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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271 through 285

[Amdt. No. 373]

RIN 0584–AB38

Food Stamp Program: 1995 Quality Control Technical Amendments

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: On September 10, 1996, the Department of Agriculture published proposed technical changes to the Food Stamp Program's quality control system which were intended to reduce the workload on State agencies and improve the efficiency of the quality control system. This final rule addresses significant comments received in response to the regulatory changes proposed in the proposed rule and finalizes regulatory changes to the Food Stamp Program's quality control system in the following areas: negative case reviews, State agency minimum sample sizes for active and negative case reviews, state sampling procedures, Federal subsample size formulas, error dollar tolerance level, home visits, case completion standards, and miscellaneous technical corrections.

DATES: *Effective Dates:* 7 CFR 275.23(e)(6)(iii) is effective on July 16, 1999. All remaining provisions are effective on October 1, 1999.

Implementation Dates: 7 CFR 275.23(e)(6)(iii) is to be implemented on July 16, 1999. The following provisions are to be implemented on October 1, 2000, with the start of the Fiscal Year 2001 quality control review period: 7 CFR 271.2; 7 CFR 275.3(c)(3)(ii); 7 CFR 275.10(a); 7 CFR 275.11(c)(1); 275.11(e)(2); 7 CFR 275.11(f)(2); 7 CFR 275.13(a); 275.13(b); 275.13(c)(1); 275.13(c)(2); 7 CFR 275.13(f) and 275.23(c)(4). All remaining provisions are to be implemented October 1, 1999, with the start of the Fiscal Year 2000 quality control review period.

FOR FURTHER INFORMATION CONTACT: Retha Oliver, Chief, Quality Control Branch, Program Accountability Division, Food Stamp Program, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 904, Alexandria, Virginia 22302, (703) 305–2474.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. It has been determined that the following cost-benefits would result from adoption of the provisions of this rule:

1. State agency sample size. The provision reducing the minimum sample size for active and negative case reviews will benefit those State agencies opting to use the ''smaller range'' in their sample plans when their minimum active or negative case sample sizes are currently above the new minimum sample sizes. In Fiscal Year (FY) 1992, before the waiver to reduce current minimum sample sizes was available, State agencies reviewed nearly 52,000 active and over 30,000 negative cases. Assuming a 15 percentage reduction in cases, under this change to the regulatory provision, State agencies will be required to review nearly 8,000 fewer active cases and about 4,500 fewer negative cases. Estimating that each active case review costs $180 and each negative case review costs $40, combined potential savings for State agencies and Food and Nutrition Service (FNS) is an estimated $1.6 million. Savings for State agencies are estimated at $800,000.

2. Home visits. It is estimated that minimal savings in quality control (QC) expenditures will result from this provision, as it is expected that State agencies will channel the resources into other aspects of quality control operations.

3. Error dollar tolerance level. The provision to modify the error dollar tolerance level from $5.00 to $25.00 will benefit those State agencies which qualify for enhanced funding. Based on FY 1997 data, it is estimated that State agencies could qualify for an additional $7.5 million in enhanced funding with this modification.

The Department has examined the impact on potential State agency liability calculations from the effect of changing the error dollar tolerance level. Data from FY 1997 has been analyzed to determine how the $25 tolerance could effect liability amounts. The data shows that in 1997 the estimated liability would increase by $3.9 million if there are no other changes made to the QC system.

It is not anticipated that any other provisions of this rule will have any significant impact on the costs or benefits to either the State agencies or FNS.

Executive Order 12372

The Food Stamp Program (FSP) is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule at 7 CFR Part 3015, Subpart V and related Notice (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **EFFECTIVE DATE** section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the FSP the administrative procedures are as follows: (1) For program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(10) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 (for rules related to non-QC liabilities) or Part 283 (for rules related to QC liabilities); (3) for program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. Sec. 601 through 612). Samuel Chambers, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. The requirements will affect State and local agencies that administer the FSP.

Paperwork Reduction Act

This rule contains information collection requirements subject to approval by OMB under the Paperwork Reduction Act of 1995. In the proposed rule (61 FR 47680), FNS solicited comment from the general public and other public agencies on a related information collection, form FNS 380, the QC Review Worksheet (OMB Number 0584–0074). The proposed rule did not change the reporting and recordkeeping burden for 0584–0074. However, OMB's approval for the burden, contained in 0584–0074, was scheduled to expire. The comment period for 0584–0074 closed November 12, 1996. No comments were received. OMB approved the burden of 558,019 hours through November 30, 1999.

Unfunded Mandates Reform Act

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, FNS 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, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, the more cost-effective or the least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of $100 million or more in any one year. This rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Civil Rights Impact Analysis

In accordance with USDA Regulation 4300–4, ''Civil Rights Impact Analysis'', Samuel Chambers, Administrator of the Food and Nutrition Service, has determined that this rule does not in any way limit or deny participation in benefits, conferences, or training opportunities or employment benefits on the basis of an individual or group's race, color, national origin, sex, religion, age, disability, or political beliefs. This rule makes discretionary technical changes to the Food Stamp Program (FSP) quality control process. FSP applicants and participants are selected randomly for a QC review.

Background

On September 10, 1996, the Department of Agriculture's (the ''Department'') Food and Nutrition Service (FNS) proposed regulations (61 FR 47680) to amend the food stamp QC system in order to reduce the workload on State agencies and enhance the efficiency of the system. A full explanation of the rationale and purpose of these regulatory changes was provided in the preamble of the proposed rulemaking. The Department received comment letters from twenty-one organizations. The preamble of this final rule addresses significant issues raised by those comments. It is recommended that the reader reference the proposed rulemaking, as well as this final rulemaking for a more complete understanding of the regulatory changes that the Department is implementing.

Negative Case Reviews

The proposed rule clarified issues surrounding the review of negative cases and expanded the universe of cases to be reviewed. These clarifications were the culmination of FNS' examination of the QC review process for negative cases, which included, in part the results of research undertaken by Abt Associates on behalf of FNS to develop and pilot test alternative approaches to measuring the extent of nonpayments to eligible households. The proposed clarifications also took into consideration recommendations made by the General Accounting Office on the accuracy of State reported error rates.

Sixteen organizations commented on the proposed regulatory changes to clarify issues surrounding the review of negative cases and the expansion of the universe of cases to be reviewed.

1. Federal Monitoring of State Agency Error Rates for Negative Case Reviews

The Department clarifies in this final rule the requirements and procedures for Federal monitoring of the negative case reviews conducted by State agencies. Regulations at 7 CFR 275.3(c) are revised to clarify that FNS has the authority to review negative cases as determined appropriate. Section 275.3(c) also is modified to indicate that negative cases would require validation when the State agency's payment error rate appears to entitle the State agency to enhanced funding and when the negative error rate is less than two percentage points above the national weighted mean negative case error rate for the prior period.

The Department received twelve comments on these clarifications. Three comments supported the proposed clarifications. Four were neutral or commented that the clarifications would have no impact on their States. Five comments opposed the clarifications. Of the opposition comments, one objected to any increase in Federal review beyond the current minimum level. Another was concerned about an anticipated increase in workload for QC staff. A third comment questioned the greater scrutiny that negative cases receive for States potentially eligible for enhanced funding. Two comments opposed the revisions on the basis that Federal validation of negative cases should be required for all States to ensure the accuracy of the negative error rate.

In response to these concerns, it should be noted that the proposed changes do not increase Federal authority for review activities beyond what can be or has been done under current practice or is permitted under current statutory and regulatory authority. State and Federal agencies have always had the option to expand their reviews beyond the guidelines in the regulations to the extent necessary to assure the validity of error rates. Given that these revisions do not extend authority for Federal reviews, FNS does not anticipate a significant increase in Federal review activity as a result of this clarification. Any increase in Federal review activity should have a minimal impact on a State agency's QC staff since Federal reviewers conduct this activity.

Validation of the negative error rate for States potentially eligible for enhanced funding is not only justified but has the potential to benefit State agencies. State agencies achieving a certain level of accuracy in their negative cases could be entitled to receive additional funds.

The Department determined that Federal validation of negative cases for all States, as recommended in two comments, is not necessary at this time.

However, if such validations are determined to be prudent in the future, FNS has the authority to conduct them.

The changes to this section will be adopted as proposed, effective October 1, 1999, for the FY 2000 QC review period.

2. Inclusion of Suspended Cases in the Negative Sample Universe

The Department proposed to include suspended cases in the negative case universe and sample frame. There were twelve comments on this proposal. Four favored the change, four were neutral (although three of the four raised concerns about having adequate lead time for implementation should the proposal be adopted), and four opposed the proposal. Comments that objected to the inclusion of suspended cases said reviewing these cases is not cost effective, implementing this change would be difficult or time consuming (generally because of computer changes), or including suspended cases in the negative universe could increase the negative error rate.

The Department must ensure that all households served by the FSP are handled in accordance with federal law and regulations. The Department has determined that an examination of suspended cases through the QC review process is an efficient way to determine whether these cases are dealt with properly. Inclusion of suspended cases in the negative universe would not increase subsample sizes, and therefore would not adversely impact on the workload of QC reviewers. There is no data to indicate whether suspended cases are more or less error prone than other classes of cases in the negative case universe. Since the number of suspended cases is thought to be relatively small, these cases should have only a negligible impact on the negative error rate. Thus, the Department has concluded that the review of suspended cases as a negative case will not significantly impact the negative error rate.

In the matter of implementing this change, there is a general Federal effort to avoid computer changes, other than Y2K improvements, until March 2000. Since adding suspended cases to the negative frame requires a computer change, suspended cases will not be included in the negative frame until October 1, 2000, for the first full QC review period after March 2000. No State agency can include suspensions in the negative frame until that date. The delay in implementing this change should address State concerns about having enough notice to make the necessary computer changes.

This final rule includes suspended cases in the negative sample effective for the FY 2001 review period, which begins October 1,2000.

3. Use of the Action Date To Determine the Month in Which Negative Cases are Included in the Sample Universe; and Clarification of the Meaning of ''Break in Participation'' for Suspended and Terminated Cases

The Department proposed to allow State agencies to sample by the action date rather than the effective date to make sampling easier. In addition, the Department proposed to revise the regulations to include denied, suspended, and terminated cases in the negative case universe in the month in which the action to deny, suspend, or terminate food stamp benefits was taken. The Department also clarifies that an action to terminate or suspend a household has actually resulted in a suspension or termination if the household experiences a break in participation in the program as a result of deliberate State agency action. The intent of these changes is to allow State agencies to construct consistent and reliable sampling plans for negative actions, and to ensure that negative actions which have the result of denying benefits to clients are subject to review. These cases are subject to review even if the actions are subsequently reversed, unless their reversal comes under specified conditions (e.g. the State reverses itself without a new application by the client) and within specified time frames (e.g. before the effective date of the termination or suspension action).

There were eight comments on these modifications. None were opposed to the change or clarification. Two comments recommended that the options discussed in the preamble to the proposed rule be included in the regulatory language. The Department agrees that the regulatory language should be revised to include the guidance discussed in the preamble. Therefore, the Department revised the definitions of ''negative case'' and ''review date'' at § 271.2, added language at § 275.11(e)(2)(i) and (ii) concerning negative cases in the sample frame, and added clarifying language in the general section at § 275.13(a).

In this final rule the Department is also further clarifying the definition of ''review date'' at § 271.2. The first sentence in this definition will read as follows: ''*Review date* for quality control active cases means a day within the sample month, either the first day of the calendar or fiscal month or the day a certification action was taken to authorize the allotment, whichever is later.'' The clarification is in bold print. The meaning of the term ''review date'' is not affected by this clarification.

As mentioned under (2) above, there is a general Federal effort to avoid computer changes other than Y2K improvements until March 2000. The revisions discussed in the paragraphs above include references to suspended cases. Since suspended cases cannot be added to the negative sample frame until October 1, 2000, for the Fiscal Year 2001 quality control review period, these changes will be implemented October 1, 2000.

4. FNS Will Not Establish a Dollar Loss Rate for Negative Cases

One aspect of negative case reviews that was of interest to Congress was the establishment of a dollar loss rate. For reasons specified in the preamble to the proposed rule, the Department decided not to pursue this option. All four comments on this decision supported not establishing a dollar loss rate for negative cases.

State Agency Minimum Sample Sizes for Active and Negative Case Reviews

FNS has previously granted waivers of the regulations on the minimum sample sizes for active case reviews to improve the efficiency of the QC system without impairing the reliability of QC information. The Department proposed: (1) To include the terms of these waivers in the FSP regulations; (2) to offer State agencies a choice of ranges to use in determining minimum sample sizes for negative case reviews that is similar to the choice of ranges for determining minimum sample sizes for active case reviews; and (3) to reduce the size of the ''smaller range'' for minimum sample sizes for active case reviews.

The proposed range for the minimum sample size for active cases is 300 to 1020 reviews, a 15 percent reduction from the top of the current range. To use the minimum sample size, a State agency would be required to include in its sampling plan the statement from current § 275.11(a)(2)(iv) that it ''will not use the size of the sample chosen as a basis for challenging the resulting error rate.'' The purpose of the statement, as described in the February 17, 1984, preamble to the rule that established the requirement for the statement, was to serve as ''a means of assuring that State agencies consider what degree of reliability they need.'' (49 FR 6295). There are no other conditions on a State agency's use of the revised smaller range. State agencies may elect to review more cases than the minimum sample defined in

regulations. State agencies may also continue to use the current smaller range of 300 to 1200 reviews per year.

FNS also proposed the creation of a ''smaller range'' for the minimum sample size for negative case reviews. The ''smaller range'', representing a 15 percent reduction from the highest end of current requirements, would be 150 to 680 reviews per year.

The current required range of 150 to 800 reviews per year would be retained as the larger range for minimum sample sizes for negative case reviews. If a State agency chose to use the ''smaller range'' to calculate its minimum sample size for negative case reviews, it would also be required to include in its sampling plan the statement that it ''will not use the size of the sample chosen as a basis for challenging the resulting error rates.'' If a State agency did not include that statement, it would be required to calculate its minimum sample size for negative case reviews according to the larger range. As with active cases, there would be no other conditions on a State agency's use of the revised smaller range. Also, as with active cases the ranges define minimum sample sizes, State agencies may select more.

The Department received ten comments on the proposed changes to State sampling requirements. All ten supported the changes. One comment, while favoring the changes, stipulated that the statement that the State agency would not use the size of the sample chosen as the basis for challenging the resulting error rates should apply only to challenges directly attributable to the reduced sample size and not other statistical issues. The Department did not intend that this statement preclude States from making other statistical challenges to the error rate, only those that can be attributed to use of the smaller sample size.

In addition to the above, one comment identified an incorrect reference to active cases in proposed regulatory language at § 275.11(b)(2)(i). The Department corrected this error in the final rule.

The proposed revisions to State sample sizes are adopted in the final rule, to be implemented October 1, 1999, for the FY 2000 QC review period.

Federal Sample Sizes

The Department proposed to change the headings to the tables which set out the formulas for calculation of the Federal subsample size. These tables appear at § 275.3(c)(1)(i) and § 275.3(c)(3)(i) in current regulations; they appear in paragraphs 275.3(c)(1)(i)(A) and (B) and 275.3(c)(3)(i) in the proposed rule. The phrase ''Federal subsample target'' would appear, rather than the current phrase ''Federal annual sample size.'' This change would not permit FNS to select a smaller subsample for any reason other than a State agency's failure to complete the minimum number of reviews in its required sample size. There were no significant comments on this change. It is adopted in the final rule, effective October 1, 1999, the start of the FY 2000 review period.

State Sampling Procedures

The Department proposed four sets of technical clarifications to the sampling regulations so that the regulations will match the way State agencies design and implement their sampling plans.

1. Selection of One-twelfth of the Sample Each Month

The Department determined that provisions requiring that sampling procedures conform to the standard principles of probability sampling and that state samples produce estimates with an acceptable, mandated level of reliability are sufficient to ensure that deviations, minor or otherwise, from equal monthly sample sizes will not jeopardize the validity nor the precision of those error rate estimates. Therefore, in § 275.11, the Department proposed to delete paragraph (a)(2)(iii) and renumber paragraph (a)(2)(iv) as (a)(2)(iii). The Department also proposed technical corrections to regulatory references appearing in § 275.11(b)(1)(ii) and (b)(1)(iii). There were no significant comments on these proposed changes so they are adopted as proposed in the final rule, effective for the FY 2000 QC review period, which begins October 1, 1999.

2. Sampling Plans Must Conform to Accepted Statistical Theory

The Department proposed to amend the regulations at § 275.11(a)(3) to require that all sample designs conform to commonly acceptable statistical theory and application. There were no significant comments on these proposed changes so they are adopted as proposed in the final rule, effective for the FY 2000 QC review period, which begins October 1, 1999.

3. Basis for Final Sample Size

Current regulations at § 275.11(b)(3) provide that FNS will not penalize a State agency if its caseload increases by less than 20 percent from the estimated caseload number that the State agency used to determine the size of its sample. The Department proposed to clarify that this estimated caseload number was the one *initially* used to determine the sample size. Sample sizes will be found to be adequate if at least the minimum required sample size for the estimated caseload is chosen, and the actual caseload is no larger than 120% of the estimated caseload. There were no significant comments on this proposed change so it is adopted as proposed in the final rule, effective for the FY 2000 QC review period, which begins October 1, 1999.

4. Number of Households Subject to Review Is the Basis for the Sample Size

The Department proposed to clarify the wording in the headings in the tables in proposed § 275.3(c)(1)(i)(A) and (B), and in current § 275.3(c)(3)(i), § 275.11 (b)(1)(ii) and (iii), and proposed § 275.11(b)(2)(i) and (ii). There were no significant comments on these proposed changes so the changes are adopted as proposed in the final rule, effective for the FY 2000 QC review period, which begins October 1, 1999.

Federal Subsample Size Formulas

Because the Department proposed a change in the State sampling size, use of the current formulas for calculating subsample sizes would result in a decrease in the size of the minimum Federal subsample for a State agency that chooses the proposed ''smaller ranges.'' However, the Department does not intend to reduce the Federal subsample. Without a regulatory change, the formula for determining FNS' minimum subsample sizes would not accurately indicate the number of reviews that FNS would actually select for the subsample.

The Department proposed revised formulas for the minimum active and negative Federal subsamples. These proposed formulas, when applied to the new proposed ''smaller ranges'' for State samples, would yield the current ranges for the Federal subsample. Federal reviewers could still select and review more cases than the minimum subsample.

The Department received four comments on this provision. Two favored the change, one was neutral and one opposed the change. The opposition was based on a concern about FNS having the authority to review more cases than the minimum subsample. However, the authority to review active or negative cases to the extent necessary is an existing authority and was not introduced or increased by the proposed modifications to regulatory language in this rule.

The proposed changes to the formulas are adopted in the final rule, to be

implemented October 1, 1999, effective for the FY 2000 QC review period.

Error Dollar Tolerance Level

The Department proposed to raise the tolerance for excluding small dollar errors at § 275.12(f)(2) from $5.00 to $10.00 to address State agency concerns about inflation and the increases in the Thrifty Food Plan. Only those overissuances to eligible households or underissuances to eligible households which exceeded the $10.00 tolerance figure would be reported and coded in the completion of QC reviews.

Eighteen organizations commented on this proposed regulatory change. All eighteen comments supported an increase in the tolerance level. Four comments recommended that the tolerance level be increased further, two recommended a $25 tolerance, one recommended a $20 tolerance and another recommended a higher tolerance without specifying a figure. State reasons given for a higher tolerance included a need to account for inflation more fully and that the focus of administration should be on larger error amounts.

Since the Department's original proposal of a $10 tolerance, circumstances have changed. The strength of the economy, the success of welfare reform in moving families from welfare to work and restrictions on eligibility for many legal immigrants and unemployed childless adults have led to a decrease in Food Stamp Program participation. For many people, Food Stamps can make the difference between living in poverty and moving beyond it. It is imperative to the success of welfare reform, and more fundamentally the nutritional well-being of eligible persons, that the Program serves eligible low-income families, particularly the working poor. However, since the income and deductions for working poor families tend to be volatile, these households are more error prone and their participation could increase error rates of States trying hardest to serve them. The Department believes that increasing the tolerance to $25 will support State efforts to serve eligible needy families by reducing State concerns about increased error rates attributable to the participation of working poor families. In view of State comments and the above, the QC tolerance will be increased to $25.

In the final rule, a $25 tolerance will be implemented by all State agencies on October 1, 1999, effective for the FY 2000 QC review period.

Home Visit Requirement

The Department proposed to amend the regulatory requirement for the face-to-face interview to take place at the client's home in most instances. The proposed revision would simply require a face-to-face interview. There were 19 comments on this proposal.

The Department considers face-to-face interviews an essential component to ensure the accuracy of certification decisions. There was no change or intent to change the requirement that a face-to-face interview be conducted, only a revision of the location of the face-to-face interview. However, the Department received nine comments that proposed alternatives to the face-to-face interview. Suggested alternatives included phone interviews, questionnaires or elimination of face-to-face interviews for some categories of cases. None of these alternatives are considered acceptable.

Seventeen of the nineteen comments on the proposed change favored the flexibility to conduct interviews at a location other than the client's home. Two opposed the change. Opposition was based on concerns about the impact of this change on the accuracy of error rates. In view of better monitoring of household circumstances through data bases, the Department no longer considers an interview at the client's home a necessity in all cases to ensure the accuracy of the review. However, interviews with clients at their homes is still the preferred practice and the Department encourages State reviewers to continue to interview clients at their homes when practical. One comment stated that using authorized representatives as information sources for households, as allowed by this provision, is not always a good practice since they often just transact authorization to participate cards or coupons for households. FNS expects that these individuals would be used as a primary source of information on households only if they can demonstrate sufficient knowledge about the household's situation in order to answer questions on the household's behalf. Indiscriminate use of these individuals as information sources would not be an acceptable practice.

The changes to regulations are adopted in the final rule as proposed and are to be implemented effective October 1, 1999, effective for the FY 2000 QC review period.

Conducting QC Reviews Against Federal Regulations

The Department solicited comments from all interested parties on the appropriateness and potential consequences of a variance exclusion for erroneous payments which result from the State agency having followed State agency policies or directives under certain conditions. There were 17 comments on this proposal. Fifteen favored the change, one was noncommittal and one opposed it. Despite their general support of this proposal, five of the 15 comments favoring the proposal raised concerns. Three questioned how this provision would be implemented. Three other comments raised issues concerning what should be excluded from error, whether all State agencies would be alerted to identified differences in other State agencies, or whether other current practices would be maintained. Another comment objected to the proposal, indicating that a variance exclusion was appropriate when something new is being implemented but not when errors are made after the implementation period. In light of the issues raised, FNS has decided not to pursue this proposal.

QC Review Case Completion Standard

The Department proposed to amend the current requirement that a State agency complete 100 percent of its minimum required sample size. The new standard for State agency completion will be 98 percent of its minimum required sample size. In the event that a State agency fails to complete 98 percent of its minimum required sample size, error rates would be adjusted using the current regulatory formula which is based on a 100 percent completion requirement.

All 15 comments the Department received on this change supported a reduction of the completion rate standard. Five recommended that the standard be lowered to 95 percent. One recommended that the standard be based on the annual national average instead of a flat percentage.

FNS has modified QC review procedures over the years so that cases can be completed if sufficient effort is put into conducting the review. A 98 percent completion rate, permitting a two percent flexibility, is a reasonable reduction from the current 100 percent standard. In order to preserve the integrity of the system, the highest accuracy of error rates must be maintained. The Department does not support a further reduction in the completion standard as proposed by these comments.

The 98 percent completion standard will be adopted in the final rule effective October 1, 1999 for the start of the FY 2000 QC review period.

Changing Federal Case Findings and Disposition

The Department proposed to codify into regulations the policies and practices which dictate when and under what circumstances FNS will change the Federal findings or disposition for a specific case. Ten organizations commented on this proposal.

There were three comments on the issue of whether FNS should codify the circumstances under which Federal findings or case dispositions would be changed. One comment supported codification, another supported codification but did not agree with some of the proposed practices. Another comment objected to the codification of this information in regulations on the basis that more restrictive limitations will be applied in those instances in which circumstances do not easily fall into one of the five categories in the proposed regulation. The Department agrees that codification probably would make it more difficult for FNS to change Federal findings or dispositions for cases when their circumstances do not fit in the five categories defined in regulations. Therefore, the Department has decided against codifying in regulations the circumstances in which Federal decisions or case dispositions will be changed.

The comments received on the five proposed policies and practices for changing Federal findings or disposition of cases are discussed below.

1. Informal Resolution

FNS proposed to change the Federal finding or disposition if, as a result of the informal resolution process, both the State agency and FNS agreed on a new finding or disposition. The Department received seven comments on the informal resolution process. There were no comments that objected to this practice. Two offered general support of the process while five relayed concerns about a reduction of time frames for informal resolution as a result of the Mickey Leland Childhood Hunger Relief Act of 1993, (''Leland Act''), Chapter 3, Title XIII of the Omnibus Reconciliation Act of 1993, Public Law 103–66.

Due to changes mandated by the Leland Act, FNS shortened the period of time State agencies have to request arbitration from 28 days to 20 days in the rule entitled FSP: QC Provisions of the Leland Act (''Leland Rule'') (62 FR 29652) published June 2, 1997.

It should be noted that the Department is required to implement changes that enable it to meet requirements set by law, such as the deadlines set by the Leland Act. Shortening timeframes for informal resolution was necessary to ensure that the timeframes in the Leland Act could be met. The preamble to the Leland Rule discusses these timeframes in more detail. Please refer to that publication for further discussion.

2. Ruling by an Arbitrator

FNS proposed to change the Federal finding or disposition whenever an arbitrator's decision requires that a change be made.

There was one comment on this provision. This comment was concerned that the arbitrator is an employee of FNS and made two proposals to address the concern. According to this comment, arbitrator decisions should be reviewed by the Secretary on request of the State agency and the arbitrator should be independent of FNS. Arbitration is the final decision of the process. As such, once the arbitrator has made a decision, that decision is final, with two exceptions. The first would be to implement a change in law or regulations. The other would be if FNS learned that it had not properly implemented the decision of the arbitrator. FNS has explored the option of having an arbitrator independent of the agency. However, given the importance of these decisions and the tight time periods for making decisions, the arbitrator needs to be familiar with statutory requirements, Departmental decisions and policies. After making inquiries with other organizations/offices about taking over this function, FNS concluded that outsourcing was not plausible, primarily due to the lack of technical expertise and anticipated delays in decision-making.

The Final Leland Rule changed the arbitration process from a two-tiered system to a one-tiered system. This change was driven primarily by reductions in timeframes for completing cases as required by the Leland Act.

3. Implementation of a Regulation, Law, or Waiver

FNS proposed to change Federal findings or dispositions to implement a change in regulations, an amendment to the Food Stamp Act, or retroactive provisions to a waiver.

Two comments questioned the intent of implementing a regulation or amendment through changing case findings or dispositions. FNS anticipates that this action will rarely be necessary. To date this circumstance has happened only once, when Congress mandated that a change be implemented retroactively. This action did not negatively impact State agencies. FNS must implement changes required by Law.

4. Correct any Application of Incorrect Written Policy

The Department would change Federal findings or disposition of a case whenever it became aware that an error was the result of correct State application of an incorrect written policy provided by a Departmental employee authorized to issue FSP policy. It is likely that the State agency and FNS will not become aware of the problem until well after the State agency's deadline for requesting arbitration. Therefore, in order to ensure that the State agency is not harmed by any potential incorrect policy, the Department proposed that the variance exclusion at § 275.12(d)(2)(viii) may be made in the Federal findings at any time that such a problem is discovered.

There was one comment on the discussion of this provision in the preamble to the proposed rule. While the comment did not object to the variance exclusion, it did object to FNS not allowing new factual information to be considered in the final disposition of the case. The comment characterized FNS' reasons for taking this position as administrative and stated that those concerns should not outweigh the system's primary mission of establishing an accurate error rate.

The Department is opposed to making changes based on new ''factual'' information for three reasons. First, State agencies are responsible for obtaining all necessary information at the time the State QC reviewer conducts the review.

