucky has also revised Section 7, Subsection (5) of the amendment, which stipulates when a permittee, person, or operator must file a request for reclamation in lieu of cash payment of civil penalties. Subsection 7(5) now reads: "(5)(a) For a civil penalty assessed by final order of the Secretary on or after July 1, 1999, the request shall be filed within thirty (30) days after the date of the final order. (b) For a civil penalty assessed by final order of the Secretary prior to July 1, 1999, the request shall be filed not later than June 30, 2000."

#### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. Specifically, OSM is seeking comments on the revisions described above to the original submission. If the