Second, if the household's circumstances were not reasonably certain at the time of the State agency's review, the case should have been disposed of as ''not completed.'' It does not seem likely that reasonably verified information would be contradicted at a later time.

Third, the Department recognizes the need for final closure in the resolution process. Section 13951 of the Leland Act specifies that ''no later than 180 days after the end of the fiscal year, the case review and arbitration of State-Federal difference cases shall be completed.'' The Department believes that without providing some limit on the resolution process this mandated deadline can not be achieved. For example, if FNS permitted new ''factual'' information to be presented after the case was under review for arbitration, FNS would be obligated to investigate and confirm or repudiate the new ''facts'' even if these facts were questionable and unlikely to have a

bearing on the outcome of the case. This would delay resolution of the case and ultimately the determination of the national average error rate. The Department maintains that resolution of the ''facts'' of a case in question should be accomplished prior to it's submission as a completed case.

5. Conflict in a Federal Finding/ Disposition

If, for any reason, the Federal findings or disposition in the Food Stamp Quality Control System (FSQCS) conflicted with the finding letter transmitted to the State agency, FNS would ensure the FSQCS was correct. If the FSQCS coding was incorrect, it would be corrected. If the finding letter was incorrect, it would be corrected. Either way, FNS would transmit a new finding letter to the State agency explaining what had occurred. There were no comments on this provision.

If, in any of the five circumstances specified above, FNS were to make changes to the finding and disposition of a case, these changes would be made as proposed regardless of the effect on the amount of error in the case. A State agency would be notified of the change and entitled to arbitration of the new Federal finding or disposition, with one exception. If FNS changed the Federal findings or disposition to comply with the decision of the arbitrator, the State agency would have no further right to arbitration. This is because the arbitrator's decisions are final, with two exceptions. The first would be to implement a change in law or regulations. The other would be if FNS learned that it had not properly implemented the decision of the arbitrator.

As discussed above, the Department has decided against codifying in regulations the policies and practices which dictate when and under what circumstances FNS will change Federal findings or the disposition of a specific case. Therefore, the policies and practices discussed above are not detailed in the final rule.

Miscellaneous Technical Corrections

The Department received no significant comments regarding the proposal to effect technical corrections to various paragraphs appearing in Part 275 of the regulations. These modifications are retained in this final rule. The Department has adopted all of the proposed technical changes in this final rule. The modifications will become effective and are to be implemented October 1, 1999, effective for the FY 2000 QC review period which begins with the October 1999 sample month. Since publication of the proposed rule, the Department published a final rule on June 2, 1997, the previously referenced Leland Rule, which modified regulatory language at § 275.23(e)(9).

In the final rule the Department is making a technical revision to regulations at § 275.23(e)(6)(iii) to restore language that provides State agencies protection against double billings for the same dollar losses under both the QC liability system and the negligence provisions at § 276.3. This language was inadvertently deleted from this provision by the final rule entitled ''Food Stamp Program: Hunger Prevention Act of 1988 and Mickey Leland Childhood Hunger Relief Act; Rules of Practice; Administrative Law Judges,'' published July 6, 1994. This change will be effective upon publication of the final rule.

Implementation

The provision at § 275.23(e)(6)(iii) is effective and to be implemented on July 16, 1999. The following provisions are effective on October 1, 1999 and are to be implemented on October 1, 2000, with the start of the Fiscal Year 2001 quality control review period: § 271.2; § 275.3(c)(3)(ii); § 275.10(a); § 275.11(c)(1); § 275.11(e)(2); § 275.11(f)(2); § 275.13(a); § 275.13(b); § 275.13(c)(1); § 275.13(c)(2); § 275.13(f)(2) and § 275.23(c)(4). The remaining provisions of this rule are effective and are to be implemented October 1, 1999, with the start of the Fiscal Year 2000 quality control review period, which begins with the October 1999 sample month.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs-social programs.

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting, and recordkeeping requirements.

For the reasons set out in the preamble, Parts 271 through 285 of Chapter II of Title 7 Code of Federal Regulations are amended as follows:

1. The authority citation for Parts 271 through 285 is revised to read as follows:

Authority: 7 U.S.C. 2011–2036.

PART 271—GENERAL INFORMATION AND DEFINITIONS

2. In § 271.2, the definitions of ''Error'', ''Negative case'', ''Negative case error rate'', ''Quality control review'', and ''Review date'' are revised to read as follows:

§ 271.2 Definitions.

* * * * *

Error for active cases results when a determination is made by a quality control reviewer that a household which received food stamp benefits during the sample month is ineligible or received an incorrect allotment. Thus, errors in active cases involve dollar loss to either the participant or the government. For negative cases, an ''error'' means that the reviewer determines that the decision to deny, suspend, or terminate a household was incorrect.

* * * * *

Negative case means a household whose application for food stamp benefits was denied or whose food stamp benefits were suspended or terminated by an action in the sample month or by an action effective for the sample month.

Negative case error rate means an estimate of the proportion of denied, suspended, or terminated cases where the household was incorrectly denied, suspended, or terminated. This estimate will be expressed as a percentage of completed negative quality control reviews excluding all results from cases processed by SSA personnel or participating in a demonstration project identified by FNS as having certification rules that are significantly different from standard requirements.

* * * * *

Quality control review means a review of a statistically valid sample of active and negative cases to determine the extent to which households are receiving the food stamp allotments to which they are entitled, and to determine the extent to which decisions to deny, suspend, or terminate cases are correct.

* * * * *

Review date for quality control active cases means a day within the sample month, either the first day of the calendar or fiscal month or the day a certification action was taken to authorize the allotment, whichever is later. The ''review date'' for negative cases, depending on the characteristics of individual State systems, could be the date on which the eligibility worker makes the decision to suspend, deny, or terminate the case, the date on which the decision is entered into the computer system, the date of the notice

to the client or the date the negative action becomes effective. For no case is the ''review date'' the day the quality control review is conducted.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

3. In § 272.1, a new paragraph (g)(155) is added in numerical order to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(155) *Amendment No. 373.* The provision at § 275.23(e)(5)(iii) is effective and is to be implemented on July 16, 1999. The following provisions are effective on October 1, 1999 and are to be implemented on October 1, 2000, with the start of the Fiscal Year 2001 quality control review period: § 271.2; § 275.3(c)(3)(ii); § 275.10(a); § 275.11(c)(1); § 275.11(e)(2); § 275.11(f)(2); § 275.13(a); § 275.13(b); § 275.13(c)(1); § 275.13(c)(2); § 275.13(f)(2) and § 275.23(c)(4). The remaining provisions of this rule are effective and are to be implemented October 1, 1999, with the start of the Fiscal Year 2000 quality control review period, which begins with the October 1999 sample month.

PART 275—PERFORMANCE REPORTING SYSTEM

4. In § 275.3:

a. the introductory text of paragraph (c) is amended by revising the third sentence and adding a new sentence between the third and fourth sentences;

b. paragraph (c)(1)(i) introductory text is revised, and the table following the introductory text is removed;

c. paragraphs (c)(1)(i)(A), (c)(1)(i)(B), and (c)(1)(i)(C) are redesignated as paragraphs (c)(1)(i)(C), (c)(1)(i)(D), and (c)(1)(i)(E), respectively, and new paragraphs (c)(1)(i)(A) and (c)(1)(i)(B) are added;

d. newly redesignated paragraph (c)(1)(i)(C) introductory text is amended by removing the words ''n is the'' and adding in their place the words ''n' is the'';

e. paragraph (c)(3)(i) introductory text, and the table following the introductory text, are revised;

f. paragraph (c)(3)(i)(A) introductory text is amended by removing the words ''n is the'' and adding in their place the words ''n' is the'';

g. paragraph (c)(3)(ii) is amended by adding the word '', suspend,'' between the words ''deny'' and ''or''.

The revisions and additions read as follows:

§ 275.3 Federal monitoring.

* * * * *

(c) *Validation of State Agency error rates.* * * FNS must validate the State agency's negative case error rate, as described in § 275.23(d), when the State agency's payment error rate for an annual review period appears to entitle it to an increased share of Federal administrative funding for that period as outlined in § 277.4(b)(2) of this chapter, and its reported negative case error rate for that period is less than two percentage points above the national weighted mean negative case error rate for the prior fiscal year. However, this requirement will not preclude the Federal review of any negative case for other reasons as determined appropriate by FNS. * * *

(1) *Payment error rate.* * * *

(i) FNS will select a subsample of a State agency's completed active cases, as follows:

(A) For State agencies that determine their active sample sizes in accordance with § 275.11(b)(1)(ii), the Federal review sample for completed active cases is determined as follows:

Average monthly reviewable caseload (N)	Federal subsample target (n′)
31,489 and over	n′=400
10,001 to 31,488	n′=.011634 N+33.66
10,000 and under	n′=150

(B) For State agencies that determine their active sample sizes in accordance with § 275.11(b)(1)(iii), the Federal review sample for completed active cases is determined as follows:

Average monthly reviewable caseload (N)	Federal subsample target (n′)
60,000 and over	n′=400
10,001 to 59,999	n′=.005 N+100
10,000 and under	n′=150

* * * * *

(3) *Negative case error rate.* * * *

(i) FNS will select a subsample of a State agency's completed negative cases, as follows:

Average monthly reviewable negative caseload (N)	Federal subsample target (n′)
5,000 and over	n′=160
501 to 4,999	n′=.0188 N+65.7
Under 500	n′=75

* * * * *

[§ 275.10 Amended]

5. In § 275.10(a):

a. the second sentence is amended by adding the word '', suspended,'' between the words ''denied'' and ''or'';

b. the fifth sentence is amended by adding the word '', suspend,'' between the words ''deny'' and ''or''.

6. In § 275.11:

a. paragraph (a)(2)(iii) is removed, paragraph (a)(2)(iv) is redesignated as paragraph (a)(2)(iii) and a new paragraph (a)(2)(iv) is added;

b. paragraph (a)(3) is revised;

c. paragraph (b)(1)(ii) is amended by removing the reference to ''(a)(2)(viii)'' and adding in its place the reference to ''(a)(2)(iii)'' and by revising the table;

d. paragraph (b)(1)(iii) is amended by removing the reference to ''(a)(2)(viii)'', and adding in its place the reference to ''(a)(2)(iii)'', and by revising the table;

e. paragraph (b)(1)(iv) is amended by removing the word ''anticipated'' in the third sentence;

f. paragraph (b)(2) is revised;

g. paragraph (b)(3) is revised;

h. the last sentence in paragraph (c)(1) is amended by adding the word '', suspension,'' between the words ''denial'' and ''or'';

i. paragraph (e)(2) is revised;

j. the introductory text of paragraph (f)(2) is revised;

k. paragraph (f)(2)(iv) is revised and paragraphs (f)(2)(v) through (f)(2)(ix) are added.

The additions and revisions read as follows:

§ 275.11 Sampling.

(a) *Sampling plan.* * * *

(2) *Criteria.* * * *

(iv) If the State agency has chosen a negative sample size as specified in paragraph (b)(2)(ii) of this section, include a statement that, whether or not the sample size is increased to reflect an increase in negative actions as discussed in paragraph (b)(3) of this section, the State agency will not use the size of the sample chosen as a basis for challenging the resulting error rates.

(3) *Design.* FNS generally recommends a systematic sample design for both active and negative samples because of its relative ease to administer, its validity, and because it yields a sample proportional to variations in the caseload over the course of the annual review period. (To obtain a systematic sample, a State agency would select every kth case after a random start between 1 and k. The value of k is dependent upon the estimated size of the universe and the sample size.) A State agency may, however, develop an alternative sampling design better suited for its particular situation. Whatever the design, it must conform to commonly acceptable statistical theory and application (see paragraph (b)(4) of this section).

* * * * *

(b) *Sample size.* * * *

(1) *Active cases.* * * *

(ii) * * *

Average monthly reviewable caseload (N)	Minimum annual sample size (n)
60,000 and over	n=2400
10,000 to 59,999	n=300+[0.042(N − 10,000)]
Under 10,000	n=300

(iii) * * *

Average monthly reviewable caseload (N)	Minimum annual sample size (n)
60,000 and over	n=1020
12,942 to 59,999	n=300+[0.0153(N − 12,941)]
Under 12,942	n=300

* * * * *

(2) *Negative cases.*

(i) Unless a State agency chooses to select and review a number of negative cases determined by the formulas provided in paragraph (b)(2)(ii) of this section and has included in its sampling plan the reliability certification required by paragraph (a)(2)(iv) of this section, the minimum number of negative cases to be selected and reviewed by a State agency during each annual review period shall be determined as follows:

Average monthly reviewable negative caseload (N)	Minimum annual sample size (n)
5,000 and over	n=800
500 to 4,999	n=150+[0.144(N − 500)]
Under 500	n=150

(ii) A State agency which includes in its sampling plan the statement required by paragraph (a)(2)(iv) of this section may determine the minimum number of negative cases to be selected and reviewed during each annual review period as follows:

Average monthly reviewable negative caseload (N)	Minimum annual sample size (n)
5,000 and over	n=680
684 to 4,999	n=150+[0.1224(N − 683)]
Under 684	n=150

(iii) In the formulas in this paragraph (b)(2), n is the required negative sample size. This is the minimum number of negative cases subject to review which must be selected each review period.

(iv) In the formulas in this paragraph (b)(2), N is the average monthly number of negative cases which are subject to quality control review (i.e., households which are part of the negative universe defined in paragraph (e)(2) of this section) during the annual review period.

(3) *Unanticipated changes.* Since the average monthly caseloads (both active and negative) must be estimated at the beginning of each annual review period, unanticipated changes can result in the need for adjustments to the sample size. FNS shall not penalize a State agency that does not adjust its sample size if the actual caseload during a review period is less than 20 percent larger than the estimated caseload initially used to determine sample size. If the actual caseload is more than 20 percent larger than the estimated caseload, the larger

sample size appropriate for the actual caseload will be used in computing the sample completion rate.

* * * * *

(e) *Sample frame.* * * *

(2) *Negative cases.* The frame for negative cases shall list:

(i) All households whose applications for food stamp benefits were denied by an action in the sample month or effective for the sample month except those excluded from the universe in paragraph (f)(2) of this section. If a household is subject to more than one denial action in a single sample month, each action shall be listed separately in the sample frame; and

(ii) All households whose food stamp benefits were suspended or terminated by an action in the sample month or effective for the sample month except those excluded from the universe in paragraph (f)(2) of this section.

* * * * *

(f) *Sample universe.* * * *

(2) *Negative cases.* The universe for negative cases shall include all households whose applications for food stamps were denied or whose food stamp benefits were suspended or terminated by an action in the sample month or effective for the sample month except for the following:

* * * * *

(iv) A household which is under active investigation for Intentional Program Violation;

(v) A household which was denied, but subsequently certified within the normal 30 day processing standard, using the same application form;

(vi) A household which was suspended or terminated but the suspension or termination did not result in a break in participation that is the result of deliberate State agency action. There would be no break in participation if the household is authorized to receive its full allotment in the month for which the suspension or termination was effective other than continuation of benefits pending a fair hearing. Pro rated benefits are not considered to be a full allotment;

(vii) A household which has been sent a notice of pending status but which was not actually denied participation;

(viii) A household which was terminated for failure to file a complete monthly report by the extended filing date, but reinstated when it subsequently filed the complete report before the end of the issuance month;

(ix) Other households excluded from the negative case universe during the review process as identified in § 275.13(e).

* * * * *

7. In § 275.12:

a. paragraph (c)(1) introductory text is revised;

b. the first sentence of paragraph (f)(2) is amended by removing the reference to ''$5.00'' and adding in its place a reference to ''$25.00'';

c. paragraph (g)(2) introductory text is revised.

The revisions and additions read as follows:

§ 275.12 Review of active cases.

* * * * *

(c) *Field investigation.* * * *

(1) *Personal interviews.* Personal interviews shall be conducted in a manner that respects the rights, privacy, and dignity of the participants. Prior to conducting the personal interview, the reviewer shall notify the household that it has been selected, as part of an ongoing review process, for review by quality control, and that a personal face-to-face interview will be conducted in the future. The method of notifying the household and the specificity of the notification shall be determined by the State agency, in accordance with applicable State and Federal laws. The personal interview may take place at the participant's home, at an appropriate State agency certification office, or at a mutually agreed upon alternative location. The State agency shall determine the best location for the interview to take place, but would be subject to the same provisions as those regarding certification interviews at § 273.2(e)(2) of this chapter. Those regulations provide that an office interview must be waived under certain hardship conditions. Under such hardship conditions the quality control reviewer shall either conduct the personal interview with the participant's authorized representative, if one has been appointed by the household, or with the participant in the participant's home. Except in Alaska, when an exception to the field investigation is made in accordance with this section, the interview with the participant may not be conducted by phone. During the personal interview with the participant, the reviewer shall:

* * * * *

(g) *Disposition of case reviews.* * * *

(2) *Cases not subject to review.* Active cases which are not subject to review, if they have not been eliminated in the sampling process, shall be eliminated in the review process. In addition to cases listed in § 275.11(f)(1), these shall include:

* * * * *

8. In § 275.13:

a. paragraph (a) is revised;

b. the first sentence of paragraph (b) is revised;

c. the third sentence of paragraph (b) is amended to add the word '', suspension,'' between the words ''denial'' and ''or'';

d. the first sentence of paragraph (c)(1) is amended by adding the word '', suspended,'' between the words ''denied'' and ''or'';

e. the second sentence of paragraph (c)(1) is amended by adding the word '', suspend,'' between the words ''deny'' and ''or'';

f. the first sentence of paragraph (c)(2) is amended by adding the word '', suspended,'' between the words ''denied'' and ''or'';

g. paragraph (e)(1) is amended by adding a heading to the paragraph;

h. paragraph (e)(2) is revised;

i. the first sentence of paragraph (f) is amended by adding the words ''suspended or'' between the words ''been'' and ''terminated''.

The addition and revisions read as follows:

§ 275.13 Review of negative cases.

(a) *General.* A sample of households whose applications for food stamp benefits were denied or whose food stamp benefits were suspended or terminated by an action in the sample month or effective for the sample month shall be selected for quality control review. These negative cases shall be reviewed to determine whether the State agency's decision to deny, suspend, or terminate the household, as of the review date, was correct. Depending on the characteristics of individual State systems, the review date for negative cases could be the date of the agency's decision to deny, suspend, or terminate program benefits, the date on which the decision is entered into the computer system, the date of the notice to the client, or the date the negative action becomes effective. However, State agencies must consistently apply the same definition for review date to all sample cases of the same classification. The review of negative cases shall include a household case record review; an error analysis; and the reporting of review findings, including procedural problems with the action regardless of the validity of the decision to deny, suspend or terminate.

(b) *Household case record review.* The reviewer shall examine the household case record and verify through documentation in it whether the reason given for the denial, suspension, or termination is correct or whether the denial, suspension, or termination is

correct for any other reason documented in the casefile. * * *

* * * * *

(e) *Disposition of case review.* * * *

(1) *Cases reported as not complete.* * * *

(2) *Cases not subject to review.* Negative cases which are not subject to review, if they have not been eliminated in the sampling process, shall be eliminated in the review process. In addition to cases listed in § 275.11(f)(2), these shall include:

(i) A household which was dropped as a result of a correction for oversampling;

(ii) A household which was listed incorrectly in the negative frame.

* * * * *

9. In § 275.23:

a. paragraph (c)(4) is amended by adding the word '', suspension,'' between the words ''denial'' and ''or'';

b. paragraph (e)(6)(i) is amended by removing everything but the first sentence;

c. paragraph (e)(6)(iii) is revised.

d. the introductory text of paragraph (e)(8)(iii) is amended by removing the word ''all'' and adding in its place the words ''98 percent''.

e. paragraph (e)(9) is revised.

The revisions read as follows:

§ 275.23 Determination of State agency program performance.

* * * * *

(e) *State agencies' liabilities for payment error rates.* * * *

(6) * * *

(iii) Whenever a State is assessed for an excessive payment error rate, the State shall have the right to request an appeal in accordance with procedures set forth in part 283 of this chapter. While FNS may determine a State to be liable for dollar loss under the provisions of this section and the negligence provisions of § 276.3 of this chapter for the same period of time, FNS shall not bill a State for the same dollar loss under both provisions. If FNS finds a State liable for dollar loss under both the QC liability system and the negligence provisions, FNS shall adjust the billings to ensure that two claims are not made against the State for the same dollar loss.

* * * * *

(9) *FNS Timeframes.* FNS shall determine and announce the national average payment error rate for the fiscal year within 30 days following the completion of the case review process and all arbitrations of State agency-Federal difference cases for that fiscal year, and at the same time FNS shall notify all State agencies of their individual payment error rates and payment error rate liabilities, if any. The case review process and the arbitration of all difference cases shall be completed not later than 180 days after the end of the fiscal year. FNS shall initiate collection action on each claim for such liabilities before the end of the fiscal year following the reporting period in which the claim arose unless an administrative appeal relating to the claim is pending. Such appeals include requests for good cause waivers and administrative and judicial appeals pursuant to Section 14 of the Food Stamp Act. While the amount of a State's liability may be recovered through offsets to their letter of credit as identified in § 277.16(c) of this chapter, FNS shall also have the option of billing a State directly or using other claims collection mechanisms authorized under the Federal Claims Collection Act, depending upon the amount of the State's liability. FNS is not bound by the timeframes referenced in this subparagraph in cases where a State fails to submit QC data expeditiously to FNS and FNS determines that, as a result, it is unable to calculate a State's payment error rate and payment error rate liability within the prescribed timeframe.

* * * * *

Dated: July 12, 1999.

Shirley R. Watkins,

Under Secretary for Food, Nutrition and Consumer Services.

[FR Doc. 99–18164 Filed 7–15–99; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 762

Rural Housing Service

Rural Business—Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1980

RIN 0560–AF38

Implementation of Preferred Lender Program and Streamlining of Guaranteed Farm Loan Programs Loan Regulations; Correction

AGENCIES: Rural Housing Service, Rural Business—Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Correction to final regulations.

SUMMARY: This document corrects the amendatory language contained in the final rule published February 12, 1999, (64 FR 7358) establishing the regulations that govern the Farm Service Agency (FSA) guaranteed farm loan program. These corrections are necessary to change some erroneous references, clarify some provisions, and correct sections that conflict with statute or other program requirements. The effect will be to ensure the original intent of each provision is stated and implemented correctly. This correction will apply retroactively to those loans approved since the effective date of the final rule.

DATES: Effective on July 16, 1999.

FOR FURTHER INFORMATION CONTACT: Phillip Elder (202) 690–4012; Electronic mail: phillip__elder@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The final rule being corrected by this publication was promulgated under 7 CFR part 762 to replace the regulations under 7 CFR part 1980, subparts A and B, as they pertain to the guaranteed farm loan programs of FSA, to update and streamline program requirements, and to implement a preferred lender program.

Need for Correction

As published, the final rule (64 FR 7358–7403) contains several technical errors which may prove misleading and cause unintentional results if not clarified.

Discussion of Changes

The corrections being made are described as follows:

(1) Section 762.122(a)(1) states, ''The total outstanding combined Direct and Guaranteed FO and OL principal balance cannot exceed $700,000 and,''. This conflicts with the combined direct and guaranteed loan maximum of $900,000 provided by paragraph (a)(4) of § 762.122. Paragraph (a)(1) should read, ''The total outstanding combined guaranteed FO and OL principal balance cannot exceed $700,000 and,''. This change is consistent with the intended policy for loan limits as discussed in the preamble of the final rule. Paragraph (a)(4) also needs to be amended to refer to ''principal balance'' rather than ''balance'' for consistency and clarity.

(2) Section 762.122(c)(1) states, ''No guaranteed OL shall be made to any loan applicant after the 15th year that a loan applicant, or any individual signing the promissory note, first received direct or guaranteed OL.'' Since the 15 year limit is based on the

number of years of actual loan assistance the borrower has received and not the year in which the borrower ''first'' received loan assistance, this section should state, ''No guaranteed OL shall be made to any loan applicant after the 15th year that a loan applicant, or any individual signing the promissory note, received a direct or guaranteed OL.'' This change is consistent with former Agency policy under 7 CFR § 1980.175. No policy change was intended in the final rule.

(3) Section 762.145(e)(7), in the last sentence provides that an interest assistance agreement will be canceled if a writedown is approved. This provision was unintentionally retained from the previous regulation and will be deleted. Cancellation of the interest assistance agreement in the case of a writedown is not necessary due to changes in the way the subsidy is calculated under § 762.150. This cancellation requirement conflicts directly with the second to last sentence of § 762.150(g)(3) which states that the interest assistance agreement will not be canceled if a debt writedown is approved.

(4) Section 762.150(e)(2) provides requirements for the continuation of interest assistance subsidy for the next year and states, ''The loan will be eligible for the continuation of interest assistance if a feasible plan, including interest assistance, can be projected for the plan period.'' As written, this sentence provides a minimum threshold for continuation without providing policy for subsidy on multiple loans. Thus, this provision implies that subsidy may be approved on multiple loans even if a positive cash flow is achieved with subsidy applied to only one loan. This error may cause subsidy to be awarded above the amount necessary to achieve a positive cash flow and, therefore, increase the costs of the loan to the Government. Previously, the Agency required, at a minimum, a positive cash flow (with a 10-percent margin) to be eligible for continuation of the subsidy. The 10 percent margin requirement was removed. The Agency intended to prohibit subsidy when it was not required to achieve a 10 percent margin but failed to state this expressly. Under the corrected rule, the Agency will, at a maximum, continue to provide subsidy to as many loans as necessary in a multiple loan situation to achieve a positive cash flow for the plan period. Thus, the first sentence of § 762.150(e)(2) is removed and two sentences are inserted in its place to state, ''The loan will be eligible for continuation of interest assistance if the cash flow budget projects a feasible plan with interest assistance applied. However, in the case of multiple loans with interest assistance, subsidy can be applied only to as many loans as necessary to achieve a positive cash flow for the plan period.''

(5) Section 762.150(g)(4) is also erroneous due to changes made in the annual review procedure for interest assistance. This paragraph limits the timing of rescheduling and deferral of loans with interest assistance to the claim date or anniversary date of the agreement. Those limits were imposed due to the effect of restructuring actions on the annual calculation of subsidy. The formula for this calculation has been simplified under this section, so this restriction is no longer necessary. Thus, the last three sentences of § 762.150(g)(4) are removed as a conforming change.

(6) The final rule published February 12, 1999, contained the following erroneous cross references to other sections within the rule that are corrected by this rule:

(A) Sections 762.106(g)(2)(ix) and 762.160(a)(2)(ii) refer to § 762.146(c)(7) but should refer to § 762.144(c)(7).

(B) Section 762.150(g)(7), in the last sentence refers to § 762.145(b)(3)(v) but should refer to § 762.143(b)(3)(v).

Correction of Publication

Accordingly, the final rule published in the **Federal Register**, FR Doc. 99–3256, (64 FR 7358) on February 12, 1999, is corrected as follows:

1. At 64 FR 7384, in the first column, § 762.106(g)(2)(ix) is corrected to read as follows:

§ 762.106 Preferred and certified lender programs.

* * * * *

(g) * * *

(2) * * *

(ix) Failure to comply with the reimbursement requirements of § 762.144(c)(7).

* * * * *

2. At 64 FR 7386, in the second column, §§ 762.122(a)(1), (a)(4), and (c)(1) are corrected to read as follows:

§ 762.122 Loan limitations.

(a) * * *

(1) The total outstanding combined guaranteed FO and OL principal balance cannot exceed $700,000 and,

* * * * *

(4) The total combined outstanding direct and guaranteed FO and OL principal balance cannot exceed $900,000.

* * * * *

(c) * * *

(1) No guaranteed OL shall be made to any loan applicant after the 15th year that a loan applicant, or any individual signing the promissory note, received a direct or guaranteed OL.

* * * * *

3. At 64 FR 7395, in the first column, § 762.145(e)(7) is corrected by removing the last sentence.

4. At 64 FR 7400, in the second column, § 762.150(e)(2) is corrected to read as follows:

§ 762.150 Interest assistance program.

* * * * *

(e) * * *

(2) The loan will be eligible for continuation of interest assistance if the cash flow budget projects a feasible plan with interest assistance applied. However, interest assistance can be applied only to as many loans as necessary to achieve a positive cash flow for the plan period. If the cash flow budget indicates that the borrower requires a level of interest assistance greater than 4 percent to project a feasible plan, then the Agency will deny the continuation of interest assistance. Interest assistance will be reduced to zero during that period. See § 762.102(b) for the definition of feasible plan.

5. At 64 FR 7401, in the first column, § 762.150(g)(4) is corrected by removing the last three sentences.

6. At 64 FR 7401, in the first column, the last sentence of § 762.150(g)(7) is corrected by removing ''§ 762.145(b)(3)(v)'' and adding ''§ 762.143(b)(3)(v)'' in its place.

7. At 64 FR 7401, in the second column, § 762.160(a)(2)(ii) is corrected to read as follows:

§ 762.160 Sale, assignment and participation.

(a) * * *

(2) * * *

(ii) The lender has not complied with the reimbursement requirements of § 762.144(c)(7), except when the 180 day reimbursement or liquidation requirement has been waived by the Agency.

* * * * *

Signed at Washington, DC on July 7, 1999.

August Schumacher Jr.,

Under Secretary for Farm and Foreign Agricultural Services.

Jill Long Thompson,

Under Secretary for Rural Development.

[FR Doc. 99–17799 Filed 7–15–99; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–31–AD; Amendment 39–11221; AD 99–15–02]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Pratt & Whitney (PW) JT9D series turbofan engines, that requires initial and repetitive in-shop eddy current and on-wing ultrasonic inspections of the Combustion Chamber Outer Casing (CCOC) forward flange (L-flange) fillet radius for cracking, and replacing cracked L-flanges with serviceable parts. Replacement with an improved L-flange constitutes terminating action to the repetitive inspections. This amendment is prompted by reports of CCOC rupture due to cracking in the L-flange fillet radius. The actions specified by the proposed AD are intended to prevent CCOC rupture due to cracking, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Effective date August 16, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 16, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565-4503. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Peter White, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7128, fax (781) 238–7199.

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 certain Pratt & Whitney (PW) JT9D series turbofan engines was published in the **Federal Register** on December 21, 1998 (63 FR 70352). That action proposed to require initial and repetitive in-shop eddy current and on-wing ultrasonic inspections of the Combustion Chamber Outer Casing (CCOC) forward flange (L-flange) fillet radius for cracking, and replacing cracked L-flanges with serviceable parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed actions contained in the notice of proposed rulemaking (NPRM).

One commenter notes that the aircraft applicability may be incorrect because it includes the A300 Aircraft. The commenter believes that the JT9D–7R4 is the only model being installed on the A300 and that the service bulletin (SB) may be incorrect. The commenter is correct. Pratt & Whitney indicates that the JT9D–3/–20 models were never installed on the A300 Aircraft, and that the documents referenced are in error. The Applicability paragraph has been changed accordingly. The listing of aircraft installations in an AD that applies to engines, however, is informative only and does not affect the applicability of the AD to the identified engine models.

One commenter notes that Chromalloy makes a replacement CCOC under a supplemental type certificate (STC) P/N CFL758479, that the FAA should consider as acceptable terminating action to the AD. The commenter also states that Chromalloy makes a replacement CCOC L-flange under a parts manufacturing approval (PMA) which the commenter claims is the equivalent to the flange introduced by PW SB 4482, and should also be considered as acceptable terminating action for the AD. The FAA agrees. These part numbers have been added to the list of parts whose installation will constitute terminating actions to the AD in a new paragraph (e).

One commenter utilizes Standard Practice Operating Procedure (SPOP) 82 florescent penetrant inspection (FPI) of the L-flange when the part is in their shop. For cases that have used SPOP 82 FPI at last shop visit, the commenter requests that the FAA extend the 250 cycle limit to the 500 cycle limit for the initial on-wing inspection. The FAA does not agree. The performance of SPOP 82, when compared to the required ultrasonic inspection, does not raise the probability of detecting a crack sufficiently to increase the initial inspection requirement from 250 cycles to 500 cycles.

One commenter requested that the effective date of the AD be changed from 30 days after publication in the **Federal Register** to 60 days. The commenter states that he often receives the ADs weeks after their publication date, leaving little time to update his tracking system. The FAA does not agree. All AD's are published in the Federal Register and are available on a subscription basis from the Government Printing Office within days of publication. In addition, all ADs are available on the **Federal Register's** Internet web site the day they are published and are listed on the **Federal Register**'s preview web site the day before publication. Additionally, the FAA mails hard copies of ADs to all registered owner/operators within a week of their publication in the **Federal Register**.

After careful review of the available data, including the comments noted above, 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. 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–15–02 Pratt & Whitney: Amendment 39–11221. Docket 98–ANE–31–AD.

Applicability: Pratt & Whitney (PW) JT9D–3A, –7, –7H, –7A, –7AH, –7F, –7J, –20, and –20J series turbofan engines, with Combustion Chamber Outer Casing (CCOC), part numbers (P/Ns) 644801, 693294, 709016, 729237, 729238, and 729239, installed. These engines are installed on but not limited to certain models of Boeing 747 and McDonnell Douglas DC–10 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent CCOC rupture due to cracking, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) Perform initial on-wing ultrasonic inspections of the CCOC forward flange (L-flange) fillet radius for cracking in accordance with PW Alert Service Bulletin (ASB) No. A6343 Revision 1, dated October 8, 1998, as follows:

(1) For engines that have not had the L-flange fillet radius eddy current inspected using the JT9D Engine Manual (P/N 646028, P/N 770407, P/N 770408, as appropriate) Revision No. 104; or Temporary Revision No. 72–6517, Temporary Revision No. 72–6334, or Temporary Revision No. 72–6206, all of which were superseded by manual Revision No. 104; at the last shop visit, inspect within 250 cycles in service (CIS) after the effective date of this AD, or the next shop visit, whichever occurs first.

(2) For engines that did have the L-flange fillet radius eddy current inspected using the JT9D Engine Manual (P/N 646028, P/N 770407, P/N 770408, as appropriate) Revision No. 104; or Temporary Revision No. 72–6517, Temporary Revision No. 72–6334, or Temporary Revision No. 72–6206, all of which were superseded by manual Revision No. 104; at the last shop visit, inspect within 2,000 CIS, or the next shop visit after the effective date of this AD, whichever occurs first.

(b) Thereafter, ultrasonically inspect on-wing at intervals not to exceed 500 CIS since last on-wing inspection in accordance with PW Alert Service Bulletin (ASB) No. A6343 Revision 1, dated October 8, 1998, or 2000 cycles in service (CIS) since last in-shop ECI inspection, whichever occurs later.

(c) If a crack is found during on-wing inspection, remove the part from service, and replace with a serviceable part as follows:

(1) For cracks found to be over the inspection threshold limit, but less than 2 inches, remove within 5 CIS.

(2) For cracks found to be over the inspection threshold limit and equal to or greater than 2 inches, remove prior to further flight.

(d) If a crack in the L-flange fillet radius of the CCOC is found during in-shop inspection, remove the CCOC and replace with a serviceable part or replace the L-flange with an improved L-flange P/N 734515 or 056–1133–1 in accordance with the accomplishment instructions of PW ASB No. 6343 Revision 1, dated October 8, 1998.

(e) Installation of CCOC's containing improved L-flange P/N's 734515 or 056–1133–1, or installation of CCOC's with P/N's 758479 or CFL758479, constitute terminating action to the repetitive inspection requirements of this AD.

(f) Inspect the CCOC L-flange fillet radius during every CCOC shop visit in accordance with JT9D Engine Manual (P/N 646028, P/N 770407, P/N 770408, as appropriate) Revision No. 104 (or Temporary Revision No. 72–6517, Temporary Revision No. 72–6334, or Temporary Revision No. 72–6206, which were superseded by manual Revision No. 104); that details eddy current inspection procedures for the L-flange fillet radius.

(g) For the purpose of this AD, a shop visit is defined as anytime the L-flange is separated in the process of performing engine repair.

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

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

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

(j) The inspections must be done in accordance with the following Pratt & Whitney SBs:

Document No.	Pages	Revision	Date
JT9D A6343	1–5	Rev. 1	October 8, 1998.
	6–9	Original	July 31, 1998.
	10–11	Rev. 1	October 8, 1998.
	12	Original	July 31, 1998.
	13	Rev. 1	October 8, 1998.
Total Pages: 13.			
4482	1	Rev. 1	July 8, 1976.
	2	Original	September 5, 1975.
	3	Rev. 1	July 8, 1976.
	4	Original	September 5, 1975.
	5	Rev. 1	July 8, 1976.
	6–8	Original	September 5, 1975.
	9	Rev. 1	July 8, 1976.
	10	Original	September 5, 1975.
Total pages: 10.			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770, fax (860) 565–8770. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New

England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(k) This amendment becomes effective on August 16, 1999.

Issued in Burlington, Massachusetts, on July 6, 1999.

David A. Downey,

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

[FR Doc. 99–17555 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–55–AD; Amendment 39–11220; AD 99–15–01]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Pratt & Whitney PW4000 series turbofan engines, that reduces life limits of certain 4th stage low pressure turbine (LPT) disks. It also allows the original life limits of the disks to be restored if reoperation is performed to incorporate the original slotted cooling hole configuration. This amendment is prompted by reports that a change of a cooling hole geometry, which was introduced in the design of certain 4th stage LPT disks, inadvertently caused a reduction on the cooling air flow to the disk and an increased level of stress. The actions specified by this AD are intended to prevent an uncontained disk failure and damage to the aircraft.

DATES: Effective September 14, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 14, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Pratt & Whitney, Publications Department, Supervisor Technical Publications Distribution, M/S 132–30, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7147, fax (781) 238–7199.

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 Pratt & Whitney Model PW4056, PW4152, PW4156A, PW4164, PW4168, and PW4460 turbofan engines was published in the **Federal Register** on March 9, 1998 (63 FR 11381). That action proposed to reduce life limits of affected 4th stage low pressure turbine (LPT) disks, identified by serial number (S/N). It would also allow the original life limits to be restored, if reoperation is performed to incorporate the slotted cooling air configuration.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter states that it does not own any of the disks affected by this AD, and will therefore not be affected by it. The commenter, however, states that the 4th stage LPT disk was subjected to a design change but retained the same part number. The commenter states that for tracking purposes it is desirable to change the part number. The FAA agrees with the concept; however, this issue addresses practices at the manufacturer and not this action, since both part number and serial numbers are identified for tracking purposes. The FAA will communicate this request to the manufacturer for future considerations.

One commenter states that the economic analysis should be revised to note that the labor cost is accurate when the engine is torn down to obtain access to the LPT. The FAA concurs and has added this language to the economic analysis of this final rule.

Two commenters state that they do not own any of the affected disks and that therefore would not be affected by the proposed rule.

One commenter supports the rule as proposed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 27 engines of the affected design in the worldwide fleet. The FAA estimates that there are currently no engines installed on aircraft of U.S. registry that will be affected by this AD, but if one were installed, it would take approximately 4 work hours per engine to accomplish the required actions when the engine is torn down to obtain access to the LPT, and that the average labor rate is $60 per work hour. Required parts will cost approximately $240 per engine. Based on these figures, the total cost impact per engine is estimated to be $480.

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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–15–01 Pratt & Whitney: Amendment 39–11220. Docket 97–ANE–55–AD.

Applicability: Pratt & Whitney Model PW4056, PW4152, PW4156A, PW4164, PW4168, and PW4460 turbofan engines, with 4th stage low pressure turbine (LPT) disks, part number (P/N) 50N924, serial numbers (S/Ns) CLDL BX2061, CLDL BX6620, CLDL BX2054, CLDL BX2055, CLDL BX6596, CLDL BX2059, CLDL BX2060, CLDL BX6600, CLDL BX6597, CLDL BX6599, CLDL BX6601, CLDL BX6598, CLDL BX6604, CLDL BX6605, CLDL BX6602, CLDL BX6609, CLDL BX6607, CLDL BX6612, CLDL BX6611, CLDL BX6610, CLDL BX6608, CLDL BX6606, CLDL BX6615, CLDL BX6616, CLDL BX6619, CLDL BX2058, and CLDL BX6603 installed. These engines are installed on but not limited to Airbus Industrie A330, Boeing 747, and McDonnell Douglas MD–11 series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 and uncontained disk failure and damage to the aircraft, accomplish the following:

(a) Except as provided in paragraph (b) of this AD, prior to accumulating 7,500 cycles in service (CIS), remove the affected 4th stage LPT disks and replace them with new or serviceable parts.

Note 2: A list of the affected 4th stage LPT disks, identified by P/N and S/N, appears in the ''Applicability'' paragraph for this AD.

(b) Restoration of the original life limits on the affected disks may be accomplished as follows:

(1) Reoperation performed on the LPT disks installed in PW4164 and PW4168 model engines, in accordance with Pratt & Whitney (PW) Service Bulletin (SB) No. PW4G 100–72–105, dated November 12, 1997, prior or 7,000 CIS to incorporate the slotted cooling air configuration may restore the life limit to 15,000 CIS.

(2) Reoperation performed on the LPT disks installed in PW4156A and PW4460 model engines in accordance with PW SB No. PW4ENG 72–657, dated November 25, 1997, prior to 5,500 CIS to incorporate the slotted cooling air configuration may restore the life limit to 15,000 CIS.

(3) Reoperation performed on the LPT disks installed in PW4056 and PW4152 model engines in accordance with PW SB No. PW4ENG 72–657, dated November 25, 1997, prior to 4,500 CIS to incorporate the slotted cooling air configuration may restore the life limit to 20,000 CIS.

(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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(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) The actions required by this AD shall be done in accordance with the following PW SBs:

Document No.	Pages	Dates
PW4G=100–72–105 ..... Total Pages: 19	1–19	November 12, 1997.
PW4ENG 72–657 ..... Total Pages: 22	1–22	November 25, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, Publications Department, Supervisor Technical Publications Distribution, M/S 132–30, 400 Main St., East Hartford, CT 06108; telephone (860) 565–8770. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW, suite 700, Washington, DC.

(f) This amendment becomes effective on September 14, 1999.

Issued in Burlington, Massachusetts, on July 6, 1999.

David A. Downey,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99–17554 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–25]

Modification of Legal Description of the Class D Airspace; Cincinnati, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the legal description of the Class D airspace at Cincinnati Municipal Airport Lunken Field, OH. The legal description for this airspace includes a reference to excluding that airspace within the Cincinnati/Northern Kentucky International Airport, KY, Class C airspace area. This Class C airspace designation is being revoked, and effective at 0901 UTC, July 15, 1999, a Class B airspace area for the Cincinnati/Northern Kentucky International Airport will be established (Airspace Docket No. 93–AWA–5, final rule published in the **Federal Register** on November 30, 1998, 63 FR 65972, effective date delayed on December 14, 1998, 63 FR 68675, and confirmation of effective date on April 12, 1999, 64 FR 17934). The reference to Class C airspace in the legal description for the Class D airspace at Cincinnati Municipal Airport Lunken Field is incorrect, and this action changes that reference to Class B airspace.

EFFECTIVE DATE: 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Annette Davis, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, May 4, 1999, the FAA proposed to amend 14 CFR part 71 to modify the legal description of the Class D airspace at Cincinnati, OH (64 FR

23805). The proposal was to correct the legal description of the existing controlled airspace to reflect the correct reference to the Cincinnati/Northern Kentucky International Airport, KY, Class C airspace area.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. 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 airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies the legal description of the Class D airspace at Cincinnati, OH, by changing the reference to the Cincinnati/Northern Kentucky International Airport, KY, Class C airspace area to Class B. The area will be depicted on appropriate aeronautical charts.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 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 5000 Class D airspace.

* * * * *

AGL OH D Cincinnati, OH [Revised]

Cincinnati Municipal Airport Lunken Field, OH
(Lat. 39°06′12″N., long. 84°25′07″W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.1-mile radius of the Cincinnati Municipal Airport Lunken Field, excluding that airspace within the Cincinnati/Northern Kentucky International Airport, KY, Class B airspace area. 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 6, 1999.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 99–18205 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–16]

Establishment of Class E Airspace; Minden, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class E airspace area at Minden, NV. The establishment of a Global Positioning System (GPS) GPS–A and GPS–B Standard Instrument Approach Procedure (SIAP) at Minden-Tahoe 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–A and GPS–B SIAP to Minden-Tahoe Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Minden-Tahoe Airport, Minden, NV.

EFFECTIVE DATE: 0901 UTC September 9, 1999.

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

SUPPLEMENTARY INFORMATION:

History

On May 18, 1999, the FAA proposed to amend 14 CFR part 71 by establishing a Class E airspace area at Minden, NV (64 FR 26922). Additional controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the GPS–A and GPS–B SIAP at Minden-Tahoe Airport. This action will provide adequate controlled airspace for aircraft executing the GPS–A and GPS–B SIAP at Airport, Minden, NV.

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

The Rule

This amendment to 14 CFR part 71 establishes a Class E airspace area at Minden, NV. The development of a GPS–A and GPS–B SIAP has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the GPS–A and GPS–B SIAP at Minden-Tahoe Airport, Minden, NV.

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

a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AWP NV E5 Minden, NV [New]

Minden-Tahoe Airport, NV
(Lat. 39°00′02″ N, long. 119°45′11″ W)

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

* * * * *

Issued in Los Angeles, California, on June 30, 1999.

Dawna J. Vicars,

Assistant Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 99–18210 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AWP–33]

Proposed Establishment of Class E Airspace; Imperial County, CA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Imperial County Airport, CA. Additional controlled airspace is required for departure procedures at Imperial County Airport. A review of airspace classification and air traffic procedures has made this action necessary.

EFFECTIVE DATE: September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Airspace Specialist, Airspace Branch, AWP–520.10, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6613.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, April 13, 1999, the FAA proposed to establish additional Class E airspace at Imperial County Airport, Imperial County, CA (64 FR 17983).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace 700 feet or more above the surface of the earth is published in Paragraph 6005 FAA Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, through September 15, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The Rule

This amendment to 14 CFR part 71 of the Federal Aviation Regulations establishes Class E airspace at Imperial County Airport, CA. This action provides the additional controlled airspace required for departure procedures at Imperial County Airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this proposed regulation only involves an established 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, 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 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 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 the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AWP CA E5 Imperial County Airport, CA [NEW]

Imperial County, CA
(Lat. 32°50′03″N, long. 115°34′43″W)
El Centro NAF, CA
(Lat. 32°49′45″N long. 115°40′18″W)
Brawley Municipal Airport, CA
(Lat. 32°59′35″W long. 115°31′01″W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Imperial County Airport; excluding that portion within the El Centro NAF, CA, Class D airspace area and excluding that airspace within the Brawly Municipal Airport, CA Class E airspace area.

* * * * *

Issued in Los Angeles, California, on June 22, 1999.

Dawna J. Vicars,

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

[FR Doc. 99–18209 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–24]

Modification of Class E Airspace; Barnesville, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Barnesville, OH. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 27 has been developed for Barnesville-Bradfield Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of the existing controlled airspace for this airsport.

EFFECTIVE DATE: 0901 UTC, November 04, 1999.

FOR FURTHER INFORMATION CONTACT: Annette Davis, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, May 4, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Barnesville, OH (64 FR 23808). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Barnesville, OH, to accommodate aircraft executing the proposed GPS Rwy 27 SIAP at Barnesville-Bradfield Airport by modifying the existing controlled airspace. The areas will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1997); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated import 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 or 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 part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O.. 10854, 24 FR 95665, 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.

* * * * *

AGL OH E5 Barnesville, OH [Revised]

Barnesville-Bradfield Airport OH
(Lat. 40° 00′ 09″N., long. 81° 11′ 31″W.)

That airspace extending upward from 700 feet above the surface within an 6.4-mile radius of Barnesville-Bradfield Airport.

* * * * *

Issued in Des Plaines, Illinois on July 6, 1999.

Chistopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 99–18208 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–26]

Modification of Class E Airspace; Indianapolis, IN; and Revocation of Class E Airspace; Greenwood, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace at Indianapolis, IN, and revokes the Class E airspace at Greenwood, IN. The legal description for the Class E airspace for the Greenwood Municipal Airport has been published in duplicate, once as part of the Indianapolis, IN, Class E airspace, and once as Greenwood, IN, Class E airspace. Neither legal description for the Class E airspace for the Greenwood Municipal Airport, as published, is correct. Because the Class E airspace for Greenwood Municipal Airport is an integral part of the Indianapolis, IN, Class E airspace area, this action modifies the Class E airspace for Indianapolis, IN, to correctly describe the Class E airspace required for Greenwood Municipal Airport, and revokes the duplicate, and therefore unneeded, Class E airspace at Greenwood, IN.

EFFECTIVE DATE: 0901 UTC, September 09, 1999.

FOR FURTHER INFORMATION CONTACT: Annette Davis, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, May 4, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Indianapolis, IN, and revoke Class E airspace at Greenwood, IN (64 FR 23809). The proposal was to correct the legal description of the existing controlled airspace to reflect the actual configuration of that controlled airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written

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

The Rule

This amendment to 14 CFR part 712 modifies the Class E airspace at Indianapolis, IN, by correctly describing the Class E airspace for the Indianapolis, Greenwood Municipal Airport and revokes the duplicate incorrect Class E airspace at Greenwood, IN. The area will be depicted on appropriate aeronautical charts.

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

List of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Fedeal 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.

* * * * *

AGL IN E5 Greenwood, IN [Removed]

* * * * *

AGL IN E5 Indianapolis, IN [Revised]

Indianapolis International Airport, IN
(Lat. 39° 43′02″., long. 86°17′40″ W.)
Indianapolis, Greenwood Municipal Airport, IN
(Lat. 39°37′42″ N., long. 86°05′16″ W.)
Indianapolis, Eagle Creek Airpark, IN
(Lat. 39°49′51″ N., long. 86°17′40″ W.)
Indianapolis, Helicopter VOR/DME 287° Approach Point in Space
(Lat. 39°42′12″ N., long. 86°06′28″ W.)
Brickyard VORTAC
(Lat. 39°48′53″ N., long. 86°22′03″ W.)

That airspace extending upward from 700 feet above the surface within an 7.4-mile radius of the Indianapolis International Airport, within a 7.0-mile radius of the Greenwood Municipal Airport, within a 6.3-mile radius of Eagle Creek Airpark, and within 2.6 miles each side of the Brickyard VORTAC 257° radial, extending from the 6.3-mile radius of the Eagle Creek Airpark and the 7.4-mile radius of the Indianapolis International Airport to 7.0 miles west of the VORTAC, and within a 6.0-mile radius of the Point in Space serving the helicopter VOR/DME 287° approach.

* * * * *

Issued in Des Plaines, Illinois on July 6, 1999.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 99–18207 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–35]

RIN 2120–AA66

Amendment of VOR Federal Airways; Kahului, HI; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on June 3, 1999 (Airspace Docket No. 97–AWP–35). In that rule, seven Hawaiian Very High Frequency Omnidirectional Range (VOR) Federal airway legal descriptions contained inadvertent errors. This action corrects those errors.

EFFECTIVE DATE: 0901 UTC, September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Joseph C. White, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: **Federal Register** Document 99–14078, Airspace Docket No. 97–AWP–35, published on June 3, 1999 (64 FR 29785), modified the legal descriptions of seven VOR Hawaiian Federal airways, V–1, V–5, V–6, V–11, V–15, V–17, and V–22, located in Kahului, HI, due to the relocation of the Maui, HI, Very High Frequency Omnidirectional Range/Tactical Air Navigation Aid. However, subsequent flight inspection information has revealed that several of the associated fixes used to define the seven VOR Federal airways require realignment. This realignment of fixes has caused some of the radials of the airways to be in error by one or two degrees. This action corrects the legal descriptions by removing the inaccurate information.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designations for VOR Federal airways V–1, V–5, V–6, V–11, V–15, V–17, and V–22 published in the **Federal Register** on June 3, 1999 (64 FR 29785); **Federal Register** Document 99–14078, and incorporated by reference in 14 CFR 71.1, are corrected as follows:

§ 71.1 [Corrected]

1. On page 29786, columns one and two, correct the airspace descriptions for VOR Federal airways V–1, V–5, V–6, V–11, V–15, V–17, and V–22 to read as follows:

Paragraph 6010(c) Hawaiian VOR Federal airways

* * * * *

V–1 [Corrected]

From Kona, HI, via INT Kona 323° and Maui, HI, 180° radials; INT Maui 180° and Upolu Point, HI, 305° radials; INT Maui 199° and Upolu Point 305° radials; to Maui.

* * * * *

V–5 [Corrected]

From Kona, HI, via INT Kona 338° and Maui, HI, 180° radials.

V–6 [Corrected]

From INT Molokai, HI, 067° and Maui, HI, 331° radials, to Maui.

* * * * *

V–11 [Corrected]

From INT Kona, HI, 323° and Upolu Point, HI, 211° radials; via Upolu Point; INT Upolu Point 349° and Maui, HI, 080° radials; to Maui.

* * * * *

V–15 [Corrected]

From INT South Kauai, HI, 288° radial and long. 162°37′11″ W., via South Kauai; Lihue, HI; INT Lihue 121° and Honolulu, HI, 269° radials; Honolulu; Koko Head, HI; Molokai, HI; Maui, HI; INT Maui 096° and Hilo, HI, 336° radials; Hilo to INT Hilo 099° radial and long. 151°53′00″ W.

* * * * *

V–17 [Corrected]

From INT Lanai, HI, 106° and Maui, HI, 199° radials; Maui.

From INT Koko Head, HI, 071° and Maui 348° radials; to INT Maui 348° and Lihue, HI, 065° radials.

* * * * *

V–22 [Corrected]

From Molokai, HI, via INT Molokai 082° and Maui, HI, 331° radials; Maui; INT Maui 096° and Hilo, HI, 321° radials; Hilo; to INT Hilo 078° radial and long. 152°14′00″ W.

* * * * *

Issued in Washington, DC, on July 9, 1999.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 99–18025 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 655

[FHWA Docket No. FHWA–97–2353; 96–20]

RIN 2125–AD63

National Standards for Traffic Control Devices; Metric Conversion; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Federal Highway Administration (FHWA), DOT.

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

SUMMARY: On Thursday, June 24, 1999, the FHWA published a final rule which adopted as final, with changes, the interim rule concerning national standards for traffic control devices, metric conversion, published on Tuesday, June 11, 1996. This document corrects the effective date of the June 24, 1999 rule to be consistent with the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801, 808. The incorporation by reference approval date is also corrected to conform to the effective date.

DATES: *Effective Date:* July 16, 1999.

Incorporation by Reference: The incorporation by reference of certain publications listed in the regulations was re-approved by the Director of the Federal Register as of July 16, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Huckaby, Office of Transportation Operations (HOTO) (202) 366–9064, or Mr. Raymond Cuprill, Office of the Chief Counsel (202) 366–1377, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the Federal Register's home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The CRA, 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.

The effective date of the final rule on National Standards for Traffic Control Devices; Metric Conversion, published at 64 FR 33751, is corrected from June 24, 1999 to July 16, 1999 in order to comply with the CRA. The incorporation by reference approval date is also corrected to conform to the effective date.

Administrative Procedure Act

The Administrative Procedure Act provides that an agency may dispense with prior notice and opportunity for comment when the agency for good cause finds that such procedures are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(3)(B). The FHWA has determined that prior notice and comment are unnecessary, because the FHWA is merely correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

List of Subjects in 23 CFR Part 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs and symbols, and Traffic regulations.

Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32; and 49 CFR 1.48(b).

Issued on: July 1, 1999.

Karen E. Skelton,

Chief Counsel.

[FR Doc. 99–17805 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–22–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300705A; FRL–6089–2]

RIN 2070–AB78

Myclobutanil; Pesticide Tolerances for Emergency Exemptions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** of September 16, 1998, a regulation establishing time-limited tolerances for combined residues of myclobutanil in or on artichokes, asparagus, and peppers (bell and non-bell). This document is being issued to correct the amendatory language.

EFFECTIVE DATE: This correction is effective July 16, 1999.

FOR FURTHER INFORMATION CONTACT: By mail: David Deegan, 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) 308–9358, e-mail: deegan.dave@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 16, 1998 (63 FR 49472) (FRL–6025–1), EPA, issued a final rule establishing time-limited tolerances for combined residues of myclobutanil in or on artichokes, asparagus, and peppers (bell and non-bell). The entry for peppers (bell and non-bell) should have been a revision of the tolerance level instead of an addition. This document is being issued to correct the amendatory language.

I. Regulatory Assessment Requirements

This final rule does not impose any new requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

II. 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 this rule in the **Federal Register**. This is a technical correction to the **Federal Register** and is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: July 1, 1999.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

In FR Doc. 98–24845 published on September 16, 1998 (63 FR 49472), make the following correction:

§ 180.443 [Corrected]

On page 49479, in the third column, the amendatory language for § 180.443 is corrected to read as follows:

2. Section 180.443 is amended in paragraph (b), in the table, by adding ''artichokes'' and ''asparagus'' and by revising the tolerance level for ''peppers (bell and non-bell)'' to read as follows.

[FR Doc. 99–18189 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 7

RIN 3067–AC99

Extension of Filing Date for Discrimination Complaints

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule amends our (FEMA) regulation on nondiscrimination in federally assisted programs by extending the filing deadline for discrimination complaints from 90 to 180 days from the alleged discriminatory act. This amendment will make our regulation comparable to the Title VI rules of other Federal agencies, and to the filing deadline in our own rule for federally conducted programs.

EFFECTIVE DATE: This rule is effective August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Alan Clive, Civil Rights Program Manager, Office of Equal Rights, Federal Emergency Management Agency, 500 C Street SW., room 407, Washington DC 20472; telephone: (202) 646–3957, or (email) alan.clive@fema.gov.

SUPPLEMENTARY INFORMATION: This final rule amends our (FEMA) regulation on nondiscrimination in federally assisted programs by extending the filing deadline for discrimination complaints from 90 to 180 days from the alleged discriminatory act. This amendment will make our regulation comparable to the rules of other Federal agencies under Title VI of the Civil Rights Act of 1964 and to the filing deadline for federally conducted programs to provide aggrieved parties additional time to file their complaints.

Administrative Procedure Act Determination

FEMA is publishing this final rule without opportunity for prior public comment under the Administrative Procedure Act, 5 U.S.C. 553. This final rule is a rule of agency procedure or practice that is excepted from the prior public comment requirements of § 553(b). The rule makes nonsubstantive, nonsignificant changes to 44 CFR part 7 by extending the time for filing discrimination complaints from 90 to 180 days from the alleged discriminatory act.

Executive Order 12866, Regulatory Planning and Review

This final rule is not a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, but attempts to adhere to the regulatory principles set forth in E.O. 12866. The Office of Management and Budget has not reviewed this rule under E.O. 12866.

Regulatory Flexibility Act

I certify that this rule is not a major rule under Executive Order 12291. It will not have significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, and is not expected (1)

to affect adversely the availability of disaster assistance funding to small entities, (2) to have significant secondary or incidental effects on a substantial number of small entities, or (3) to create any additional burden on small entities. We have not prepared a regulatory flexibility analysis of this rule.

Paperwork Reduction Act

This final rule does not contain a collection of information and therefore is not subject to the provisions of the Paperwork Reduction Act of 1995.

Congressional Review of Agency Rulemaking

We have sent this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104–121. The rule is not a ''major rule'' within the meaning of that Act. It is an administrative action in support of normal day-to-day activities. It does not result in nor is it likely to result in an annual effect on the economy of $100,000,000 or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have ''significant adverse effects'' on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is exempt (1) from the requirements of the Regulatory Flexibility Act, and (2) from the Paperwork Reduction Act. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104–4. It does not meet the $100,000,000 threshold of that Act, and any enforceable duties are imposed as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 7

Civil rights.

Accordingly, we amend 44 CFR part 7 as follows:

PART 7—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS (FEMA REG. 5)

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

Authority: FEMA Reg. 5 issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000 d–1; 42 U.S.C. 1855–1885g; 50 U.S.C. 404.

2. We revise § 7.11(b) to read as follows:

§ 7.11 Conduct of investigations.

* * * * *

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this regulation may by himself or by a representative file a written complaint with the National Headquarters or any Regional Office of the Federal Emergency Management Agency. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official or his designee.

* * * * *

Dated: July 12, 1999.

James L. Witt,

Director.

[FR Doc. 99–18179 Filed 7–15–99; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7717]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed

in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region V				
Minnesota:				
Blue Earth County, unincorporated areas.	275231	March 19, 1971, Emerg; November 24, 1972, Reg; July 21, 1999, Susp.	July 21, 1999	July 21, 1999.
Cleveland, city of, Le Sueur County	270560	September 7, 1979, Emerg; July 21, 1999, Reg; July 21, 1999, Susp.	.....do	Do.
Kasota, city of, Le Sueur County	270247	April 28, 1975, Emerg; November 1, 1979, Reg; July 21, 1999, Susp.	.....do	Do.
Le Sueur County, city of, Le Sueur County.	270248	February 1, 1974, Emerg; September 29, 1978, Reg; July 21, 1999, Susp.	.....do	Do.
Le Sueur County, unincorporated areas	270246	March 23, 1973, Emerg; October 15, 1980, Reg; July 21, 1999, Susp.	.....do	Do.
New Prague, city of, Le Sueur County	270249	April 30, 1974, Emerg; November 1, 1978, Reg; July 21, 1999, Susp.	.....do	Do.
Waterville, city of, Le Sueur County	270251	April 23, 1974, Emerg; July 2, 1981, Reg; July 21, 1999, Susp.	.....do	Do.
Courtland, city of, Nicollet County	270314	June 5, 1996, Emerg; July 21, 1999, Reg; July 21, 1999, Susp.	.....do	Do.
Nicollet County, unincorporated areas	270625	April 17, 1974, Emerg; October 16, 1984, Reg; July 21, 1999, Susp.	.....do	Do.
North Mankato, city of, Nicollet County	275245	November 6, 1970, Emerg; April 28, 1972, Reg; July 21, 1999, Susp.	.....do	Do.
St. Peter, city of, Nicollet County	270317	September 29, 1972, Emerg; April 17, 1978, Reg; July 21, 1999, Susp.	.....do	Do.
Ohio: Solon, city of, Cuyahoga County	390130	July 28, 1975, Emerg; February 4, 1981, Reg; July 21, 1999, Susp.	.....do	Do.
Region VI				
Arkansas:				
Fayetteville, city of, Washington County	050216	July 26, 1974, Emerg; January 20, 1982, Reg; July 21, 1999, Susp.	.....do	Do.
Holly Grove, city of, Monroe County	050157	June 13, 1975, Emerg; March 15, 1982, Reg; July 21, 1999, Susp.	.....do	Do.
Johnson, city of, Washington County ...	050218	April 28, 1976, Emerg; July 16, 1980, Reg; July 21, 1999, Susp.	.....do	Do.
Monroe County, unincorporated areas	050154	February 16, 1983, Emerg; September 4, 1985, Reg; July 21, 1999, Susp.	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Washington County, unincorporated areas.	050212	January 24, 1991, Emerg; September 18, 1991, Reg; July 21, 1999, Susp.	.....do	Do.
Louisiana:				
Hammond, city of, Tangipahoa Parish	220208	April 14, 1975, Emerg; December 15, 1981, Reg; July 21, 1999, Susp.	.....do	Do.
Pohnchtoula, city of, Tangipahoa Parish.	220211	June 5, 1975, Emerg; April 17, 1979, Reg; July 21, 1999, Susp.	.....do	Do.
Texas:				
Caldwell County, unincorporated areas	480094	May 15, 1975, Emerg; March 15, 1982, Reg; July 21, 1999, Susp.	.....do	Do.
Victoria, city of, Victoria County	480638	May 22, 1970, Emerg; July 23, 1971, Reg; July 21, 1999, Susp.	.....do	Do.
Region VII				
Iowa:				
Buchanan County, unincorporated areas.	190848	December 17, 1990, Emerg; September 1, 1991, Reg; July 21, 1999, Susp.	.....do	Do.
Quasqueton, town of, Buchanan County.	190332	May 6, 1977, Emerg; July 2, 1987, Reg; July 21, 1999, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Issued: July 9, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–18181 Filed 7–15–99; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7716]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Alabama:			
Red Level, town of, Covington County	010243	May 3, 1999	January 10, 1975.
Spanish Fort, city of, Baldwin County	010429	.....do	
Utah: Saratoga Springs, town of, Utah County	490250		May 10, 1999
Nebraska: Dix, village of, Kimball County	310270	May 12, 1999	September 26, 1975.
Maine: Newcastle, town of, Lincoln County	230218	May 18, 1999	May 17, 1977.
Wyoming: Riverton, city of, Fremont County	560021	.....do	August 6, 1976.
New Eligibles—Regular Program			
New York: Weddington, town of, Union County [1]	370518	May 3, 1999	January 17, 1997.
Texas: Olmos Park, city of, Bexar County	481540	May 28, 1999	February 16, 1996.
Reinstatements			
New York:			
Danube, town of, Herkimer County	360300	February 14, 1984, Emerg; July 3, 1985, Reg; November 4, 1992, Susp; May 12, 1999, Rein.	July 3, 1985.
Poquott, village of, Suffolk County	361518	March 29, 1976, Emerg; August 1, 1983, Reg; September 16, 1988, Susp; May 28, 1999, Rein.	May 4, 1998.
Regular Program Conversions			
Region V			
Michigan: Ionia, township of, Ionia County	260832	May 2, 1999, Suspension Withdrawn	May 2, 1999.
Region VI			
Oklahoma:			
Pryor Creek, city of, Mayes County	400117	May 4, 1999, Suspension Withdrawn	May 4, 1999.
Mayes County, unincorporated areas	400458	.....do	do.
Region IX			
California: Los Angeles, city of, Los Angeles County	060137	.....do	do.
Region II			
New York:			
Camillus, village of, Onondaga County	360571	May 18, 1999, Suspension Withdrawn	May 18, 1999.
Camillus, town of, Onondaga County	360570	.....do	do.
Region III			
Pennsylvania:			
Bedminster, township of, Bucks County	421049	.....do	do.
Bensalem, township of, Bucks County	420181	.....do	do.
Bridgeton, township of, Bucks County	420182	.....do	do.
Bristol, township of, Bucks County	420984	.....do	do.
Buckingham, township of, Bucks County	420985	.....do	do.
Chalfont, borough of, Bucks County	420184	.....do	do.
Doylestown, township of, Bucks County	420185	.....do	do.
Durham, township of, Bucks County	420186	.....do	do.
East Rockhill, township of, Bucks County	420187	.....do	do.
Falls, township of, Bucks County	420188	.....do	do.
Haycock, township of, Bucks County	421127	.....do	do.
Hilltown, township of, Bucks County	420189	.....do	do.
Hulmeville, borough of, Bucks County	420190	.....do	do.
Langhorne, borough of, Bucks County	421074	.....do	do.
Lower Makefield, township of, Bucks County	420191	.....do	do.
Lower Southampton, township of, Bucks County.	420192	.....do	do.
Milford, township of, Bucks County	422337	.....do	do.
Morrisville, borough of, Bucks County	420194	.....do	do.
New Britain, borough of, Bucks County	420986	.....do	do.
New Hope, borough of, Bucks County	420195	.....do	do.
Newtown, borough of, Bucks County	420196	.....do	do.
Newtown, township of, Bucks County	421084	.....do	do.
Nockamixon, township of, Bucks County	420197	.....do	do.
Northampton, township of, Bucks County	420988	.....do	do.

State/location	Community No.	Effective date of eligibility	Current effective map date
Perkasie, borough of, Bucks County	420198	.....do	do.
Plumstead, township of, Bucks County	420199	.....do	do.
Quakertown, borough of, Bucks County	420200	.....do	do.
Richland, township of, Bucks County	421095	.....do	do.
Riegelsville, borough of, Bucks County	420201	.....do	do.
Sellersville, borough of, Bucks County	420203	.....do	do.
Silverdale, borough of, Bucks County	422338	.....do	do.
Solebury, township of, Bucks County	420202	.....do	do.
Springfield, township of, Bucks County	420204	.....do	do.
Tinicum, township of, Bucks County	420205	.....do	do.
Tullytown, borough of, Bucks County	420206	.....do	do.
Upper Makefield, township of, Bucks County	420207	.....do	do.
Upper Southampton, township of, Bucks County.	420989	.....do	do.
Warminster, township of, Bucks County	420990	.....do	do.
Warrington, township of, Bucks County	420208	.....do	do.
Warwick, township of, Bucks County	420209	.....do	do.
West Rockhill, township of, Bucks County	421123	.....do	do.
Wrightstown, township of, Bucks County	421045	.....do	do.
Yardley, borough of, Bucks County	420210	.....do	do.
Region VI			
Arkansas: Clarksville, city of, Johnson County	050112	.....do	do.
Texas: Chambers County, unincorporated area	480119	.....do	do.

[1] The Town of Weddington adopted the Union County (CID# 370234) Flood Insurance Rate Map dated January 17, 1997, panels 60 and 70.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn; NSFHA—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Issued: July 9, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–18180 Filed 7–15–99; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 97–207; FCC 99–137]

Commercial Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification.

SUMMARY: This document finds that service offered with a Calling Party Pays option qualifies as Commerical Mobile Radio Service (CMRS) under the Communications Act, meets the criteria of the definition for a Commercial Mobile Radio Service under the Commission's rules, and thus falls under the regulatory structure set out in the Communications Act. The document is needed to clarify any uncertainty regarding the regulatory status of Calling Party Pays offerings.

DATES: Effective July 7, 1999.

FOR FURTHER INFORMATION CONTACT: David Siehl or Joseph Levin at (202) 418–1310, TTY at (202) 418–7233, Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission, Washington, D.C. 20554.

SUPPLEMENTARY INFORMATION: The following synopsis concerns only the Declaratory Ruling in the Commission's Declaratory Ruling and Notice of Proposed Rulemaking in WT Docket No. 97–207, adopted June 10, 1999, and released July 7, 1999. The synopsis of the document containing the Notice of Proposed Rulemaking is being published separately in the **Federal Register**. The complete text of the entire released item, including the Declaratory Ruling, 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. 20554, and also may be purchased from the Commission's copy contractor, International Transcription Services, at (202) 857–3800, 445 12th Street, S.W., CY–B400, Washington, D.C. 20054.

Synopsis of Declaratory Ruling

1. In this Declaratory Ruling we clarify that Calling Party Pays (CPP) offerings qualify as Commercial Mobile Radio Service (CMRS) under the Communications Act and thus would fall under the regulatory structure set out in section 332(c)(3) of the Act.[1] Therefore, providers of CPP would be treated as common carriers, and state regulation of rates and entry for CPP would generally be preempted.

2. The record reveals disagreement regarding how CPP should be classified, and the significance of prior Commission statements regarding CPP. Some commentators in the Notice of Inquiry (NOI) (62 FR 58700 (Oct. 30, 1997)) record argue that states have jurisdiction over CPP as a billing practice, while other commenters support Commission jurisdiction, relying on the rationale that CPP is a CMRS service.

3. The Commission finds that CPP offerings are properly classified as CMRS services pursuant to section 332 of the Act.[2] In order to determine whether a particular service could constitute CMRS, the Commission looks to section 332(d) of the Act. As provided by the statute,[3] the term ''commercial mobile service'' means any mobile service (as defined in section 3 of the Act) that is ''provided for profit, and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission * * * .'' Section 3 of the Act and § 20.3 of the Commission's Rules, in turn, define the term ''mobile service'' in pertinent part as ''a radio communication service carried on between mobile stations or receivers and land stations, and by mobile

[1] 47 U.S.C. 332(c)(3).

[2] 47 U.S.C. 332.

[3] 47 U.S.C. 332(d)(1).

stations communicating among themselves.''[4] The Act further specifies the definition of radio communication as follows: ''The term 'radio communication' or 'communication by radio' means the transmission by radio of writing, signs, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.''[5]

4. The Commission finds, first, that CPP offerings would meet the ''mobile service'' part of the definition. In CPP, the calling party, whether from a land or mobile station, would be seeking to use radio spectrum and related wireless network facilities to transmit writing, signs, pictures and sounds to a mobile station. CPP would also be provided ''for profit,'' as required by the statute.[6] Whether the payment for a call to a mobile subscriber comes from the calling party or from the mobile subscriber under CPP, the payment accrues directly to and compensates the CMRS provider of the mobile ''communications service'' for providing service to the mobile subscriber. The Commission further finds that CPP would meet the ''interconnected service'' criterion of the definition for commercial mobile radio service.[7] Under CPP, a calling party would be sending a message over the ''public switched network,'' as those terms are defined by the regulation, to reach the mobile phone of the CMRS subscriber. Finally, the Commission finds that CPP would satisfy the statutory requirement of being ''available * * * to the public.''[8] Based on the record, CMRS providers who will offer CPP service would be making it available on nondiscriminatory terms and conditions to all potential subscribers and to calling parties who want to reach the mobile subscribers who have the CPP service option.[9] Thus, CPP offerings would satisfy the relevant statutory definition for CMRS.

5. Moreover, the Commission finds that there is no reference in the statutory language definition to who pays for the call, and no suggestion that CPP, which would satisfy all requirements of the definition, should be excluded because the calling party pays the airtime charges.'' Whether the payment obligation to the CMRS provider for using that airtime falls on the party initiating the call (CPP) or on the party receiving the call, the underlying transmission and wireless network facilities remain the same as those currently used to provide CMRS and, as described, would be subject to section 332 of the Act.[10] In agreeing to pay for the call to the CMRS subscriber, the calling party becomes, for the purpose of completing the call, a customer of the CMRS provider. Placement of a CPP call by the calling party thus operates similarly to casual calling services whereby the call to a mobile user does not require the calling party to establish an account, or presubscribe, with the CMRS provider. Thus, a CPP offering, while transferring some payment aspects of the call to a customer other than the owner of the mobile phone, does not in any fashion alter the regulatory classification of the call.

6. The Commission also rejects the view that classifying CPP as CMRS is inconsistent with the *Arizona Decision*.[11] In that decision, the Commission gave only limited attention to the regulatory classification of CPP, but instead focused on addressing Arizona Corporation Commission's case for continued rate regulation of CMRS generally. That decision did not address explicitly the statutory criteria of section 332(d) as to whether CPP is CMRS, or describe CPP in any detail. Even so, the Commission agrees with BAM that the underlying premise of that order is that the Commission considered CPP as CMRS, as evidenced by the fact that the *Arizona Decision* addressed the issues there in the context of section 332. Indeed, the discussion of CPP-related billing practices in the *Arizona Decision* simply concerned whether such practices fall within the scope of ''other terms and conditions' of CMRS offerings.'' Thus, the *Arizona Decision* implicitly characterized CPP as a CMRS offering.

7. The Commission also regards the discussion of CPP in the *Arizona Decision* as dicta. In the *Arizona Decision*, the Commission rejected ACC's argument that it needed continued rate regulation authority on the basis of two examples, including CPP. In discussing this decision, the Commission found that it could not conclude that ''these isolated incidents constitute a pattern of anticompetitive practice that might warrant continued state rate regulation.'' The conclusion regarding ''*these isolated incidents*'' holds true whether or not Arizona's intervention into a CPP matter involved a CMRS service or a billing practice. Accordingly, we find that the possible characterization of CPP as a ''billing practice'' was not essential to the decision and therefore dicta. Finally, to the extent that the *Arizona Decision* is found as holding that CPP does not constitute a CMRS service, the Commission hereby overturns any such holding.

Ordering Clauses

Accordingly, *it is ordered* That the action reflected in the Declaratory Ruling is taken pursuant to sections 1, 4(i), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 403, and 47 CFR 1.2.

It is further ordered that the Declaratory Ruling is effective immediately upon release of this Declaratory Ruling and Notice of Proposed Rulemaking.

It is further ordered that parties have until August 16, 1999 to seek review of the Declaratory Ruling.

List of Subjects in 47 CFR Part 20

Communications common carrier; Commercial mobile radio services.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–18231 Filed 7–15–99; 8:45 am]

BILLING CODE 6712–01–P

[4] 47 U.S.C. 3(27); 47 CFR 20.3.

[5] 47 U.S.C. 3(33).

[6] Section 20.3(a)(1) adds to the phrase, ''provided for profit,'' the following language: ''*i.e.*, with the intent of receiving compensation or monetary gain.'' Section 20.3(a)(1) of the Commission's Rules, 47 CFR 20.3(a)(1).

[7] 47 U.S.C. 332(d); 47 CFR 20.3. The Commission is authorized to define ''public switched network,'' pursuant to section 332(d) (defining the term ''interconnected service'' as ''service that is interconnected with the public switched network (as such terms are defined by regulation by the Commission) * * *.'' 47 U.S.C. 332(d)(2).

[8] 47 U.S.C. 332(d)(1).

[9] *See* 47 CFR 20.3(b).

[10] 47 U.S.C. 332.

[11] Petition of Arizona Corporation Commission to Extend State Authority over Rate and Entry Regulation of All Commercial Mobile Radio Services and Implementation of Sections 3(n) and 332 of the Communications Act, PR Docket No. 94–104 and GN Docket No. 93–252, Report and Order and Order on Reconsideration, 10 FCC Rcd 7824, 7837 (1995).

Proposed Rules

Federal Register
Vol. 64, No. 136
Friday, July 16, 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

Agricultural Marketing Service

7 CFR Part 54

[Docket No. LS–98–09]

Notice of Public Meeting on Voluntary, User-Fee Funded Program to Inspect and Certify Equipment Used to Process Livestock and Poultry Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance Notice of Proposed Rulemaking; Notice of public meeting.

SUMMARY: The Agricultural Marketing Service (AMS) is developing a voluntary, user-fee funded program to inspect and certify equipment used to process livestock and poultry products under the Agricultural Marketing Act of 1946. This program is required under the provisions of the 1999 Omnibus Appropriations Bill. Comments received concerning this notice and information provided at the public meeting will assist AMS in the issuance of the proposed rule concerning the establishment of this program.

DATES: Comments must be received by September 14, 1999. A public meeting will be held August 10, 1999, from 8:30 a.m. to 4:00 p.m.

ADDRESSES: Interested persons are invited to submit one original and two copies of written comments concerning this program to Craig Morris, Docket No. LS–98–09, Room 2092 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250–0249.

The public meeting will be held in Room 107-A at the USDA Jamie L. Whitten Building, 12th and Jefferson Drive, SW., Washington, DC. To register for the meeting or to schedule a presentation, contact Christine Miles by telephone at 202–720–5705 or by FAX at 202–720–3499. If a sign language interpreter or other special accommodation is necessary, contact Christine Miles at the above number.

Submit one original and two copies of written presentations to Craig Morris, Docket No. LS–98–09, Room 2092 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250–0249. All comments received in response to this notice will be considered part of the public record and will be available for viewing in Room 2092 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250–0249, between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Barry Carpenter, Deputy Administrator, Livestock and Seed Program, by telephone at 202–720–5705 or by Fax at 202–720–3499.

SUPPLEMENTARY INFORMATION: The 1999 Omnibus Appropriations Bill requires development of a voluntary, user-fee funded program to inspect and certify agricultural processing equipment, including equipment used to process livestock and poultry products (Pub. L. 105–277, sec. 747). Previously, this function was carried out by USDA on a mandatory prior approval basis by the Food Safety and Inspection Service (FSIS) as a prerequisite for equipment use in Federally inspected meat and poultry packing and processing establishments. FSIS continues to verify that equipment is of such material and construction as will facilitate its thorough cleaning and otherwise avoid adulteration and misbranding of product. However, to provide Federally inspected establishments with the flexibility to design equipment in the manner they deem best to maintain a sanitary environment for food production without having to seek prior approval, FSIS published a document in the **Federal Register** of August 25, 1997 (62 FR 45016) which eliminated the mandatory FSIS prior approval program.

At the time FSIS announced its intention to discontinue its prior approval program, equipment manufacturers and meat and poultry processors expressed interest in continuing the FSIS program, or developing a new program through AMS on a voluntary, user-fee funded basis to inspect and certify equipment used to process livestock and poultry products to a sanitary standard. Subsequently, passage of the 1999 Omnibus Appropriations Bill required development of a program to inspect and certify agricultural processing equipment which would be similar to other inspection and certification programs under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627).

Accordingly, AMS is issuing this advance notice of proposed rulemaking to assist in the development of an inspection and certification program for equipment used to process livestock and poultry products. Further, a public meeting will be held on August 10, 1999, in Room 107-A at the USDA Jamie L. Whitten Building, 12th and Jefferson Drive, SW, Washington, DC. Through this advance notice of proposed rulemaking and the public meeting, AMS will be seeking information which will enable the Agency to develop an efficient and cost-effective program for inspecting and certifying equipment used to process livestock and poultry products.

Specifically, AMS will be seeking information concerning:

(1) Initiatives underway in the industry to develop a voluntary, consensus sanitary standard for the design and manufacture of equipment used to process livestock and poultry products;

(2) Comments on the validity and usability of standards presented to AMS for consideration for adoption;

(3) Suggestions of criteria to be used by AMS to select a sanitary standard; and

(4) Any other information which would aid AMS in implementing and administering this program.

Authority: 7 U.S.C. 1621–1627

Dated: July 13, 1999.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 99–18216 Filed 7–15–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–151–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model 1329–23 and 1329–25 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 Lockheed Model 1329–23 and 1329–25 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–151–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.

FOR FURTHER INFORMATION CONTACT: Tom Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063; fax (770) 703–6097.

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–151–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 99–NM–151–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions:

The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Lockheed Model 1329–23 and 1329–25 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model, G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models, F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models, ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model, BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model, 4101 Airplanes	99–NM–146–AD.
British Aerospace Model, HS 748 Series Airplanes	99–NM–147–AD.
Saab Model, SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model, C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model, 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model, 1329–23 and 1329–25, (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model, DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA, Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 91 Model 1329–23 and 1329–25 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,600, or $60 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:

Lockheed: Docket 99–NM–151–AD.

Applicability: Model 1329–23 and 1329–25 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Atlanta Aircraft Certification Office, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17551 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–147–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model HS 748 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 British Aerospace Model HS 748 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–147–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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.

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Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

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the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

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Public Meeting

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Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

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Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for British Aerospace Model HS 748 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
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British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
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Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
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de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the required AFM revision, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD would be $60 per airplane.

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, Aircraft Group): Docket 99–NM–147–AD.

Applicability: Model HS 748 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17550 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–143–AD]

RIN 2120–AA64

Airworthiness Directives; Fairchild Model F27 and FH227 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 Fairchild Model F27 and FH227 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–143–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.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, 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) 256–7520; fax (516) 256–2716.

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 99–NM–143–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 99–NM–143–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain

airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1 ½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial

boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Fairchild Model F27 and FH227 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 426 Model F27 and FH227 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 47 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,820, or $60 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:

Maryland Air Industries, Inc.: Docket 99–NM–143–AD.

Applicability: Model F27 and FH227 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17549 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–139–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–3 and DC–4 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 McDonnell Douglas Model DC–3 and DC–4 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–139–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.

FOR FURTHER INFORMATION CONTACT: Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5346; fax (562) 627–5210.

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–139–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 99–NM–139–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA,

the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for McDonnell Douglas Model DC–3 and DC–4 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.

Airplane models	Docket No.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 300 Model DC–3 and DC–4 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 166 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $9,960, or $60 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:

McDonnell Douglas: Docket 99–NM–139–AD.

Applicability: Model DC–3 and DC–4 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17548 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–154–AD]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3-SHERPA, and SD3–60 SHERPA 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 Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–154–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–154–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 99–NM–154–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in

this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Short Brothers SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes to require immediate activation of the ice

protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 138 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $8,280, or $60 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:

Short Brothers PLC: Docket 99–NM–154–AD.

Applicability: Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing

conditions and after the airplane is determined to be clear of ice.''

(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, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17547 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–150–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 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 Dornier Model 328–100 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–150–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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.

SUPPLEMENTAY 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–150–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 99–NM–150–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation-

of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data

regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Dornier Model Dornier 328–100 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3-SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,860, or $60 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:

Dornier Luftfahrt GMBH: Docket 99–NM–150–AD.

Applicability: Model 328–100 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the

first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17546 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–146–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 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 British Aerospace (Jetstream) Model 4101 airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–146–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–146–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 99–NM–146–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1 ½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial

boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Jetstream Model 4101 airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 35 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,100, or $60 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:

British Aerospace Regional Aircraft: [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 99–NM–146–AD.

Applicability: Model 4101 airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17545 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–142–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–14 and L–18 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 Lockheed Model L–14 and L–18 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–142–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.

FOR FURTHER INFORMATION CONTACT: Tom Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063; fax (770) 703–6097.

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–142–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 99–NM–142–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-U.S. civil aviation

authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Lockheed Model L–14 and L–18 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.

Airplane models	Docket No.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 120 Model L–14 and L–18 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 109 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $6,540, or $60 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:

Lockheed: Docket 99–NM–142–AD.

Applicability: Model L–14 and L–18 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17544 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–138–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Model G–159 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 Gulfstream Aerospace Model G–159 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–138–AD, 1601 Lind Avenue, SW, Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Neil Berryman, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6098; fax (770) 703–6097.

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–138–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 99–NM–138–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Gulfstream Aerospace Model G–159 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 141 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour.

Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $8,460, or $60 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:

Gulfstream Aerospace Corporation (Formerly Grumman): Docket 99–NM–138–AD.

Applicability: Model G–159 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Atlanta Aircraft Certification Office, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17543 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–153–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes and Model F27 Mark 050 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 Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–153–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–153–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 99–NM–153–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as

soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing

conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25, (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 34 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,040, or $60 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

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:

Fokker Services B.V.: Docket 99–NM–153–AD.

Applicability: Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes and Model F27 Mark 050 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA–approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17542 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–149–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) C–212 and CN–235 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 CASA C–212 and CN–235 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–149–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–149–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 99–NM–149–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for CASA C–212 and CN–235 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
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Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25, (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 36 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,160, or $60 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:

Construcciones Aeronauticas, S.A. (CASA): Docket 99–NM–149–AD.

Applicability: Model C–212 and CN–235 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17541 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–145–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP 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 British Aerospace BAe Model ATP airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–145–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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 INFORAMTION:

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–145–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 99–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice.

That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions:

The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training.

Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the

onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Jetstream Model BAe ATP airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.

Airplane models	Docket No.
Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25, (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $600, or $60 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:

British Aerospace Regional Aircraft: [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 99–NM–145–AD.

Applicability: BAe Model ATP airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17540 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–141–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream American (Frakes Aviation) Model G–73 (Mallard) and G–73T 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 Gulfstream American (Frakes Aviation) Model G–73 (Mallard) and G–73T series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–141–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.

FOR FURTHER INFORMATION CONTACT: Efran Esparza,, Aerospace Engineer, Airplane Certification Office, ASW–150, FAA, Rotorcraft Directorate, 1601 Meacham Boulevard, Fort Worth, Texas 76137–4298; telephone (817) 222–5130; fax (817) 222–5960.

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–141–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 99–NM–141–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation

of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data

regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Gulfstream American (Frakes Aviation) Model G–73 (Mallard) and G–73T series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25, (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 5 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $300, or $60 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:

Gulfstream American (Frakes Aviation): Docket 99–NM–141–AD.

Applicability: Model G–73 (Mallard) and G–73T series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Airplane Certification Office, ASW–150, FAA, Rotorcraft Directorate . The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Airplane Certification Office, ASW–150 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Airplane Certification Office, ASW–150 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17539 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–137–AD]

RIN 2120–AA64

Airworthiness Directives; Sabreliner Model NA–265–40, NA–265–60, NA–70, and, NA–265–80 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 Sabreliner Model NA–265–40, NA–265–60, NA–70, and, NA–265–80 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–137–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.

FOR FURTHER INFORMATION CONTACT: Tina Miller, Aerospace Engineer, Flight Test Branch, ACE–117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4168; fax (316) 946–4407.

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–137–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 99–NM–137–AD, 1601 Lind Avenue, SW, Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Sabreliner Model NA–265–40, NA–265–60, NA–70, and, NA–265–80 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.

Airplane models	Docket No.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 283 Model NA–265–40, NA–265–60, NA–70, and, NA–265–80 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 176 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,560, or $60 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:

Rockwell International: Docket 99–NM–137–AD.

Applicability: Model NA–265–40, NA–265–60, NA–70, and, NA–265–80 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Wichita Aircraft Certification Office, FAA, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17538 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–152–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–7 and DHC–8 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–7 and DHC–8 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–152–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–152–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 99–NM–152–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Bombardier Model DHC–7 and DHC–8 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland, Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 183 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $10,980, or $60 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 99–NM–152–AD.

Applicability: Model DHC–7 and DHC–8 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17537 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–148–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A, SAAB 340B, and SAAB 2000 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 Saab Model SAAB SF340A, SAAB 340B, and SAAB 2000 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–148–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–148–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 99-NM–148–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was

flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1 ½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding

cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Saab SAAB SF340A, SAAB 340B, and SAAB 2000 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild, Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale, Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream, Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream, Model 4101 Airplanes	99–NM–146–AD.
British Aerospace, Model HS 748 Series Airplanes	99–NM–147–AD.
Saab, Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA, Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier, Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed, Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker, Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers, Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 224 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $13,440, or $60 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:

SAAB Aircraft AB: Docket 99–NM–148–AD.

Applicability: Model SAAB SF340A, SAAB 340B, and SAAB 2000 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17536 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–144–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR–42 and ATR–72 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 Aerospatiale Model ATR–42 and ATR–72 series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–144–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.

FOR FURTHER INFORMATION CONTACT: Norman Martenson, Aerospace Engineer, 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–144–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 99–NM–144–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions:

The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the

FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Aerospatiale Model ATR–42 and ATR–72 series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Series Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3-SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

The FAA estimates that 158 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $9,480, or $60 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:

Aerospatiale: Docket 99–NM–144–AD.

Applicability: Model ATR–42 and ATR–72 series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116 ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116 ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17535 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–140–AD]

RIN 2120–AA64

Airworthiness Directives; Mitsubishi Model YS–11 and YS–11A 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 Mitsubishi Model YS–11 and YS–11A series airplanes. This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–140–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.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5338; fax (562) 627–5210.

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–140–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 99–NM–140–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the

onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Mitsubishi Model YS–11 and YS–11A series airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

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Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
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Aerospatiale Models ATR–42/ATR–72 Series	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.

Airplane models	Docket No.
Fokker Model F27 Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 76 Model YS–11 and YS–11A series airplanes of the affected design in the worldwide fleet. The FAA estimates that 38 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,280, or $60 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:

Mitsubishi Heavy Industries, Ltd.: Docket 99–NM–140–AD.

Applicability: Model YS–11 and YS–11A series airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17534 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–136–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Models 500, 501, 550, 551, and 560 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 Cessna Models 500, 501, 550, 551, and 560 airplanes.

This proposal would require revising the Airplane Flight Manual (AFM) to include requirements for activation of the airframe pneumatic deicing boots. This proposal is prompted by reports of inflight incidents and an accident that occurred in icing conditions where the airframe pneumatic deicing boots were not activated. The actions specified by the proposed AD are intended to ensure that flightcrews activate the pneumatic

wing and tail deicing boots at the first signs of ice accumulation. This action will prevent reduced controllability of the aircraft due to adverse aerodynamic effects of ice adhering to the airplane prior to the first deicing cycle.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–136–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.

FOR FURTHER INFORMATION CONTACT: Carlos Blacklock, Aerospace Engineer, Flight Test Branch, ACE–117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4166; fax (316) 946–4407.

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–136–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 99-NM–136-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 9, 1997, an Empresa Brazileira de Aeronautica, S.A. (EMBRAER) Model EMB–120RT series airplane was involved in an uncommanded roll excursion and consequent rapid descent that resulted in an accident near Monroe, Michigan. The post-accident investigation conducted by the National Transportation Safety Board (NTSB) concluded that the airplane had accumulated a thin, rough layer of ice on its lifting surfaces. That accumulation of ice, in combination with the slowing of the airplane to an airspeed inappropriate for the icing conditions in which the airplane was flying, resulted in loss of control that was not corrected before the airplane impacted the ground. The NTSB also concluded that the flight crew did not activate the wing and tail pneumatic deicing boots. An NTSB recommendation related to this accident requested that the FAA mandate that pneumatic deicing boots be turned on as soon as the airplane enters icing conditions.

The FAA has reviewed the icing-related incident history of certain airplanes, and has determined that icing incidents may have occurred because pneumatic deicing boots were not activated at the first evidence of ice accretion. As a result, the handling qualities or the controllability of the airplane may have been reduced due to the accumulated ice. That factor was present in the accident discussed previously and, as such, constitutes an unsafe condition.

Request for Information

On October 1, 1998, the FAA sent letters to certain manufacturers of airplanes certified in accordance with part 25 of the Federal Aviation Regulations (14 CFR part 25). The letters requested certain icing system design information and operational procedures applicable to their airplanes concerning flight during icing conditions. The letters also requested that manufacturers provide data showing that the aircraft has safe operating characteristics with ice accreted on the protected surfaces (boots). The manufacturers were asked to provide data using the following assumptions: The most adverse ice accumulation possible during operation in the icing envelope specified in part 25, Appendix C of the Federal Aviation Regulations (14 CFR part 25), and that recommended procedures for deicing boot operation were used. Additionally, the manufacturers were asked to provide information related to operation of the autopilot during icing conditions, and for information related to appropriate operating speeds for icing operations.

No information received, as a result of that request, has caused the FAA to reconsider the previous conclusion that an unsafe condition may exist.

Public Meeting

Subsequent to the collection of those design and operational data, the FAA held an international conference on ''Inflight Operations in Icing Conditions'', in Washington, DC, on February 2–4, 1999. The purpose of the conference was to discuss the status of the FAA Icing Plan and other related efforts. Additionally, the conference provided a forum for representatives of industry to express their viewpoints on current information related to activation of deicing boots, minimum airspeeds, autopilot operation in icing conditions, flightcrew information needs, and flightcrew training. Certain information presented at that meeting is discussed in this proposed rule in the following section.

Delayed Activation of Pneumatic Deicing Boots

In accordance with manufacturer instructions and FAA-approved airplane flight manual (AFM) procedures, the flightcrews of most airplanes equipped with pneumatic deicing boots delay the initial activation of the boots until a certain quantity of ice has accumulated on the protected surfaces (boots). Some crews routinely wait for ¼ to ½ inch of ice to accumulate, and at least one airplane type is routinely flown with up to 1½ inches of ice on the protected surfaces before the initial activation of the deicing boots.

Ice Bridging

In the past, concern about ''ice bridging'' on early pneumatic deicing boot designs resulted in the common practice of delaying activation of ice protection. Ice bridging of pneumatic deicing boots occurred when a thin layer of ice is sufficiently plastic to deform to the shape of the inflated deicing boot tube without being fractured and shed during the ensuing tube deflation. As the deformed ice hardens and accretes additional ice, the deicing boot becomes ineffective in

shedding the ''sheath'' of ice. However, ice accumulation resulting from delayed activation may pose an unsafe condition due to the resultant adverse aerodynamic effects on the airplane's performance or handling qualities.

In November 1997, the FAA and the National Aeronautics and Space Administration (NASA) co-sponsored an international workshop on aircraft deicing boot ice bridging. The objective of the workshop was to provide an open forum for investigating the existence of deicing boot bridging and other concerns related to activating ice protection systems at the initial detection of inflight icing. Sixty-seven representatives from airframe and deicing boot manufacturers, various airlines, the pilot community, NASA, the National Transportation Safety Board, non-US civil aviation authorities, and the FAA participated. At the workshop no evidence was presented to substantiate that aircraft with modern deicing boot designs experience ice bridging. The general consensus of the workshop participants was that ice bridging is not a problem for modern pneumatic deicing boot designs due to the use of higher air supply pressures, faster boot inflation and deflation cycles, and smaller boot chambers. Icing wind tunnel and flight testing of these newer design features with automatic cycling have demonstrated successful shedding of ice when activated at the onset of ice accretion, with ice not shed on the initial deicing boot cycle continuing to increase in thickness and being shed during subsequent cycles.

During the previously discussed November 1997 international workshop, the inability of flightcrews to accurately gauge wing and control surfaces ice accretion thickness before activating the deicing boots was recognized. Also, increased airplane drag resulting from ice accretion was recognized as a potential contributing cause of inadvertent airspeed loss that characterized most in-flight icing related accidents and incidents. Two airframe manufacturers, whose products comprise a substantial percentage of the turbopropeller transport fleet, reported that, because of these concerns they recommend activating the automatic airframe deicing system at first onset of airframe icing. Those manufacturers have received no reports of deicing boot ice bridging events for these airplanes.

The FAA considers that ice accumulation on protected surfaces due to delayed boot activation constitutes a potential safety concern. However, the FAA recognizes that not all airplanes may be equipped with ''modern'' deicing boots (as that term is used in this NPRM). The FAA specifically invites the submission of comments and other data regarding the effects of this proposed AD on airplanes equipped with older pneumatic deicing boots, including arguments for the retention of existing activation delays for these older-style deicing boots.

Residual Ice

During the February conference, the attendees agreed that the airplane is at risk while the airplane is accreting ice, and that the airplane must be adequately protected to ensure that no adverse handling and performance characteristics develop. An additional concern discussed at the conference was the possibility that early activation of the ice protection system might degrade the ice shedding effectiveness of the deicing boots, resulting in increased residual ice, i.e., there would be more ice fragments remaining on the deicing boots than would exist if a more substantial quantity of ice was allowed to form before the first ice shedding cycle. However, the FAA does not concur. No data has been provided that shows that the presence of residual ice following an earlier activation of the deicing boots is more hazardous than delaying cycling of the boots until the ice accretes to a larger, specific thickness. In fact, testing in icing conditions has shown that residual ice remaining on the boots after the initial boot cycle is removed during subsequent cycles.

As reported during the November 1997 international workshop, manufacturers of a substantial percentage of the turbopropeller transport fleet have reported satisfactory in-flight icing operations of their products with recommended procedures to activate operation of the deicing boots in the automatic mode at the onset of airframe icing.

Therefore, the FAA considers that the activation of pneumatic wing and tail deicing boots at the first signs of ice accumulation is warranted. The FAA specifically invites the submission of data to substantiate that operating the deicing boots at the first sign of ice accretions is more hazardous than delaying boot activation until a specific thickness of ice has accumulated.

Other Considerations

The FAA recognizes that there may be some phases of flight during which use of the deicing boots may be inappropriate. For example, a deicing boot inflation cycle that begins immediately before or during the landing flare or the takeoff rotation may cause unexpected loss of lift or other adverse aerodynamic events. This proposed AD explicitly does not supersede procedures in the AFM that specify not using deicing boots for certain phases of flight (e.g., during take-off, final approach, and landing).

The FAA specifically invites the submission of comments and other data regarding adverse effects that may occur during specific phases of flight, including takeoff, final approach, or landing. Any recommended speed restrictions or other operational procedures that would be necessary in order to mitigate any adverse aerodynamic effects of deicing boot inflation during critical phases of flight should be fully explained and documented.

FAA's Determinations

The FAA is aware that, based on previous procedures provided to flightcrews of many airplanes equipped with deicing boots, an historical precedent has been set that permits waiting to activate the deicing equipment. In light of this information and based on reports received, the FAA considers that certain procedures should be included in the Limitations Section of the AFM for Cessna Models 500, 501, 550, 551, and 560 airplanes to require immediate activation of the ice protection systems when any ice accumulation is detected on the airplane.

This proposed action is one of a number of proposed ADs being issued on airplanes that have been determined to be subject to the same identified unsafe conditions. Additionally, certain other airplanes are also being reviewed by the Small Airplane Directorate to determine specifically which airplanes may be subject to the identified unsafe condition. Currently proposed AD's for other airplanes that are equipped with pneumatic deicing boots address the following airplanes:

Airplane models	Docket No.
Cessna Aircraft Company, Models 500, 550, and 560 Airplanes	99–NM–136–AD.
Sabreliner Corporation, Models 40, 60, 70, and 80 Series Airplanes	99–NM–137–AD.

Airplane models	Docket No.
Gulfstream Aerospace, Model G–159 Series Airplanes	99–NM–138–AD.
McDonnell Douglas, Models DC–3 and DC–4 Series Airplanes	99–NM–139–AD.
Mitsubishi Heavy Industries, Model YS–11 and YS–11A Series Airplanes	99–NM–140–AD.
Frakes Aviation, Model G–73 (Mallard) and G–73T Series Airplanes	99–NM–141–AD.
Lockheed, Models L–14 and L–18 Series Airplanes	99–NM–142–AD.
Fairchild Models F27 and FH227 Series Airplanes	99–NM–143–AD.
Aerospatiale Models ATR–42/ATR–72 Series Airplanes	99–NM–144–AD.
Jetstream Model BAe ATP Airplanes	99–NM–145–AD.
Jetstream Model 4101 Airplanes	99–NM–146–AD.
British Aerospace Model HS 748 Series Airplanes	99–NM–147–AD.
Saab Model SF340A/SAAB 340B/SAAB 2000 Series Airplanes	99–NM–148–AD.
CASA Model C–212/CN–235 Series Airplanes	99–NM–149–AD.
Dornier Model 328–100 Series Airplanes	99–NM–150–AD.
Lockheed Model 1329–23 and 1329–25 (Lockheed Jetstar) Series Airplanes	99–NM–151–AD.
de Havilland Model DHC–7/DHC–8 Series Airplanes	99–NM–152–AD.
Fokker Model F27, Mark 100/200/300/400/500/600/700/050 Series Airplanes	99–NM–153–AD.
Short Brothers Model SD3–30/SD3–60/SD3–SHERPA, Series Airplanes	99–NM–154–AD.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require revising the Limitations Section of the AFM to include requirements for activation of pneumatic deicing boots at the first indication of ice accumulation on the airplane.

Cost Impact

There are approximately 1,710 Models 500, 501, 550, 551, and 560 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,427 airplanes of U.S. registry would be affected by this proposed AD.

The FAA estimates that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revisions, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $85,620, or $60 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:

Cessna Aircraft Company: Docket 99–NM–136–AD.

Applicability: Models 500, 501, 550, 551, and 560 airplanes equipped with pneumatic deicing boots, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that flightcrews activate the wing and tail pneumatic deicing boots at the first signs of ice accumulation on the airplane, accomplish the following:

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following requirements for activation of the ice protection systems. This may be accomplished by inserting a copy of this AD in the AFM.

''• Except for certain phases of flight where the AFM specifies that deicing boots should not be used (e.g., take-off, final approach, and landing), compliance with the following is required.

• Wing and Tail Leading Edge Pneumatic Deicing Boot System, if installed, must be activated:

—At the first sign of ice formation anywhere on the aircraft, or upon annunciation from an ice detector system, whichever occurs first; and

—The system must either be continued to be operated in the automatic cycling mode, if available; or the system must be manually cycled as needed to minimize the ice accretions on the airframe.

• The wing and tail leading edge pneumatic deicing boot system may be deactivated only after leaving icing conditions and after the airplane is determined to be clear of ice.''

(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, Wichita Aircraft Certification Office, FAA, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Operations Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(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.

Issued in Renton, Washington, on June 30, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17533 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–366–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 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 Dornier Model 328–100 series airplanes. This proposal would require a one-time inspection to measure the offset of the de-icing tubing adjacent to the refueling panel on the right-hand wing, and replacement with new improved tubing, if necessary. 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 a blockage in the de-icing tubing which could result in a malfunction of the de-icing boot. This malfunction would be unknown to the flight crew, and could lead to reduced controllability of the airplane during flight in icing conditions.

DATES: Comments must be received by August 16, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–366–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 Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. 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–366–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–366–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 series airplanes. The LBA advises that a water trap in the de-icing tubing could cause a blockage inside the tubing if water in the trap freezes. The manufacturer has told the FAA that water, which penetrates through small cracks and holes in the de-icing boot, would be collected in the water trap. A blockage in the de-icing tubing could result in a malfunction of the de-icing boot. This malfunction would be unknown to the flight crew. This condition, if not corrected, could result in reduced controllability of the airplane when flying in icing conditions.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB–328–30–265, dated July 24, 1998, which describes procedures for a one-time detailed inspection of the de-icing tubing adjacent to the refueling panel on the right-hand wing, and replacement with new improved tubing, if the de-icing tubing does not conform with the dimension shown in the service bulletin. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LBA classified this service bulletin as mandatory and issued German airworthiness directive 1998–423, dated November 5, 1998, in order to assure the continued airworthiness of these airplanes in Germany.

FAA's Conclusions

This airplane model is manufactured in Germany 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, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, 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 27 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,620 or $60 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:

Dornier Luftfahrt GMBH: Docket No. 98–NM–366–AD.

Applicability: Model 328–100 series airplanes, serial numbers 3042 through 3105 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 (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 a blockage inside the de-icing tubing, which could result in a malfunction of the de-icing boot, and consequent reduced controllability of the airplane during flight in icing conditions, accomplish the following:

Inspection and Corrective Action

(a) Within two months after the effective date of this AD, perform a one-time detailed inspection to measure the offset of the de-icing tubing adjacent to the refueling panel on the right-hand wing in accordance with Dornier Service Bulletin SB–328–30–265, dated July 24, 1998.

(1) If the de-icing tubing offset measurement conforms to the dimension shown in the service bulletin, no further action is required by this AD.

(2) If the de-icing tubing does not conform to the dimension shown in the service bulletin, prior to further flight, replace it with new improved tubing in accordance with instructions provided in the service bulletin.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required.''

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 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

(c) 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 4: The subject of this AD is addressed in German airworthiness directive 1998–423, dated November 5, 1998.

Issued in Renton, Washington, on July 7, 1999.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–17864 Filed 7–15–99; 8:45 am]

BILLING CODE 4912–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–277–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires inspections of the lower engine mount to determine if the tangential link upper bolt and nut are oriented properly, and if the tangential link upper bolt nut is torqued within certain limits. Additionally, that AD requires replacement of the bolt and nut with serviceable parts, if necessary, and requires certain follow-on actions for airplanes on which the upper bolt is missing. That AD also provides for replacement of the safety links with modified links as an optional terminating action for the repetitive inspections. This action would require accomplishment of either the previously optional terminating action or a new, alternative terminating action. This proposal is prompted by development of a new terminating action by the manufacturer. The actions specified by the proposed AD are intended to prevent separation of the engine from the airplane due to migration of the tangential link upper bolt.

DATES: Comments must be received by August 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–277–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (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 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–277–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–277–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 22, 1996, the FAA issued AD 96–03–01, amendment 39–9496 (61 FR 3550, February 1, 1996), applicable to certain Boeing Model 747 series airplanes. That AD requires inspections of the lower engine mount to determine if the tangential link upper bolt and nut are oriented properly, and if the tangential link upper bolt nut is torqued within certain limits. Additionally, that AD requires replacement of the bolt and nut with serviceable parts, if necessary, and certain follow-on actions for airplanes on which the upper bolt is missing. Terminating action is also provided by that AD. That action was prompted by reports of migration of bolts completely from the tangential link of the aft engine mount, a condition which would reduce the capability of the retention system for the engine. The requirements of that AD are intended to prevent separation of the engine from the airplane due to migration of the tangential link upper bolt.

Subsequently, on March 6, 1996, the FAA issued a correction to that AD, AD 96–03–01 R1, amendment 39–9538 (61 FR 10270, March 13, 1996), to clarify an incorrect description of a part.

Actions Since Issuance of Previous Rule

In the preamble to AD 96–03–01, the FAA indicated that the actions required by that AD were considered ''interim action'' and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary, and this proposed AD follows from that determination.

Explanation of Relevant Service Information

Since the issuance of AD 96–03–01 R1, the FAA has reviewed and approved Boeing Service Bulletin 747–71A2277, Revision 1, dated May 21, 1998, and Revision 2, dated January 14, 1999. That service bulletin describes procedures for an alternative modification that would eliminate the need for the repetitive inspections required by AD 96–03–01 R1. That modification involves replacement of the tangential link upper bolt on the aft engine mount with a reworked bolt and a new nut retainer. The service bulletin also describes procedures for reworking the tangential link upper bolt and fabricating the nut retainer. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 96–03–01 R1 to continue to require inspections of the lower engine mount to determine if the tangential link upper bolt and nut are oriented properly, and if the tangential link upper bolt nut is torqued within certain limits; replacement of the bolt and nut with serviceable parts, if necessary; and certain follow-on actions for airplanes on which the upper bolt is missing. This proposed AD also would require either replacement of the safety links with modified safety links, or replacement of the tangential link upper bolt on the aft engine mount with a reworked bolt and a new nut retainer. Accomplishment of either such replacement would constitute terminating action for the repetitive inspection requirement.

The inspections would be required to be accomplished in accordance with Boeing Alert Service Bulletin 747–71A2277, dated November 29, 1995, or the service bulletins described previously. The replacement of the safety links, if accomplished, would be required to be accomplished in accordance with Boeing Service Bulletin 747–71–2206, dated April 16, 1987; or Boeing Service Bulletin 747–71–2206, Revision 1, dated November 12, 1987, as revised by Boeing Notice of Status Change No. 747–71–2206 NSC 1, dated December 4, 1987, and Boeing Notice of Status Change No. 747–71–2206 NSC 2, dated March 17, 1988. The replacement of the tangential link bolt, if accomplished, would be required to be accomplished in accordance with the service bulletins described previously.

Cost Impact

There are approximately 421 airplanes of the affected design in the worldwide fleet. The FAA estimates that 185 airplanes of U.S. registry would be affected by this proposed AD.

The inspections that are currently required by AD 96–03–01 R1 take approximately 16 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $177,600, or $960 per airplane, per inspection cycle.

The replacement of the safety link that is proposed as one option for compliance with this AD action would take approximately 18 work hours per airplane to accomplish, at an average

labor rate of $60 per work hour. Required parts would cost approximately $30,228 per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be $31,308 per airplane.

In lieu of replacement of the safety link, this proposed AD provides for replacement of the tangential link upper bolt on the aft engine mount with a reworked bolt and a new nut retainer. Such replacement, which is proposed as an additional option for compliance with this AD action, would take approximately 20 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,888 per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be $3,088 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or 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 removing amendment 39–9538 (61 FR 10270, March 13, 1996), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 98–NM–277–AD. Supersedes AD 96–03–01 R1, amendment 39–9538.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–71A2277, dated November 29, 1995; or Boeing Service Bulletin 747–71A2277, Revision 1, dated May 21, 1998, or Revision 2, dated January 14, 1999; 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)(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 separation of the engine from the airplane, accomplish the following:

Restatement of Requirements of AD 96–03–01 R1, Amendment 39–9538

Inspections and Corrective Actions

(a) Within 90 days after February 16, 1996 (the effective date of AD 96–03–01 R1, amendment 39–9538), accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with Boeing Alert Service Bulletin 747–71A2277, dated November 29, 1995, or Boeing Service Bulletin 747–71A2277, Revision 1, dated May 21, 1998, or Revision 2, dated January 14, 1999.

(1) Perform a visual inspection to ensure that installation of the tangential link upper bolt nut is on the forward side of the engine mount fitting.

(i) If the tangential link upper bolt nut is installed on the forward side of the engine mount fitting, repeat the visual inspection at intervals not to exceed 18 months.

(ii) If the tangential link upper bolt nut is not installed on the forward side of the engine mount fitting, prior to further flight, remove the nut, bolt, and washers, and reinstall the nut, bolt, and washers in accordance with the service bulletin. Thereafter, repeat the visual inspection at intervals not to exceed 18 months.

(iii) If the tangential link upper bolt is missing from the engine mount fitting, prior to further flight, perform the various follow-on actions in accordance with the service bulletin. (The follow-on actions include visual inspections, magnetic particle inspections, replacement of the lower engine mount fitting with a serviceable part, if necessary; installation of new safety links, bolts, and nuts; and installation of a new tangential link upper bolt.) Thereafter, repeat the visual inspection at intervals not to exceed 18 months.

(2) Perform an inspection to verify that the torque value of the tangential link upper bolt (on both sides of the mount) is within the limits specified in the service bulletin.

(i) If the torque value of the tangential link upper bolt nut is within the limits specified in the service bulletin, repeat the inspection (verification) at intervals not to exceed 18 months.

(ii) If the torque value of the tangential link upper bolt nut is outside the limits specified in the service bulletin, prior to further flight, perform a visual inspection of the tangential link upper bolt and washer for any damage or discrepancy, in accordance with the service bulletin.

(A) If no damage or discrepancy of the tangential link upper bolt and washers is found, prior to further flight, replace the bolt nut with a new or serviceable part in accordance with the service bulletin. Thereafter, repeat the inspection (verification) specified in paragraph (a)(2) of this AD at intervals not to exceed 18 months.

(B) If any damage or discrepancy of the tangential link upper bolt and washers is found, prior to further flight, replace the damaged or discrepant part with a new or serviceable part, and replace the bolt nut with a new or serviceable part, in accordance with the service bulletin. Thereafter, repeat the inspection (verification) specified in paragraph (a)(2) of this AD at intervals not to exceed 18 months.

New Requirements of This AD

Replacement

(b) Within 18 months after the effective date of this AD, accomplish the requirements of either paragraph (b)(1) or (b)(2) of this AD. Accomplishment of either paragraph (b)(1) or (b)(2) of this AD constitutes terminating action for the repetitive inspection requirements of this AD.

(1) Replace the safety links on the aft engine mount with modified safety links in accordance with Boeing Service Bulletin 747–71–2206, dated April 16, 1987; or Boeing Service Bulletin 747–71–2206, Revision 1, dated November 12, 1987, as revised by Boeing Notice of Status Change No. 747–71–2206 NSC 1, dated December 4, 1987, and Boeing Notice of Status Change

No. 747–71–2206 NSC 2, dated March 17, 1988.

(2) Replace the tangential link upper bolt on the aft engine mount with a reworked bolt and a new nut retainer, in accordance with Parts 2 and 3 of Boeing Service Bulletin 747–71A2277, Revision 1, dated May 21, 1998, or Revision 2, dated January 14, 1999.

Alternative Methods of Compliance

(c)(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 (ACO), 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.

(2) Alternative methods of compliance, approved previously in accordance with AD 96–03–01 R1, amendment 39–9538, are approved as alternative methods of compliance with this AD.

Note 2: 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

(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.

Issued in Renton, Washington, on July 12, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18202 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–374–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 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 Boeing Model 777–200 series airplanes. This proposal would require the application of sealant to the front spar and upper surface of the wing center section to ensure the integrity of the secondary fuel barrier. This proposal is prompted by reports from the airplane manufacturer that the sealant was inadvertently not applied to portions of the wing center section on certain Boeing Model 777–200 series airplanes. The actions specified by the proposed AD are intended to prevent fuel or fuel vapors from entering the cargo and passenger compartments in the event of a failure of the primary seal or development of a crack in the wing center section structure. Leakage of fuel or fuel vapors into the cargo and passenger compartments could be hazardous to personnel, and could cause a fire in those compartments.

DATES: Comments must be received by August 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–374–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle Washington, 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Larry Reising, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2683; fax (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 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–374–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–374-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report that, due to an error during airplane manufacture, the sealant that serves as a secondary fuel barrier may not have been applied to the front spar and upper surface of the wing center section on certain Boeing Model 777–200 series airplanes. This condition, if not corrected, could permit fuel or fuel vapors to enter the passenger and cargo compartments of the airplane if there is a failure of the primary seal or a crack develops in the center section structure. Leakage of fuel or fuel vapors into the cargo and passenger compartments could be hazardous to personnel, and could cause a fire in those compartments.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 777–57–0033, dated March 26, 1998, which describes procedures for accessing the overwing stub beams on the left and right sides of the airplane, and for application of a sealant to the front spar and upper surface of the wing center section to ensure the integrity of the secondary fuel barrier. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require application of sealant to the front spar and upper surface of the wing center section to ensure the integrity of the secondary fuel barrier. These actions

would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

Differences Between the Proposed Rule and the Service Bulletin

Operators should note that, although the service bulletin recommends accomplishment of the application of sealant prior to the accumulation of 4,000 total flight cycles or within 750 days (after receipt of the service bulletin), whichever occurs earlier, this proposed AD would require the application of sealant within 24 months after the effective date of this AD. In developing an appropriate compliance time for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the actions (two hours). In light of all of these factors, the FAA finds a compliance time of 24 months after the effective date of this AD for accomplishing the proposed actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety. The FAA also finds that such a compliance time will provide operators with approximately the same amount of time to accomplish the proposed actions as what was specified in the service bulletin.

Cost Impact

There are approximately 37 airplanes of the affected design in the worldwide fleet. The FAA estimates that 8 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $100 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,760, or $220 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:

Boeing: Docket 98–NM–374–AD.

Applicability: All Model 777–200 series airplanes, line numbers 41 through 91 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 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 (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 fuel or fuel vapors from entering the passenger and cargo compartments of the airplane in the event of a failure of the primary seal or development of a crack in the wing center section structure, accomplish the following:

Corrective Actions

(a) Within 24 months after the effective date of this AD, apply sealant to the front spar and upper surface of the wing center section under the overwing stub beams on the left and right sides of the airplane, in accordance with Boeing Service Bulletin 777–57–0033, dated March 26, 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, Seattle Aircraft Certification Office (ACO), 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.

Note 2: 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

(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.

Issued in Renton, Washington, on July 12, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18201 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–46–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 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 Boeing Model 747 series airplanes. This proposal would require removal of cable guards in the lateral control system and replacement with

new, improved cable guards. This proposal is prompted by reports of high control wheel forces and restricted control wheel movement. The actions specified by the proposed AD are intended to prevent deterioration of cable guards in the lateral control system, which could result in a jam of the lateral control system and consequent reduced lateral controllability of the airplane.

DATES: Comments must be received by August 30, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–M–46–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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (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 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–46–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–46–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that operators of Boeing Model 747 series airplanes have experienced high control wheel forces or restricted control wheel movement. Physical inspection of the cable runs revealed that the cable guards had deteriorated due to exposure to Boeing Material Specification (BMS) 3–24 aircraft grease. Deteriorated cable guards can splinter and fall into the cable pulley covers. This condition, if not corrected, could result in a jam of the lateral control system and consequent reduced lateral controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–27A2364, dated September 3, 1998, which describes procedures for removal of cable guards in the lateral control system and replacement with new cable guards. The new, improved cable guards are made of a material that shows no signs of deterioration when exposed to either BMS 3–24 or BMS 3–33, a newer general purpose aircraft grease. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

The FAA has also reviewed Boeing Service Letter 747–SL–27–134, dated December 23, 1993, which provides an acceptable procedure for removal of cable guards in the lateral control system and replacement with new, improved cable guards between Stations 300 and 420.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require removal of cable guards in the lateral control system and replacement with new, improved cable guards. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Cost Impact

There are approximately 956 airplanes of the affected design in the worldwide fleet. The FAA estimates 219 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would cost approximately $11,000 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,540,400, or $11,600 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:

Boeing: Docket 99–NM–46–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–27A2364, dated September 3, 1998, 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 deterioration of cable guards in the lateral control system, which could result in a jam of the lateral control system and consequent reduced lateral controllability of the airplane, accomplish the following:

Replacement

(a) Within 2 years after the effective date of this AD, remove existing cable guards in the lateral control system and replace with new, improved cable guards in accordance with Boeing Alert Service Bulletin 747–27A2364, dated September 3, 1998.

Note 2: Removal of existing cable guards and replacement with new, improved cable guards between Stations 300 and 420 accomplished prior to the effective date of this AD in accordance with Boeing Service Letter 747–SL–27–134, dated December 23, 1993, is considered acceptable for compliance with paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install a cable guard with a part number and dash number listed in Table 1 of this AD, on any airplane.

TABLE 1.—CABLE GUARDS NOT TO BE INSTALLED

Part No.	Part dash No.
65B82025	65B82025–2 through 65B82025–4 inclusive. 65B82025–9 through 65B82025–10 inclusive. 65B82025–17 through 65B82025–22 inclusive. 65B82025–25. 65B82025–27 through 65B82025–46 inclusive. 65B82025–48 through 65B82025–57 inclusive.
65B82204	65B82204–9 through 65B82204–10 inclusive. 65B82204–18 through 65B82204–22 inclusive. 65B82204–25. 65B82204–31 through 65B82204–40 inclusive. 65B82204–43 through 65B82204–44 inclusive. 65B82204–61 through 65B82204–76 inclusive. 65B82204–81 through 65B82204–86 inclusive.
65B82443	65B82443–9 through 65B82443–10 inclusive. 65B82443–12. 65B82443–14 through 65B82443–18 inclusive. 65B82443–21 through 65B82443–22 inclusive. 65B82443–26 through 65B82443–31 inclusive.

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, Seattle Aircraft Certification Office (ACO), 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.

Note 3: 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

(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.

Issued in Renton, Washington, on July 12, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–18200 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–27]

Proposed Establishment of Class E Airspace; Gwinn, MI; Proposed Revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM) which proposed to establish Class E airspace at Gwinn, MI, and revoke the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI. The NRPM is being withdrawn as a result of the change of the associated city for Sawyer Airport, and will be reissued in the near future.

DATES: [The withdrawal is effective July 16, 1999].

FOR FURTHER INFORMATION CONTACT: Annette Davis, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

The Proposal

On May 4, 1999, a Notice of Proposed Rulemaking was published in the **Federal Register** to establish Class E airspace at Gwinn, MI, and revoke the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI. The legal description for the Sawyer Airport has changed from Sawyer, MI, to Gwinn, MI, and K.I. Sawyer AFB has been closed; therefore, action was initiated to correct the legal description for the Class E airspace.

Summary of Comments

Documentation was received from the Board of Commissioners, County of Marquette, MI, that on April 20, 1999, the Marquette County Board of Commissioners unanimously passed an action changing the name of the Sawyer Airport (formerly K.I. Sawyer Air Force Base) to Sawyer International Airport, and changing the associated city for the airport from Gwinn, MI, to Marquette, MI.

Conclusion

In consideration of the aforementioned changes, the airspace action as proposed was incomplete; there, the airspace action including these changes will be reissued in the near future.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 99–AGL–27, as published in the **Federal Register** on May 4, 1999, (64 FR 23806), is hereby withdrawn.

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

Issued in Des Plaines, Illinois on July 6, 1999.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 99–18206 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASO–13]

Proposed Establishment of Class E Airspace; Pikeville, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Pikeville, KY. A Global Positioning System (GPS) Runway (RWY) 8 Standard Instrument Approach Procedure (SIAP) and a GPS RWY 26 SIAP have been developed for Pike County—Hatcher Field Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Pike County—Hatcher Field Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of SIAP.

DATES: Comments must be received on or before August 16, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 99–ASO–13, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5627.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–ASO–13.'' The postcard will be date/time stamped and returned to the commenter. All communications received 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 the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, 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 NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P.O. 20636, Atlanta, Georgia 30320. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs 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 part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Pikeville, KY. A GPS RWY 8 SIAP and a GPS RWY 26 SIAP have been developed for Pike County—Hatcher Field Airport. As a result, controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations at Pike County—Hatcher Field Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with the publication of the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves 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, when promulgated, 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 proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, 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 for 700 feet or more above the surface of the earth.

* * * * * * *

ASO KY E5 Pikeville, KY [New]

Pike County—Hatcher Field Airport, KY
(Lat. 37°33′44″N, long. 82°33′56″W)
Prestonburg, Big Sandy Regional Airport, KY
(Lat. 37°45′04″N, long. 82°38′13″W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Pike County—Hatcher Field Airport; excluding that airspace within the Prestonburg, KY Class E airspace area.

* * * * *

Issued in College Park, Georgia, on July 8, 1999.

Wade T. Carpenter,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 99–18204 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

Dive Sticks; Advance Notice of Proposed Rulemaking; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission has reason to believe that certain dive sticks may present an unreasonable risk of injury. Such dive sticks are constructed in such a manner that children can become impaled on them when jumping into shallow water where the dive sticks are oriented in an upright position. This impalement can result in serious injuries. Dive sticks are one of several types of devices used for underwater retrieval activities in swimming pools. They are typically made of rigid plastic, and are or can be weighted so that when dropped into water they sink and stand upright on the bottom. Dive sticks have a variety of shapes, but many have a hollow tube cross section or a solid X-shaped cross section. Dive sticks are sold under a variety names such as dive sticks, diving sticks, fish sticks, sticks and batons.

This advance notice of proposed rulemaking (''ANPR'') initiates a rulemaking proceeding that could result in a rule banning dive sticks with certain characteristics that cause them to be hazardous. This proceeding is commenced under the Federal Hazardous Substances Act.

The Commission solicits written comments concerning the risks of injury associated with dive sticks, the regulatory alternatives discussed in this ANPR, other possible ways to address these risks, and the economic impacts of the various regulatory alternatives. The Commission also invites interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risk of injury described in this ANPR.

DATES: Written comments and submissions in response to this ANPR must be received by September 14, 1999.

ADDRESSES: 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; telephone (301) 504–0800. Comments also may be filed by telefacsimile to (301)504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''ANPR for Dive Sticks.''

FOR FURTHER INFORMATION CONTACT: Scott R. Heh, Directorate for Engineering Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0494, ext. 1308.

SUPPLEMENTARY INFORMATION:

A. The Product

Dive sticks are one of several types of devices used for underwater retrieval activities in swimming pools. They are typically made of rigid plastic, and are, or can be weighted so that when dropped into water they sink and stand upright on the bottom. Dive sticks have a variety of shapes, but many have a hollow tube cross section or a solid X-shaped cross section. Dive sticks are sold under a variety of names such as dive sticks, diving sticks, fish sticks, sticks and batons.

The Commission's technical staff preliminarily considers a dive stick that has all of the following characteristics to pose a hazard for traumatic injuries to the perineum, including laceration and perforation injuries associated with rectal and vaginal impalement:

1. The product is essentially rigid.
2. The product is weighted, or can be weighted, so that when dropped in the water, it sinks to the bottom and stands upright.
3. The product has an elongated shape with a top end that is small enough in cross section to concentrate the force of impact and allow penetration of the rectum or vagina. (As examples, a hazardous dive stick could have a cylindrical shape with a blunt end or it may have a more pointed end, such as one product that is shaped like a shark silhouette.)

B. The Risk of Injury

1. Description of Injury

When used in shallow water, serious rectal or vaginal impalement injuries can occur when a child accidentally falls on or jumps buttocks-first into the water, and lands on a dive stick. Facial and eye injuries are also possible when a child attempts to retrieve a dive stick under the water.

While penetrating injuries account for only a very small percentage of traumatic injuries in children, they are severe. Falls on vertical objects may result in traumatic injuries to the perineum. The severity of rectal or vaginal lesions after impalement depends on the degree of penetration by

the object. This in turn is dependent on the force of impact and the physical properties of the involved object (size and surface characteristics). The severity of injury could range from laceration of the rectum and sphincter, to puncture wounds and tears of the colon. High impact forces may also cause injuries to the vulva, vaginal canal, and blood vessels beneath the perineal skin in females. In males, such impacts may cause perforation injuries to the genitalia, urethra, ureter and bladder. All these types of perforation and impalement injuries in males and females require hospitalization and surgery.

Because of the septic nature of the area, the main complication after perineum injuries is lesion infection, which may lead to abscess and possible sepsis in extreme cases. To avoid subsequent septic complications, the management of these pediatric injuries often requires aggressive and drastic surgical means. Perineal injuries (with or without rectal injury) often require fecal diversion (proximal colostomy), wound drainage, and the use of a broad-spectrum antibiotic in pre- and post-operative stages. The damage caused by deep penetration into the rectal or vaginal area may have devastating effects on children's health. In addition to long-term physiological effects on children, these types of injuries have the potential to cause long-lasting emotional trauma.

2. Injury Data

The Commission has learned of seven incidents in which dive sticks caused serious injury to young children. Six of these were impalement incidents that resulted in serious vaginal or rectal injuries. The seventh incident was a facial laceration just below the eye. All the victims were children ranging in age from six to nine years old. Each of the incidents occurred with vertical-standing toy dive sticks. The eye/facial injury was from a shark-shaped dive stick. All of the vaginal and rectal injuries were from baton-shaped dive sticks, approximately 7⅞ to 8⅝ inches long and ⅞ to one inch in diameter. The victims were injured while playing in shallow water. Three incidents occurred in small wading pools with water levels between 12 and 24 inches. One occurred in a spa with unknown water depth and one in a 3-foot pool with approximately 27 inches of water. Another incident occurred in a swimming pool with an unknown depth of water. The incidents are as follows:

a. July 22, 1990—The 7-year-old female victim was playing with her cousins in an above-ground swimming pool. She jumped up and out of the water, tucked her knees to her chest to do a ''cannon ball'' jump and re-entered the water. The victim entered the water buttocks first and rapidly descended to the bottom of the pool, where her buttocks came in contact with the upright, cylindrical toy dive stick. The toy dive stick caused lacerations around the victim's rectum. No stitches were required and the victim has recovered fully.

b. July 22, 1993—The 8-year-old girl was sitting on the edge of her family's spa with her feet in the water. She used her arms to push off the edge and sit on a lower step of the spa, without seeing the vertical-standing, cylindrical toy dive stick on the same lower step. The toy dive stick slipped past the victim's swimsuit and penetrated her vagina. Immediate medical attention was sought, and surgery was performed to repair multiple internal, vaginal lacerations. Additional surgery was necessary 5 months later. No recovery records are available.

c. July 24, 1995—The 9-year-old female victim jumped into a swimming pool and landed on a toy dive stick causing deep vaginal lacerations.

d. August 3, 1997—The 6-year-old female victim jumped into her inflatable wading pool. The victim's buttocks area landed on top of the vertical-standing, cylindrical toy dive stick. The product and the girl's swimsuit were projected into her rectum. The victim was admitted to a children's hospital for surgery to repair perineal and external sphincter lacerations. The victim has recovered from the incident, but will be examined periodically.

e. June 10, 1998—The eight-year-old female victim was playing with her brother in a wading pool. She fell backwards in the pool, landing on the cylindrical toy dive stick that was standing upright on the bottom of the pool. The toy dive stick penetrated the vagina. A physician surgically repaired the laceration with both internal and external sutures. The victim has recovered.

f. June 28, 1998—The 7-year-old boy and his brother had been playing with the cylindrical toy dive sticks prior to the incident. The victim ran and jumped buttocks first into the wading pool. He impaled himself via the rectum on a toy dive stick that was standing upright in the water. Surgery was performed to repair a laceration of the rectum, and a temporary colostomy was performed to repair the perforated intestine. The victim healed, but continues to complain of abdominal pain.

g. August 13, 1998—The 6-year-old female victim and three other children were in a small wading pool playing with toy dive sticks that were shaped like sharks. The victim stuck her face into the pool to retrieve the toy dive stick and hit her face on the toy. She received a ¾ inch laceration below her left eye, which required sutures to close. The victim has recovered.

C. Relevant Statutory Provisions

This proceeding is conducted pursuant to the Federal Hazardous Substances Act (''FHSA''), 15 U.S.C. 1261 *et seq.* Section 2(f)(1)(D) of the FHSA defines ''hazardous substance'' to include any toy or other article intended for use by children that the Commission determines, by regulation, presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1261(f)(1)(D). An article may present a mechanical hazard if its design or manufacture presents an unreasonable risk of personal injury or illness during normal use or when subjected to reasonably foreseeable damage or abuse. Among other things, a mechanical hazard could include a risk of injury or illness ''(3) from points or other protrusions, surfaces, edges, openings, or closures, * * * or (9) because of any other aspect of the article's design or manufacture.'' 15 U.S.C. 1261(s).

Under section 2(q)(1)(A) of the FHSA, a toy, or other article intended for use by children, which is or contains a hazardous substance accessible by a child is a ''banned hazardous substance.'' 15 U.S.C. 1261(q)(1)(A).

Section 3(f) through 3(i) of the FHSA, 15 U.S.C. 1262 (f)–(i), governs a proceeding to promulgate a regulation determining that a toy or other children's article presents an electrical, mechanical, or thermal hazard. As provided in section 3(f), this proceeding is commenced by issuance of this ANPR. After considering any comments submitted in response to this ANPR, the Commission will decide whether to issue a proposed rule and a preliminary regulatory analysis in accordance with section 3(h) of the FHSA. If a proposed rule is issued, the Commission would then consider the comments received in response to the proposed rule in deciding whether to issue a final rule and a final regulatory analysis. 15 U.S.C. 1262(i).

D. Regulatory Alternatives

One or more of the following alternatives could be used to reduce the identified risks associated with dive sticks.

1. *Mandatory rule.* The Commission could issue a rule declaring certain dive sticks to be banned hazardous substances. This rule could define the

banned products in terms of physical or performance characteristics, or both.

2. *Labeling rule.* The Commission could issue a rule banning dive sticks that did not contain specified warnings and instructions.

3. *Voluntary standard.* If the industry developed, adopted, and conformed to an adequate voluntary standard, the Commission could defer to the voluntary standard in lieu of issuing a mandatory rule.

4. *Reliance on recalls.* The Commission has obtained voluntary corrective actions with respect to certain dive sticks. The Commission could continue to rely on corrective actions, both voluntary and mandatory, in lieu of or in addition to a mandatory rule.

E. Existing Standards

The Commission is not aware of any state, voluntary, foreign, international, or other standards dealing with the described risk of injury.

F. Market Information

1. The Product

Dive sticks are one of several types of devices used for underwater retrieval activities in swimming pools. They are typically made of rigid plastic, and are or can be weighted so that when dropped into water they sink and stand upright on the bottom. They are usually cylindrical in shape, but some have shapes that resemble such things as fish, sharks, or other sea creatures. Typically, the length is 8 inches or less and the diameter is one inch or less. Dive sticks and other dive toys are often numbered with a point value (e.g., 10 through 60) for counting up totals in games. In some cases, the units with the higher point values may be shorter than those with lower point values.

Dive sticks are usually sold in sets of 3 to 6 sticks. They are often sold as part of a package that contains other toys, such as dive disks, eggs, and rings (e.g., a package may include 3 dive sticks, 3 dive rings, and 3 dive disks). They are also sold with things such as masks, goggles, or snorkels. At retail they cost from $4 to $7 per set, or about $1 per individual stick. Even when sold with other products such as disks, rings, and snorkels, they usually cost less than $10.

Dive sticks and other dive toys are widely available. They are often sold in the seasonal aisles of grocery and drug stores and can be purchased at many department and variety stores. Dive toys are also available through some mail order catalogs and at various pool dealers.

2. Substitutes

A wide range of substitutes is available for dive sticks. The closest substitute may be dive rings since these are also weighted so that they stand up on the bottom of the pool. Other substitutes are dive disks, which are flat, plastic disks that sink to the bottom of the pool, but lie flat rather than on end. There are also a variety of dive eggs. In general, these substitutes are manufactured and sold by the same companies that manufacture and sell dive sticks, often in the same package. The retail prices of these substitutes are about the same as the retail prices for the dive sticks.

3. Sales and Number Available for Use

Dive sticks have been sold for over 20 years. However, historical sales data are not available to determine whether or not there has been a trend in their use. Based on information that several companies provided to the CPSC, over 19 million dive sticks have been sold. Current sales of individual dive sticks appear to be at least 4 million units annually. Since they are usually sold in packages of 3 to 6 sticks each, this indicates that around 1 million packages are purchased annually.

In trade publications, dive sticks are classified in the water/pool/sand toys category. This category includes products such as water guns, floats, wading pools, and sand buckets. Sales vary with season, with more sold in the summer than in the winter. Sales of water/pool/sand toys also tend to vary from year to year depending on how hot the summer or swimming season is. In 1997, retail sales of water/pool/sand toys exceeded $450 million, according to a trade publication. Since dive sticks retail for approximately $1 per stick, dive sticks likely make up less than one percent of retail sales in this category.

A substantial number of dive sticks are likely available for use for several years after their purchase. Since several million dive sticks have been sold annually for the last few years, the total number available for use could easily exceed 10 million units. Assuming dive sticks are sold in sets of 3 to 6 each, this indicates that several million households are likely to own dive sticks.

4. Suppliers

The CPSC's staff has identified at least 15 firms that manufacture or import dive sticks into the United States. Most of the firms that import dive sticks obtain their product from China, Hong Kong, or Taiwan. There may be other manufacturers or importers that the staff has not identified. Additionally, because of the simplicity of the product, there are few barriers to entry into the market.

The staff's initial research indicates that most of the firms that have been identified are small businesses according to the Small Business Administration guidelines because they have fewer than 100 employees for importers or 500 employees for manufacturers. However, in all cases, dive sticks probably account for a very small percentage of any firm's sales. Several of the manufacturers market various types of pool toys. Others have additional lines such as other types of toys or pool equipment.

5. Economic Considerations

The CPSC is aware of 7 injuries involving dive sticks since 1990 that resulted when a child hit a dive stick standing upright on the bottom of a pool. Although the number of injuries is low, some of the injuries are severe. Some of the injuries have resulted in damage to the victim's rectal or vaginal areas. At least four of these incidents required hospitalization, and in one case a temporary colostomy was performed.

The societal costs of these incidents include primarily medical costs, lost productivity, and pain and suffering. The total societal costs of the incidents are likely to be relatively low since the incidents of concern appear to be relatively rare. However, the severity of some of the incidents indicates that the average societal costs of the incidents requiring hospitalization may exceed $100,000, based on estimates obtained from the Directorate for Economic's Injury Cost Model for hospitalized cases involving punctures or lacerations to the victims lower trunk area.

The cost of modifying dive sticks to reduce or remove the risk is likely to be low. For example, dive sticks could be modified so that they lie horizontally on or at an angle at the bottom of the pool, rather than vertically. Such a change may involve some changes in tooling, molds, and design, but little in terms of production and material costs. Such a change is unlikely to substantially reduce the utility of the product to consumers. Another option may be to manufacture dive sticks from a material that is less rigid and unlikely to cause serious injury to a person who falls on the product. Moreover, commercial substitutes for dive sticks already are available. These substitutes are not dangerous but provide the same play experience. If hazardous dive sticks were banned altogether, there is little, if any, reason to doubt that these

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. 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]

BILLING CODE 4510–29–P

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

amendment is deemed adequate, it will become part of the Kentucky program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 9, 1999.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 99–18192 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

[MD–044–FOR]

Maryland Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of proposed amendments to the Maryland regulatory program (Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendments consist of revisions to the Maryland regulations regarding the design, construction and maintenance of haul roads. The amendments are intended to revise the Maryland program to be consistent with the corresponding Federal regulations.

DATES: If you submit written comments, they must be received by 4:00 p.m., E.D.T., August 16, 1999. If requested, a public hearing on the proposed amendment will be held on August 10, 1999. Requests to speak at the hearing must be received by 4:00 p.m., E.D.T., on August 2, 1999.

ADDRESSES: Mail or hand-deliver your written comments and requests to speak at the hearing to George Rieger, Manager, Oversight and Inspection Office, at the address listed below.

You may review copies of the Maryland program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting OSM's Appalachian Regional Coordinating Center.

George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh PA 15220. Telephone: (412) 937–2153; E-mail: grieger@osmre.gov

Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532. Telephone: (301) 689–4136.

FOR FURTHER INFORMATION CONTACT: George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center, Telephone: (412) 937–2153.

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

On February 18, 1982, the Secretary of the Interior approved the Maryland program. You can find background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the February 18, 1982, **Federal Register** (47 FR 7214). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 920.15 and 920.16.

II. Description of the Proposed Amendment

Maryland provided an informal amendment to OSM regarding the design, construction and maintenance of haul roads in a letter dated August 4, 1998. OSM completed its review of the informal amendment and submitted

comments to Maryland in a letter dated May 19, 1999. By letter dated May 27, 1999 (Administrative Record No. MD–581–00), Maryland submitted its response to OSM's comments in the form of a proposed amendment to its program pursuant to SMCRA.

The provisions of the Code of Maryland Regulations (COMAR) that Maryland proposes to amend are as follows:

1. COMAR 26.20.01.02B Definitions

Specifically, Maryland proposes to revise the existing definition at (82), ''road'' by adding the words ''surface coal'' before ''mining and reclamation operations''; adding the words ''and from'' after ''leading to''; and deleting the reference to active spoil disposal areas and substituting the phrase that ''road'' does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

2. COMAR 26.20.02.13 Description of Proposed Mining Operations

Paragraph BB.(1) is modified by adding the following requirements: design drawings, and specifications for road widths, gradients, surfacing materials, cuts, fill embankments, culverts, bridges, drainage ditches, low water crossings, and drainage structures;

Existing paragraph BB.(2) is deleted and new paragraph BB.(2) is added as follows:

Drawings and specifications of each proposed road that is located in the channel of an intermittent or perennial stream, as necessary for approval of the road by the Bureau in accordance with COMAR 26.20.19;

New paragraph BB.(3) is added as follows:

Drawings and specifications for each proposed ford of perennial or intermittent streams that is used as a temporary route, as necessary for approval of the ford by the Bureau in accordance with COMAR 26.20.19;

Existing paragraph BB.(3) is renumbered as BB.(4).

Existing paragraph BB.(5) is deleted and replaced with the following:

Drawings and specifications for each low-water crossing of perennial or intermittent stream channels so that the Bureau can maximize the protection of the stream in accordance with COMAR 26.20.19:

Existing paragraph BB.(4) is renumbered as BB.(6).

New paragraph BB.(7) is added as follows:

A description of the plans to remove and reclaim each road that will not be retained under an approved postmining land use, and the schedule for this removal and reclamation; and

New paragraph BB.(8) is added as follows:

Design and certification of the plans and drawings for each primary road by a qualified registered professional engineer in accordance with COMAR 26.20.19.0lG.

New paragraph CC. is added as follows:

A description of each support facility to be constructed, used, or maintained within the proposed permit area, including plans and drawings. The plans and drawings shall include a map, appropriate cross sections, design drawings, and specifications sufficient to demonstrate compliance with COMAR 26.20.19.08 and .09.

3. COMAR 26.20.19.01 General

New paragraphs A., B., and C. are added as follows:

A. Each road, as defined in §§ B and C of this regulation shall be classified as either a primary road or an ancillary road.

B. A primary road is any road which is:

(1) Used for transporting coal or spoil;

(2) Frequently used for access or other purposes for a period in excess of six months: or

(3) To be retained for an approved postmining land use.

C. An ancillary road is any road not classified as a primary road.

Existing paragraph A. is re-lettered as D. and further modified by adding the word ''locate'' before ''design, construction * * *'' and deleting the phrase ''control or minimize erosion and siltation, air and water pollution, and damage to public or private property.''

Additionally, the following new subparagraphs are added to paragraph D.:

(1) Control or prevent erosion, siltation, and the air pollution attendant to erosion, including road dust as well as dust occurring on other exposed surfaces, by measures such as vegetating. watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices;

(2) Control or prevent damage to fish, wildlife, or their habitat and related environmental values;

(3) Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;

(4) Neither cause nor contribute to, directly or indirectly, the violation of State or federal water quality standards applicable to receiving streams;

(5) Refrain from seriously altering the normal flow of water in stream beds or drainage channels;

(6) Prevent or control damage to public or private property, including the prevention or mitigation of adverse effects on lands within the boundaries of units of the National Park System. the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including designated study rivers, and National Recreation Areas designated by Act of the U.S. Congress; and

(7) Use nonacid and nontoxic-forming substances in road surfacing.

Existing paragraph B. is deleted and existing paragraph C. is re-lettered as E.

Existing paragraph D. is deleted and new paragraphs F. and G. are added as follows:

F. The plans and drawings for primary roads shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer as meeting the requirements of this chapter and any prudent engineering practices.

G. The construction or reconstruction of primary roads shall be certified in a report to the Bureau by a qualified registered professional engineer The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

4. COMAR 26.20.19.02 Location

This section is now re-titled Location of Primary Roads.

Paragraph A. is modified to include the word ''primary''.

Paragraph B. is modified by adding the phrase ''in accordance with the applicable requirements of COMAR 26.20.20 and COMAR 26.20.21.02, .03, and .04.''

Paragraph C. is modified by including the phrase ''on perennial or intermittent streams by primary roads''.

5. COMAR 26.20.19.03 Design and Construction

This section is re-titled as Design and Construction of Primary Roads and paragraph A. is modified to include the word ''primary''.

Paragraph D., Road Embankments, is modified by adding the following subparagraphs:

(9) Each primary road embankment shall have a minimum static safety factor of 1.3.

(10) Each road embankment shall be constructed of fill material that contains sufficient moisture content to achieve proper compaction.

(11) A primary road embankment that is designed and constructed to meet the

criteria of this section with an embankment slope not steeper than 2:1 and a foundation slope equal to or less than 25 percent shall be considered to meet the minimum static safety factor under § D(9) of this regulation.

6. COMAR 26.20.19.04 Drainage

This section is re-titled as Drainage Control for Primary Roads.

Subparagraph A.(1) is modified by adding the word ''primary'', including ''bridges'', substituting the word ''drainage'' for water and substituting a 2-year 24-hour precipitation event for the existing 1 year.

Existing subparagraph 2. is deleted and a new subparagraph 2. is added as follows:

Drainage pipes and culverts shall be installed as designed and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets.

New subparagraphs (3) and (4) are added as follows:

(3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment.

(4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road.

Paragraph C., Culverts, is modified by substituting a 2-year 24-hour precipitation event for the existing 1 year.

7. COMAR 26.20.19.06 Maintenance

New paragraph D. is added as follows:

A road damaged by a catastrophic event, such as a flood, shall be repaired as soon as is practicable after the damage has occurred.

8. COMAR 26.20.19.07 Removal of Roads

This section is re-titled as Reclamation of Roads.

The existing paragraph is deleted and replaced with the following:

A road not to be retained under an approved postmining land use shall be reclaimed in accordance with the approved reclamation plan as soon as practicable after it is no longer needed for mining and reclamation operations. This reclamation shall include:

(1) Closing the road to traffic;

(2) Removing all bridges and culverts, unless approved as part of the postmining land use;

(3) Removing or disposing of road surfacing materials that are incompatible with the postmining land use and revegetation requirements;

(4) Reshaping cut and fill slopes as necessary to be compatible with the postmining land use and to complement the natural drainage pattern of the surrounding terrain;

(5) Protecting the natural drainage pattern by installing dikes or cross drains, as necessary, to control surface runoff and erosion; and

(6) Scarifying or ripping the roadbed, replacing topsoil or substitute material, and revegetating disturbed surfaces.

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. If the amendment is deemed adequate, it will become part of the Maryland program.

Written Comments

Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

If you wish to speak at the public hearing, you should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on August 2, 1999. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the

Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 9, 1999.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 99–18193 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–1083–N]

Medicare Program; Meetings of the Negotiated Rulemaking Committee on Ambulance Fee Schedule

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 the dates and location for the fifth meeting of the Negotiated Rulemaking Committee on the Ambulance Fee Schedule. This meeting is open to the public.

The purpose of this committee is to develop a proposed rule that establishes a fee schedule for the payment of ambulance services under the Medicare program through negotiated rulemaking, as mandated by section 4531(b) of the Balanced Budget Act (BBA) of 1997.

DATES: The fifth meeting is scheduled for August 2, 1999 from 9:00 a.m. until 5 p.m. and August 3, 1999 from 8:30 a.m. until 4 p.m. E.D.T.

ADDRESSES: The 2-day August meeting will be held at The Phoenix Park Hotel, 520 North Capitol Street NW, Washington, D.C., (202) 638–6900.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding this meeting should be addressed to Bob Niemann ((410) 786–4569) or Margot Blige ((410) 786–4642) for general issues related to ambulance services or to Lynn Sylvester, ((202) 606–9140) or Elayne Tempel, ((207) 780–3408) facilitators.

SUPPLEMENTARY INFORMATION: Section 4531(b)(2) of the Balanced Budget Act (BBA), Public Law 105–33, added a new section 1834(l) to the Social Security Act (the Act). Section 1834(l) of the Act mandates implementation, by January 1, 2000, of a national fee schedule for payment of ambulance services furnished under Medicare Part B. The fee schedule is to be established through negotiated rulemaking. Section 4531(b)(2) also provides that in establishing such fee schedule, the Secretary will—

- Establish mechanisms to control increases in expenditures for ambulance services under Part B of the program;
- Establish definitions for ambulance services that link payments to the type of services furnished;
- Consider appropriate regional and operational differences;
- Consider adjustments to payment rates to account for inflation and other relevant factors; and
- Phase in the fee schedule in an efficient and fair manner.

The Negotiated Rulemaking Committee on the Ambulance Fee Schedule has been established to provide advice and make recommendations to the Secretary with respect to the text and content of a proposed rule that establishes a fee schedule for the payment of ambulance services under Part B of the Medicare program.

The Committee held its third meeting on May 24 and 25, 1999. At this meeting, the Committee heard presentations from HCFA staff, including a data presentation. The Committee requested another presentation by HCFA's Office of Actuary to obtain clarification about its calculation of the fee schedule payment cap. Additionally, a Medical Issues workgroup was formed.

The Committee held its fourth meeting on June 28 and 29, 1999. At this meeting a presentation was made by a HCFA Office of the Actuary staff member. The presentation clarified that budget neutrality will be evaluated by using all ambulance claims for the most current year and comparing the results of the proposed models with those paid claims. HCFA staff presented more historical Medicare hospital and supplier ambulance billing data. Consensus was reached on one possible basic structure for the fee schedule. HCFA indicated that the fee schedule must be effective as soon as operationally possible after January 1, 2000. Subcommittees were formed to produce, by July 19, proposals for:

(1) A rural/urban adjustment; and

(2) A fee schedule model based on the structure agreed to at the June meeting combined with relative values. These proposals, along with the results of the medical issues workgroup, will serve as the basis for the Committee's next meeting.

During the August meeting, the Committee will work toward achieving consensus on the criteria to be considered in evaluating options for the fee schedule. Discussions will then begin on the options.

The announced meeting is open to the public without advanced registration. Public attendance at the meeting may be limited to space available. Interested parties can file statements with the Committee. *Mail written statements to the following address: Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, D.C. 20427, Attention: Lynn Sylvester.* Notice of future meetings will be published in the **Federal Register** at a later date. A summary of all proceedings will be available for public inspection in room 443–G of the Department's offices at 200 Independence Avenue, SW, Washington, DC on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: (202) 690–7890), and can be accessed through the HCFA Internet site at http://www.hcfa.gov/medicare/ambmain.htm. Additional information related to the Committee will also be available on the web site.

Authority: Sec. 1834(l) of the Social Security Act (42 U.S.C. 1395m).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 11, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–18117 Filed 7–15–99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 97–207; FCC 99–137]

Calling Party Pays Service Offering in the Commercial Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document seeks to remove regulatory obstacles to the offering to consumers of Calling Party Pays (CPP) services by Commercial Mobile Radio Services (CMRS) providers. CPP allows a CMRS provider to make available to its subscribers an offering whereby the party placing the call to a CMRS subscriber pays at least some of the charges associated with terminating the call, including most prominently charges for the CMRS airtime. The Commission is issuing this document to help facilitate the wider availability of CPP, and to consider possible actions this Commission could take to address several key issues associated with the offering of CPP service.

DATES: Comments are due on or before August 18, 1999, and reply comments are due on or before September 8, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Legal Information: David Siehl, 202–418–1310; Economic Information: Joseph Levin, 202–418–1310; [TTY: 202–418–7233].

SUPPLEMENTARY INFORMATION: The following synopsis concerns only the Notice of Proposed Rulemaking (NPRM) of the Commission's Declaratory Ruling and Notice of Proposed Rulemaking in WT Docket No. 97–207, FCC 99–137, adopted June 10, 1999, and released July 7, 1999. The synopsis of the section of the document containing the Declaratory Ruling is being published separately in the **Federal Register**. The complete text of the entire released document 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. 20554, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), (202) 857-3800, 445 12th Street, S.W., CY–B400, Washington, D.C. 20054.

Synopsis of Notice of Proposed Rulemaking

1. The Commission is initiating this NPRM for two fundamental reasons. First, the availability of CPP as a service offering for wireless telephone subscribers has the potential to expand wireless market penetration and minutes of use and, in so doing, offers an opportunity to provide a near-term competitive alternative to incumbent local exchange carriers (ILECs) for residential customers. Second, the Commission believes that there may be obstacles to the widespread introduction of CPP, and that market forces alone may not eliminate these obstacles.

2. The Commission finds that CPP could provide several important tangible benefits to telecommunications consumers in the United States. One major benefit envisioned is the possibility that CPP could ultimately lead to wireless services becoming a true competitive alternative to the local exchange services offered by ILECs, particularly for residential customers. Another potential benefit is that CPP could spur competition within the CMRS market by offering consumers a different and less expensive wireless service option.

3. Many carrier commenters have argued that subcribership to wireless services would be expected to increase substantially because, in no longer paying for incoming calls, consumers would have a much more, valuable service, even at current prices. Independent market analysts have indicated that CPP would make prepaid wireless services, a critically important and growing segment of the CMRS market, more attractive to consumers by eliminating airtime charges for incoming calls. Because prepaid wireless telephone service is attracting many new wireless customers from socioeconomic groups that have not previously subscribed to wireless service, the broad availability of a prepaid option, in which the subscriber pays only to make calls, would reinforce the trend to much greater wireless penetration.

4. Many industry analysts and commentators anticipate that CPP is the catalyst needed to create a significant increase in wireless usage by U.S. subscribers. First, CMRS subscribers who select CPP would be much more likely to leave their wireless phones in an activated mode in order to receive calls because they would not be responsible for paying the associated charges. Also, because CPP customers would be expected to be more willing to give out their wireless phone numbers if they did not have to pay for incoming calls, they would be much more likely to receive incoming calls. As a result, it is likely that more calling parties will place calls to wireless subscribers and take advantage of the opportunity to reach someone who is not tied to one location. The calling party will have an increased likelihood of being able to complete a call to a CPP subscriber, as compared to calling a wireless subscriber with called party pays service. Second, according to these analysts, to the extent that subscribers are comfortable with paying a set amount per month for wireless service, CPP will encourage them to increase the number of calls they make, up to the amount of their monthly CMRS budget, since they no longer will need to pay for, or budget for, incoming calls.

5. The Commission would like to update its record on the experience with CPP and the impacts of it on the use of mobile services in other countries. The NPRM seeks comment on any recent international developments, and in addition, on domestic competitive trends that may be relevant to a CPP service offering in the U.S.

6. In its Notice of Inquiry regarding CPP,[1] the Commission asked about possible obstacles to greater availability of this service option. In summary, the responses indicate three areas that need to be addressed: (1) technical standards to control leakage; (2) calling party notification to protect consumers; and (3) arrangements for reasonably priced billing and collection services. The technical standards to collect and pass information needed to bill the calling party for calls to a wireless phone are being developed by an industry group, based on a working paper developed through Cellular Telecommunications Industry Association (CTIA) and released in January 1998. There has been no indication in the comments that the Commission needs to intervene in this process.

7. The NPRM notes based on the record to this point, that it appears the lack of a nationwide notification has hindered successful CPP offerings in this country. The record strongly

[1] Calling Party Pays Service Option in the Commercial Mobile Radio Services, WT Docket No. 97–207, Notice of Inquiry, 62 FR 58700 (Oct. 30, 1997), 12 FCC Rcd 17693 (1997) (Notice of Inquiry).

supports the conclusion that some effective form of calling party notification is critically important to avoid consumer confusion with CMRS provider introduction of CPP offerings. Further, the comments almost unanimously indicate that without a uniform notification system, conflicting state notifications would increase consumer confusion about calls to CPP subscribers if CPP were to be implemented more widely. Another consequence of conflicting notifications would be increased costs to wireless carriers in their efforts to provide notifications to calling parties in different jurisdictions. The Commission believes that it is essential to develop a uniform notification system, in cooperation with the states, and seeks comment on what elements that notification system should contain.

8. A threshold issue concerning notification is whether there should be a uniform nationwide standard that specifies the manner in which a CMRS carrier must indicate to a caller that the caller will be billed for his or her call to the CMRS phone or pager. A second issue is how to develop and implement such a notification standard, particularly how we may incorporate the knowledge and concerns of the states with regard to consumer notification and protection.

9. The Commission agrees with the commenters that a uniform nationwide notification system is necessary to facilitate the implementation of CPP. The NPRM finds that such a notification would significantly alleviate confusion on the part of calling parties by providing them the capability to make an informed decision on whether to proceed with completing the call. In addition, as several commenters submit, a uniform nationwide standard for notification announcement would likely minimize the cost to wireless carriers of providing a notification, especially where they service multi-state areas. The NPRM seeks comment on what additional consumer protection measures states could take that would be consistent with a uniform notification announcement and within the scope of their authority to protect consumers.

10. The NPRM concludes that the Commission has jurisdiction to implement a uniform nationwide notification under sections 201(b) and section 332(c)(3)(A) of the Act.[2] In addition, the Commission recognizes the traditional role of the states in the areas of consumer notification and protection. Indeed section 332(c)(3)(A) provides that States may regulate ''other terms and conditions'' of any CMRS service.[3]

11. The Communications Act establishes as a primary mission of the Commission regulation of interstate and foreign communication so as to make available to all the people of the United States a rapid, efficient Nation-wide, and world-wide wire and radio communications service.[4] The NPRM also notes that section 201(b) declares unlawful any unjust and unreasonable practices, which clearly governs CMRS calls that originate and terminate in different states.[5] Based on its determination in the Declaratory Ruling that CPP is a form of CMRS, the Commission believes that it may have authority under section 332 of the Act to establish uniform rules in furtherance of our statutory mandate to ''establish a federal regulatory framework to govern the offering of all [CMRS].'' [6] In the alternative, the NPRM seeks comment on other jurisdictional grounds for establishing a nationwide system for CPP notification, and on the extent to which the Commission should prohibit inconsistent or conflicting state notification regulations.[7]

12. The Commission further recognizes, however, as the record reflects, that the states have a legitimate interest, pursuant to the ''other terms and conditions'' exception provided by section 332(c)(3)(A),[8] to regulate matters concerning aspects of consumer protection involved, *e.g.*, in customer billing practices.[9]

13. The Commission believes that a process should be initiated that considers the role and interest of the states in consumer protection. The NPRM invites comment on how the Commission might tailor a nationwide notification system that would provide the states a way, consistent with statutory authority, to protect intrastate interests in a manner that would not conflict with the nationwide benefits of a uniform notification system for CPP. The NPRM directs the Wireless Telecommunication Bureau to work actively with the states, through the National Association of Regulatory Utility Commissioners (NARUC), as well as with interested wireless industry and consumer representatives, to seek to develop a consensus implementation of our calling party notification proposal.

14. The Commission seeks to ensure calling party notification that protects all consumers, including those with disabilities, that reflects the knowledge and experience of the states, and that can be implemented on a cost-effective basis.

15. The NPRM proposes that the calling party notification for CPP should consist of a verbal message provided by the CMRS provider to the calling party. Because CPP will represent a significant change to consumers calling a wireless telephone or pager, the Commission believes that initially it is important that notification include the following elements:

(1) Notice that the calling party is making a call to a wireless phone subscriber that has chosen the CPP option, and that the calling party therefore will be responsible for payment of airtime charges.

(2) Identification of the CMRS provider.

(3) The per minute rate, or other rates, that the caller will be charged by the CMRS provider.

(4) An opportunity to terminate the call prior to incurring any charges.

16. Although the Commission acknowledges that specific rate information may be superfluous in certain situations, the Commission tentatively concludes that rate information would be considered relevant by a substantial majority of calling parties. The rate information would have to include all of the additional charges billed by the CMRS provider to the calling party for the call. For example the Commission understands that CPP offerings envisioned by CMRS providers would include per minute charges for terminating airtime. It is possible that a CMRS providers may also include other charges now paid by the CMRS subscriber receiving the call, for instance, for roaming or for long-distance service. If so, the notification must include all of the per minute and other charges to be billed to the calling party. The NPRM seeks comment on this element in a proposed notification system.

17. The Commission seeks comment on the desirability of moving to a simpler, more streamlined notification

[2] 47 U.S.C. 201(b), 332(c)(3)(A).

[3] *See* 47 U.S.C. 332(c)(3)(A); *see also House Report* at 261 (explaining that other ''terms and conditions'' of CMRS include such matters as customer billing information and practices, billing disputes and ''other consumer protection matters.'').

[4] 47 U.S.C. 151.

[5] 47 U.S.C. 201(b).

[6] H.R. Conf. Rep. No. 103–213 at 490 (1993). *See* CTIA Comments to NOI at 20, n. 42 (referring to this report in arguing for a nationwide notification, and also, referring to the Senate version, Sec. 402(13)).

[7] For example, CITA contends that ''the Commission retains jurisdiction to ensure that inconsistent State regulation does not thwart uniformity of nationwide CPP notification mechanisms.'' *See* CTIA Comments at NOI at 17–18 n.37 (citing Louisiana Public Service Commission v. FCC, 476 U.S. 355 (1986)).

[8] *See* 47 U.S.C. 332(C)(3)(A).

[9] *See House Report* at 261.

system that would not include rate information, after consumers have become accustomed to CPP and are aware of the additional charges involved. The NPRM in addition seeks comment on whether our proposed method of notification, as well as the simpler version described above, will be accessible to people with disabilities. The NPRM also requests proposed solutions to any problems that are identified.

18. The NPRM also seeks comment on other options for ensuring that calling parties have adequate notification. There are a number of notification options being used in states, such as Arizona, where CPP is now being offered. Some carriers rely on 1+ dialing as the means to indicate to the caller that a toll is involved. Other options include the use of dedicated NXX [10] codes for CPP subscribers and the use of special numbers with a 500 Service Area Code (SAC) to identify the number as a CPP call. The Commission seeks comment on what additional notification measures states might be able to adopt that would not conflict with uniform nationwide notification.

19. The Commission recognizes that businesses need to restrict the ability of telephone users to make various types of billable calls from certain lines (*e.g.*, toll restricted lines on private branch exchanges (PBXs)). The NPRM asks for comment on the number of companies and other organizations that use PBXs or Centrex and could be adversely affected by the broader implementation of CPP, as well as projections of the magnitude of potential losses they might incur because of the inability to identify calls beings placed from their systems to CPP subscribers.

20. The NPRM also seeks comment on the ways businesses and other organizations can meet the need for restricted access, particularly if the telecommunications industry moves to more widespread number portability. In light of the number portability, number pooling, and other signaling system based solutions, the NPRM seeks comments on the viability of signaling solutions, perhaps combined with line class codes.[11] Commenters should address the viability of proposed solutions and whether the solutions can be implemented with current network capabilities. The NPRM seeks comment on whether establishing service codes would sufficiently address these issues. The Commission also seeks comment on the impact on business users, who use restricted access, if dedicated service codes were not established.

21. The NPRM seeks comment on the desirability of establishing a dedicated service code or codes to assign to CPP subscribers so that callers may more readily identify a CPP call. The NPRM also seeks comment on whether it is necessary or desirable to treat the notification for paging the same as mobile telephony. In particular, the use of a distinct code would appear to be unworkable in the context of the Source One approach to CPP. Therefore, the NPRM solicits comments that address the best ways of balancing the need for a uniform CPP notification approach using special numbering codes, with the need to work within the special operating constraints of paging carriers. Although such specially assigned telephone numbers could be used as the sole means of notifying consumers that they are calling a CPP number, the Commission tentatively concludes that if special numbers are to be established, they should serve to supplement the above notification system, not replace it. Comment is sought on this tentative conclusion. Finally, the NPRM seeks comment on the effect of calling party notification through assignment of numbering codes on number exhaust and number portability, and on possible means to mitigate any significant negative effects.

22. The NPRM finds that the Commission has jurisdiction to establish calling party notification through dedicated numbering codes pursuant to section 251(e)(1), which confers exclusive jurisdiction on the Commission over the North American Numbering Plan as it pertains to the United States, along with the power to delegate to the states certain portions of this jurisdiction.[12] The Notice of Inquiry record indicates that the Commission could rely on this provision if it were to implement a CPP notification scheme based on ''1+dialing'' or use of specialized area codes. The NPRM tentatively concludes that section 251 of the Act does provide a jurisdictional basis to implement such a method and seeks comment on this tentative conclusion.

23. The Commission notes that in a 1997 decision regarding ''casual calling'' it suggested that carriers have reasonable options other than tariffs to establish contractual relationships with casual callers that would legally obligate such callers to pay for their services, and that providing the caller the rates, terms, and conditions prior to the completion of a call would establish an enforceable contract between the caller and the carrier.[13] The Commission believes that these same principles should apply in the context of CPP.

24. The NPRM seeks comment on whether the proposed notification method ought to be sufficient to establish an ''implied in fact'' contractual arrangement between the CMRS provider and the calling party, and, if not, what else may be necessary.

25. Furthermore, the NPRM urges commenters to discuss whether market conditions exist or are likely to develop in the United States that would exert competitive pressure on CPP rates to be charged a calling party by a CMRS carrier. Under this approach, the Commission would defer regulatory intervention until there is clear evidence that Commission action is necessary to resolve rate issues. In addition, the NPRM seeks comment on any other approaches that would help safeguard consumers who wish to place calls to CPP subscribers. In this regard, the NPRM notes that the Commission's Rules require that the rates charged for calls placed through TRS be no greater than the rates charged for a functionally equivalent call that does not use TRS facilities.[14] The requests comment on whether methods are needed to ensure that the CPP rates charged for voice and TTY calls placed through TRS centers do not exceed those that do not use such facilities.

Relationship Between LEC Billing and Collection Services and CPP Offerings

26. The record contains a variety of views on the need for the Commission to mandate LEC billing and collection. On the other hand, some LECs and wireless carriers submit that there is no evidence yet of a strong market demand for CPP, and that the Commission should let the market operate. In considering the regulatory treatment of billing and collection services, the Commission observes that it has generally declined to regulate the provision of billing and collection services unless regulation is needed to protect competition. In 1983, shortly after the Modified Final Judgment, the Commission regulated billing and

[10] NXX is the three-digit number identifying the central office. *See* 47 CFR 52.7(c).

[11] A line class code is a code used at the PBX or Centrex switch to restrict a specific number within the PBX or Centrex system from making a particular type of call.

[12] Section 251(e)(1) states that ''[t]he Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertains to the United States. * * *'' 47 U.S.C. 251(e)(1).

[13] *See* Policy and Rules Concerning the Interstate, Interexchange Marketplace, CC Docket No. 96–61, Order on Reconsideration, 62 FR 59583 (Nov. 4, 1997), 12 FCC Rcd 15014, 15026–27 n. 74 (para. 18) (1997).

[14] Section 64.604(c)(3) of the Commission's Rules, 47 CFR 64.604(c)(3).

collection services by establishing a separate access charge for billing and collection provided to IXCs and requiring exchange carriers that provided billing and collection services to one IXC to provide such services to all IXCs. In 1986, however, the Commission de-tariffed billing and collection services provided by LECs and found regulation of such services to be unnecessary. In 1992, the Commission clarified that billing and collection service was a communications service within the meaning of section 3(a) of the Act,[15] but that it was not subject to regulation under Title II because it was not a ''common carrier'' service (although it could be regulated under the Commission's ancillary jurisdiction under Title I of the Act). In 1993, the Commission refused to require IXCs to provide billing and collection services to providers of 900 services.

27. In some instances where the provision of billing and collection services has not been required, there have been nondiscrimination requirements. For instance, in the 1996 Telecommunications Act, Congress added section 272 [16] requiring Bell Operating Companies (BOCs) who wished to provide certain types of services to provide them through separate affiliates. Section 272(c)(1) of the Act provides that BOCs may not discriminate between such affiliates and ''any other entity in the provision or procurement of goods, services, facilities, and information, or in the establishment of standards. * * *'' [17] In implementing that section, we held that to the extent a BOC provides billing and collection services to an affiliate, such services were subject to the non-discrimination requirements of section 272(c)(1).[18] The Commission's Rules also defined the term ''entity'' as including ''telecommunications carriers, ISPs, and manufacturers.'' [19]

28. At this point, the record is not sufficient to decide, as a policy matter, whether the Commission should require CPP-related LEC billing and collection. The NPRM seeks comment on whether such billing and collection is needed for the regional or nationwide offering of CPP, and, if so, whether that need reflects market failure or some anti-competitive conduct. In addition, the NPRM asks whether the offering of CPP would be cost-prohibitive in the absence of incumbent LEC billing and collection services. The Commission also seeks specific comment on the availability of alternatives, such as third party billing through credit card companies or clearinghouses. The NPRM notes that with technological developments, CMRS carriers interested in providing a CPP service option may want to develop their own capabilities to rate and record billing information, with LECs making use of that information if the LECs were to bill LEC customers directly. The NPRM seeks comment on these developments and their impact on implementing CPP, particularly in regard to LEC billing and collection, third party billing, and CMRS carrier billing.

29. The NPRM seeks comment on whether the Commission should mandate that LECs provide to CMRS providers billing information sufficient for the CMRS provider or third parties to bill calling parties for CPP-related calls or that LECs provide any CPP-related billing and collection on a nondiscriminatory basis.

30. The NPRM seeks comment on whether calls placed through Telecommunications Relay Service (TRS) facilities, including those from pay telephones, or calls between two text telephone (TTY) users, implicate any additional billing and collection issues that may need to be addressed in this proceeding. Commenters are requested to be as specific as possible about the nature of the TRS and/or TTY related problems in billing and collection and should propose solutions. The NPRM also solicits comment on any other problems or issues that may affect consumers, including those with disabilities, if CPP were to be implemented on a broader scale by wireless carriers in the United States.

Potential Jurisdictional Bases for Commission Action

31. Assuming that the Commission concludes in this proceeding as a policy matter that requires the provision of LEC billing and collection for CPP in the U.S., the NPRM seeks comment concerning our statutory authority to promulgate such a requirement. Specifically, the NPRM seeks comment on several potential sources of jurisdiction raised by the commenters in response to the Notice of Inquiry.

32. The NPRM seeks comment on whether the statutory objectives of the Act support the assertion of ancillary jurisdiction here, and on AirTouch's contentions that the exercise of jurisdiction over LEC billing and collection in the CPP context is distinguishable from other instances where the Commission has declined to exercise ancillary jurisdiction over LEC billing and collection.[20] Finally, the NPRM seeks comment on whether other provisions of the Act, such as section 332,[21] provide an independent jurisdictional basis for a federal requirement regarding CPP-related billing and collection.

33. The NPRM also seeks comment on whether we have jurisdiction under any of the theories described above over the provision of billing information by LECs to support CPP-related billing and collection by others. Some commenters argue that in the case of ILECs, we have authority to require the provision of billing information under section 251(c)(3) of the Act, which requires that ILECs provide nondiscriminatory access to ''network elements'' on an unbundled basis.[22] These commenters argue that billing and collection information constitutes a unbundled network element (UNE) that is subject to this statutory requirement. The NPRM seeks comment on this view, particularly in light of the fact that the definition of ''network element'' in section 3(29) of the Act includes ''information sufficient for billing and collection.'' [23] The Commission seeks comment on whether such information would need to be unbundled under the statutory ''necessary'' and ''impair'' standard. The Commission plans to apply the criteria developed on remand from the Supreme Court's decision in Iowa *Utilities Board*.[24]

34. Assuming that a LEC is providing CPP-related billing and collection services or information, the NPRM also seeks comment on whether we have jurisdiction to require that LEC to provide such services or information on a reasonable, non-discriminatory basis. Assuming that the Commission is to determine that CPP-related billing information qualifies as a UNE subject to section 251(c)(3), the Act requires that incumbent LECs provide nondiscriminatory access to UNEs ''on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.''[25] In view of this requirement, the NPRM seeks comment on whether, if an ILEC

[15] 47 U.S.C. 3(a) (current version at 47 U.S.C. 3(51) (1996)).

[16] 47 U.S.C. 272(a).

[17] 47 U.S.C. 272(c)(1).

[18] Implementation of Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, *as amended*, CC Docket No. 96–149, First Report and Order and Further Notice of Proposed Rulemaking, 62 FR 2991 (Jan. 21, 1997), 11 FCC Rcd 21905, 22007–22008 (paras. 216–219) (1996).

[19] *Id.*

[20] 47 U.S.C. 4(i).

[21] 47 U.S.C. 332.

[22] 47 U.S.C. 251(c)(3).

[23] 47 U.S.C. 153(29).

[24] AT&T Corp. v. Iowa Utils. Bd., 119 S. Ct. 721 (1999).

[25] 47 U.S.C. 251(c)(3).

elects to provide billing and collection for CPP for any CMRS carrier, the ILEC must offer the same services on a reasonable, non-discriminatory basis to all CMRS carriers who request such services. Further, the NPRM invites comment on whether the Commission has authority, based on ancillary jurisdiction or any other statutory provisions, to impose similar non-discrimination requirements with respect to CPP-related billing information on incumbent LECs and on non-incumbent LECs, *i.e.*, competitive LECs and LECs serving rural areas, who are not subject to section 251(c)(3).

35. The NPRM seeks comment on jurisdictional issues relating to state regulation of LEC CPP-related billing and collection. Under section 332 of the Act, states are preempted from regulating entry by CMRS providers. Similarly, section 253(a) prohibits any state or local statute or regulation that constitutes a barrier to entry to any telecommunications service provider, although section 253(b) preserves intact state regulatory authority to ''safeguard the rights of consumers.'' [26] Some commenters contend that if a state were to prohibit LECs from providing billing and collection services in support of CPP, this would effectively preclude CMRS carriers from providing CPP within the state, and would therefore constitute *de facto* entry regulation subject to preemption under section 332 or a barrier to entry under section 253. The NPRM seeks comment on this view. In addition, some commenters point out that the California PUC has recently denied a petition by AirTouch to compel Pacific Bell to provide billing and collection for a CPP trial based on Pacific Bell's tariff for billing and collection of wireless services. The denial was based on language in a California PUC decision that prohibits a LEC from billing its wireline customers at wireless rates for calls placed to wireless phones. The NPRM seeks comment on whether this decision raises jurisdictional issues that the Commission should address.

CPP, Interconnection, and Reciprocal Compensation

36. The Notice of Inquiry also sought comment regarding whether the implementation of reciprocal compensation for LEC–CMRS interconnection requirements provides a sufficient market incentive for CMRS carriers not to charge their subscribers for incoming calls. The Notice of Inquiry noted that CPP and reciprocal compensation may address a similar issue regarding the means by which a CMRS provider recoups the cost of completing a call that does not originate on the CMRS network. The Commission asked for comment regarding whether reciprocal compensation would eliminate or reduce the need for CPP.

37. The Commission agrees with parties who contend that, under existing interconnection agreement, compensation for transport and termination generally does not cover the costs of terminating airtime. As a result, the Commission does not believe that the availability of reciprocal compensation renders moot any issues regarding CPP.

38. Some parties contend that, although CPP can be distinguished from and is not the same thing as reciprocal compensation, CPP-like service can be offered by expanding existing interconnection agreements. Sprint Spectrum indicates that implementation of CPP through interconnection agreements is done in Europe and elsewhere. Under these agreements, the caller is billed by the LEC based on published LEC rates for fixed-to-mobile calls. The LEC is solely entitled to the caller's account and has sole responsibility for bad debt. The LEC pays the wireless carrier an interconnection charge to terminate traffic on the wireless network. The interconnection charges are determined either by regulators or negotiated bilaterally by the carriers involved. Under the European model, the wireless carrier for the called party imposes a wireless termination access charge on the LEC, or the wireless carrier originating the call. The LEC or the wireless carrier serving the originating caller may, in turn, bill its customer, the calling party, to recoup the charge (if it so chose). Such implementation of a CPP service would amount to ''asymmetrical compensation,'' such that the symmetrical rates between wireline and wireless carriers for transport and termination under a reciprocal compensation arrangement would not be operative. With the asymmetrical, or non-symmetrical, compensation approach, CMRS carriers would not need to recover their costs with a distinct ''airtime'' charge for use of the CMRS carriers' network if all of the costs related to completing a call to a wireless phone are included in the ''asymmetrical'' rate.

39. Thus, the NPRM invites parties generally to comment on these and any other issues relating to the possible provision of CPP-like service by CMRS carriers wanting to use an interconnection approach. The Commission also seeks comment on the impact of such an approach on LECs, including competitive LECs (CLECs), and upon CMRS (such as paging) providers.

Administrative Matters

In addition to filing comments with the Secretary, a copy of any comments on the information collections contained in the Notice of Proposed Rulemaking (NPRM) should be submitted to David Siehl, Policy Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, D.C. 20554. 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. 97–207. 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 from <your E-Mail address>.''

All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments will be available for public inspection during regular business hours in the Commission's Reference Center and through ITS, Inc., the Commission's duplicating contractor.

For purposes of this proceeding, the Commission waives those provisions of the rules that require formal comments to be filed on paper, and encourages parties to file comments electronically. Electronically filed comments that conform to the guidelines specified in this summary will be considered part of the record in this proceeding and accorded the same treatment as comments filed on paper pursuant to Commission rules. To file electronic comments in this proceeding, parties may use the electronic filing interface available on the Commission's World Wide Web site at: <http://dettifoss.fcc.gov:8080/cgi-bin/ws.exe/

[26] 47 U.S.C. 253(a)–(b).

beta/ecfs/upload.hts>. Further information on the process of submitting comments electronically is available at that location and at: <http://www.fcc.gov/e-file/>.

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.

Ordering Clauses

Accordingly, *it is ordered* That the actions reflected in the Notice of Proposed Rulemaking of this Declaratory Ruling and Notice of Proposed Rulemaking are taken pursuant to sections 1, 4(i), 7, 201, 202, 303(r), and 332 of Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 157, 201, 202, 303(r), 332.

It is further ordered That notice is hereby given of the proposed regulatory changes described in the Notice of Proposed Rulemaking, and that comment is sought on these proposals.

It is further ordered That the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Notice, 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).

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA),[27] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided in paragraph 77 of the full text of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.[28] In addition, the NPRM and IRFA (or summaries thereof) will be published in the Federal Register.[29]

[27] *See* 5 U.S.C. 603.

[28] *See* 5 U.S.C. 603(a).

[29] *See id.*

A. Need for, and Objectives of, the Proposed Rules

In this NPRM, the Commission proposes solutions to obstacles that may be impeding the ability of carriers interested in offering Calling Party Pays (CPP) from doing so. CPP holds the potential for making mobile wireless services more attractive to large numbers of customers who do not subscribe today, and for spurring the acceptance and development of services offered by mobile wireless telecommunications providers as competitive alternatives to the services of local exchange carriers (LECs). There is significant evidence that CPP would help encourage Commercial Mobile Radio Service (CMRS) subscribers to leave their handsets on and available to receive incoming calls because they would not be incurring as high a cost for receiving calls on a usage-sensitive basis. This increases the use of mobile wireless services, and provides certain benefits to both calling parties, who otherwise would not be able to complete calls to CMRS subscribers who keep their phones off, and CMRS subscribers, who would no longer have an economic incentive to avoid or minimize the acceptance of calls. These benefits may be especially significant for price-conscious customers who find that the flat-rate plans that come with large numbers of minutes included are too expensive. CPP would also be beneficial to those consumers concerned with the ability to control their monthly telecommunications expenses. Thus, CPP holds the potential for making mobile wireless services more effectively available to large numbers of customers who do not subscribe today or who strictly limit their usage, and to spur further competition by offering a different service option that may be particularly attractive to low-income, and low-volume and mid-volume consumers.

Because the Commission finds that there is some uncertainty about the regulatory status of CPP, the Commission issued a Declaratory Ruling clarifying that service offered with a CPP option, as defined in paragraph 2 of the full text of the NPRM, still qualifies as CMRS service. The NPRM considers important calling party notification issues. The Commission there considers a uniform notification standard to protect calling parties by providing them with sufficient information to make an informed decision before completing a CPP call to a wireless subscriber and incurring charges. The Commission also asks how it may work cooperatively with the states to develop such a notification system. The Commission also seeks comment on possible additional measures. Second, the Commission discusses and seeks comment on whether the proposed notification is sufficient to create an ''implied-in-fact'' contract between the caller and the CMRS carrier. Third, the Commission discusses whether there is any need for Commission action to protect callers from unreasonably high charges for CPP calls. Fourth, the Commission discusses how CMRS providers may bill and collect from the calling party for calls to CPP subscribers, including LEC billing and collection. The Commission also seeks comment at various points on issues relating to the accessibility of CPP offerings to people with disabilities, including Telecommunications Relay Service (TRS) and text telephone (TTY) users.

B. Legal Basis for Proposed Rules

The proposed action is authorized under sections 1, 4(i), 7, 201, 202, 303(r), and 332 of Communications Act of 1934, 47 U.S.C. 151, 154(i), 157, 201, 202, 303(r), 332.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[30] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[31] A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[32] A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' [33] Nationwide, as of 1992, there were approximately 275,801 small organizations.[34] ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a

[30] 5 U.S.C. 603(b)(3).

[31] 5 U.S.C. 601(3).

[32] Small Business Act, 15 U.S.C. 632 (1996).

[33] 5 U.S.C. 601(4).

[34] 47 U.S.C. 33.

population of less than 50,000.'' [35] As of 1992, there were approximately 85,006 such jurisdictions in the United States.[36] This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (96 percent) are small entities. Below, the Commission further describes and estimates the number of small entity licensees and regulatees that may be affected by the rules, herein adopted.

Common Carrier Services and Related Entities

The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the number of commercial wireless entities, appears to be data the Commission publishes in its *Trends in Telephone Service* report. According to data in the most recent report, there are 3,528 interstate carriers. These carriers include, *inter alia,* local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

The SBA has defined establishments engaged in providing ''Radiotelephone Communications'' and ''Telephone Communications, Except Radiotelephone'' to be small businesses when they have no more than 1,500 employees.[37] Below, the Commission discusses the total estimated number of telephone companies falling within the two categories and the number of small businesses in each, and then attempts to refine further those estimates to correspond with the categories of telephone companies that are commonly used under its rules.

Although some affected incumbent local exchange carriers (ILECs) may have 1,500 or fewer employees, the Commission does not believe that such entities should be considered small entities within the meaning of the RFA because they are either dominant in their field of operations or are not independently owned and operated, and therefore by definition not ''small entities'' or ''small business concerns'' under the RFA. Accordingly, our use of the terms ''small entities'' and ''small businesses'' does not encompass small ILECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, the Commission will separately consider small ILECs within this analysis and use the term ''small ILECs'' to refer to any ILECs that arguably might be defined by the SBA as ''small business concerns.'' [38]

Total Number of Telephone Companies Affected

The U.S. Bureau of the Census (''Census Bureau'') reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, covered specialized mobile radio providers, and resellers. It seems certain that some of these 3,497 telephone service firms may not qualify as small entities or small ILECs because they are not ''independently owned and operated.'' [39] For example, a reseller that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It is reasonable to conclude that fewer than 3,497 telephone service firms are small entity telephone service firms or small ILECs that may be affected by the proposed rules.

Wireline Carriers and Service Providers

The SBA has developed a definition of small entities for telephone communications companies except radiotelephone (wireless) companies. The Census Bureau reports that there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to the SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons.[40] All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small ILECs. The Commission does not have data specifying the number of these carriers that are not independently owned and operated, and thus is unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that fewer than 2,295 small telephone communications companies other than radiotelephone companies are small entities or small ILECs that may be affected by the proposed rules.

Local Exchange Carriers

Neither the Commission nor the SBA has developed a definition for small providers of local exchange services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent telecommunications industry revenue data, 1,410 carriers reported that they were engaged in the provision of local exchange services. The Commission does not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that fewer than 1,410 providers of local exchange service are small entities or small ILECs that may be affected by the proposed rules.

Pay Telephone Operators

Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies.[41] According to the most recent *Trends in Telephone Service* data, 509 carriers reported that they were engaged in the provision of pay telephone services. The Commission does not have data

[35] 5 U.S.C. 601(5).

[36] Commission regulation, as adopted pursuant to the CMRS *Second Report and Order,* Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket 93–252, Second Report and Order, 9 FCC Rcd 1411, 1425, 1427–28 (paras. 39 through 43) (1994) (*CMRS Second Report and Order*), *recon. pending* (adopting section 20.3), further delineates the statutory definition. Section 20.3(a)(1) adds to the phrase, ''provided for profit,'' the following language: ''*i.e.,* with the intent of receiving compensation or monetary gain.'' 47 CFR 20.3(A)(1).

[37] 13 CFR 121.201.

[38] 13 CFR 121.201, SIC code 4813.

[39] *See generally,* 15 U.S.C. 632(a)(1).

[40] 13 CFR 121.201, SIC code 4813.

[41] 13 CFR 121.201, SIC code 4813.

specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are fewer than 509 small entity pay telephone operators that may be affected by the proposed rules.

Resellers (including debit card providers)

Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies.[42] According to the most recent *Trends in Telephone Service* data, 358 reported that they were engaged in the resale of telephone service. The Commission does not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are fewer than 358 small entity resellers that may be affected by the proposed rules.

International Services

The Commission has not developed a definition of small entities applicable to licensees in the international services. Therefore, the applicable definition of small entity is generally the definition under the SBA rules applicable to Communications Services, Not Elsewhere Classified (NEC). This definition provides that a small entity is expressed as one with $11.0 million or less in annual receipts.[43] According to the Census Bureau, there were a total of 848 communications services providers, NEC, in operation in 1992, and a total of 775 had annual receipts of less than $9.999 million. The Census report does not provide more precise data.

Wireless and Commercial Mobile Services

Cellular Licensees

Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons.[44] According to the Bureau of the Census, only twelve radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, the Commission notes that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent *Trends in Telephone Service* data, 732 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service (PCS) services, which are placed together in the data. The Commission does not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are fewer than 732 small cellular service carriers that may be affected by the proposed rules.

220 MHz Radio Service-Phase I Licensees

The 220 MHz service has both Phase I and Phase II licenses. Phase I licensing was conducted by lotteries in 1992 and 1993. There are approximately 1,515 such non-nationwide licensees and four nationwide licensees currently authorized to operate in the 220 MHz band. The Commission has not developed a definition of small entities specifically applicable to such incumbent 220 MHZ Phase I licensees. To estimate the number of such licensees that are small businesses, the Commission applies the definition under the SBA rules applicable to Radiotelephone Communications companies. This definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only 12 radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, if this general ratio continues in 1999 in the context of Phase I 220 MHz licensees, the Commission estimates that nearly all such licensees are small businesses under the SBA's definition.

220 MHz Radio Service-Phase II Licensees

The Phase II 220 MHz service is a new service, and is subject to spectrum auctions. In the 220 MHz **Third Report and Order,** the Commission adopted criteria for defining small businesses and very small businesses for purposes of determining their eligibility for special provisions such as bidding credits and installment payments. The Commission has defined a small business as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $15 million for the preceding three years. Additionally, a very small business is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $3 million for the preceding three years. The SBA has approved these definitions. An auction of Phase II licenses commenced on September 15, 1998, and closed on October 22, 1998. Nine hundred and eight (908) licenses were auctioned in 3 different-sized geographic areas: three nationwide licenses, 30 Regional Economic Area Group Licenses, and 875 Economic Area (EA) Licenses. Of the 908 licenses auctioned, 693 were sold. Companies claiming small business status won: one of the Nationwide licenses, 67% of the Regional licenses, and 54% of the EA licenses. As of January 22, 1999, the Commission announced that it was prepared to grant 654 of the Phase II licenses won at auction. A re-auction of the remaining, unsold licenses is likely to take place during calendar year 1999.

Private and Common Carrier Paging

The Commission has proposed a two-tier definition of small businesses in the context of auctioning licenses in the Common Carrier Paging and exclusive Private Carrier Paging services. Under the proposal, a small business will be defined as either (1) an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of not more than $3 million, or (2) an entity that, together with affiliates and controlling principals, has average gross revenues for the three preceding calendar years of not more than $15 million. Because the SBA has not yet approved this definition for paging services, the Commission will utilize the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500

[42] *Id.*

[43] 13 CFR 120.121, SIC code 4899.

[44] 13 CFR 121.201, SIC code 4812.

persons. At present, there are approximately 24,000 Private Paging licenses and 74,000 Common Carrier Paging licenses. According to the most recent *Trends in Telephone Service* data, 137 carriers reported that they were engaged in the provision of either paging or ''other mobile'' services, which are placed together in the data. The Commission does not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus is unable at this time to estimate with greater precision the number of paging carriers that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are fewer than 137 small paging carriers that may be affected by the proposed rules, if adopted. The Commission estimates that the majority of private and common carrier paging providers would qualify as small entities under the SBA definition.

Mobile Service Carriers

Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to mobile service carriers, such as paging companies. As noted above in the section concerning paging service carriers, the closest applicable definition under the SBA rules is that for radiotelephone (wireless) companies,[45] and the most recent *Telecommunications Industry Revenue* data shows that 23 carriers reported that they were engaged in the provision of SMR dispatching and ''other mobile'' services. Consequently, the Commission estimates that there are fewer than 23 small mobile service carriers that may be affected by the proposed rules.

Broadband Personal Communications Service (PCS)

The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined ''small entity'' for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for ''very small business'' was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining ''small entity'' in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F. Based on this information, the Commission concludes that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small entity PCS providers as defined by the SBA and the Commission's auction rules.

Narrowband PCS

The Commission has auctioned nationwide and regional licenses for narrowband PCS. There are 11 nationwide and 30 regional licensees for narrowband PCS. The Commission does not have sufficient information to determine whether any of these licensees are small businesses within the SBA-approved definition for radiotelephone companies. At present, there have been no auctions held for the major trading area (MTA) and basic trading area (BTA) narrowband PCS licenses. The Commission anticipates a total of 561 MTA licenses and 2,958 BTA licenses will be awarded by auction. Such auctions have not yet been scheduled, however. Given that nearly all radiotelephone companies have no more than 1,500 employees and that no reliable estimate of the number of prospective MTA and BTA narrowband licensees can be made, the Commission assumes, for purposes of this IRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

Rural Radiotelephone Service

The Commission has not adopted a definition of small entity specific to the Rural Radiotelephone Service. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS).[46] The Commission will use the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons.[47] There are approximately 1,000 licensees in the Rural Radiotelephone Service, and the Commission estimates that almost all of them qualify as small entities under the SBA's definition.

Air-Ground Radiotelephone Service

The Commission has not adopted a definition of small entity specific to the Air-Ground Radiotelephone Service.[48] Accordingly, the Commission will use the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons.[49] There are approximately 100 licensees in the Air-Ground Radiotelephone Service, and the Commission estimates that almost all of them qualify as small under the SBA definition.

Specialized Mobile Radio (SMR)

The Commission awards bidding credits in auctions for geographic area 800 MHz and 900 MHz SMR licenses to firms that had revenues of no more than $15 million in each of the three previous calendar years.[50] In the context of 900 MHz SMR, this regulation defining ''small entity'' has been approved by the SBA; approval concerning 800 MHz SMR is being sought. The proposed rules in the NPRM apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. The Commission does not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of no more than $15 million. One firm has over $15 million in revenues. The Commission assumes, for purposes of this IRFA, that all of the remaining existing extended implementation authorizations are held by small entities, as that term is defined by the SBA.

For geographic area licenses in the 900 MHz SMR band, there are 60 who qualified as small entities. For the 800 MHz SMR's, 38 are small or very small entities.

Offshore Radiotelephone Service

This service operates on several UHF TV broadcast channels that are not used for TV broadcasting in the coastal area of the states bordering the Gulf of Mexico.[51] At present, there are approximately 55 licensees in this service. We are unable at this time to

[45] 13 CFR 121.201, SIC code 4812.

[46] BETRS is defined in sections 22.757 and 22.759 of the Commission's Rules, 47 CFR 22.757 and 22.759.

[47] 13 CFR 121.201, SIC code 4812.

[48] The service is defined in section 22.99 of the Commission's Rules, 47 CFR 22.99.

[49] 13 CFR 121.201, SIC code 4812.

[50] 47 CFR 90.814(b)(1).

[51] This service is governed by subpart I of part 22 of the Commission's Rules. *See* 47 CFR 22.1001–22.1037.

estimate the number of licensees that would qualify as small under the SBA's definition for radiotelephone communications.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

CMRS carriers interested in offering their subscribers CPP would be required to provide a notification to those placing calls to the CPP subscriber that include the following elements: (1) Notice that the calling party is making a call to a wireless phone subscriber that has chosen the CPP option, and that the calling party therefore will be responsible for payment of airtime charges; (2) Identification of the CMRS provider; (3) The per minute rate, or other rates, that the caller will be charged by the CMRS provider; and (4) An opportunity to terminate the call prior to incurring any charges. In addition, LECs may be required to provide billing name and address information to CMRS carriers for parties who call CPP subscribers. Comments are also requested on the possible need for billing and collection services to be provided for CPP by LECs. The Commission requests 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

The Commission has minimized burdens to the maximum extent possible. CPP is an optional CMRS offering that carriers may provide to their wireless subscribers, at the sole discretion of the carrier. As to the provision of caller billing name and address information, or billing and collection services, it is anticipated that any such services would be provided to CMRS carriers at negotiated rates that would enable LECs to recover all associated costs. The Commission seeks comment on significant alternatives that commenters believe should be adopted.

F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules: None

List of Subjects in 47 CFR Part 20

Communications common carrier; Communications radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–18232 Filed 7–15–99; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 64, No. 136

Friday, July 16, 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

Forest Service

Olympic Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting (field trip).

SUMMARY: The Olympic PIEC Advisory Committee will meet on August 12, 1999. The meeting will be limited to a one day field trip on the Quinault Ranger District in conjunction with the President's NW Forest Plan Implementation monitoring. The Advisory Committee will meet with the monitoring team on August 12th following the monitoring teams field work to review with them their findings. The schedule is as follows: Meet at the Quinault Ranger Station in Quinault on August 12 at 9:30 a.m. The committee will travel by vehicles to several sites in the Matheny watershed. The field trip will conclude approximately 2:30 p.m. All Olympic Province Advisory Committee Meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Ken Eldredge, Province Liaison, USDA, Olympic National Forest Headquarters, 1835 Black Lake Blvd. Olympia, WA 98512–5623, (360) 956–2323 or Dale Hom, Forest Supervisor, at (360) 956–2301.

Dated: July 9, 1999.

Dale Hom,

Forest Supervisor, Olympic National Forest.

[FR Doc. 18134 Filed 7–15–99; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed collection; comment request.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements relating to the annual certifications of nonprofit agencies serving people who are blind or who have other severe disabilities (Forms 403 and 404).

DATES: Comments must be submitted on or before September 14, 1999.

ADDRESSES: Written comments should be sent to: Daniel Werfel, Desk Officer for the Committee for Purchase, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503. Requests for information, including copies of the form and supporting documentation, should be directed to: Beverly L. Milkman, Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, VA 22202–4302, (703) 603–7740.

SUPPLEMENTARY INFORMATION: The Committee has two annual certification forms, one for nonprofit agencies serving people who are blind and one for nonprofit agencies primarily serving people who have other severe disabilities. The information included on the forms is required to ensure that nonprofit agencies participating in the Committee's program continue to meet the requirements of 41 USC 46–48c.

The form has been modified to request that the previously reported JWOD direct labor hours be broken down into two separate categories: those generated from services, and those generated from products. The form has also been revised so that previously reported non-JWOD sales are broken down to show any sales from other Federal Government contracts separately.

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–18199 Filed 7–15–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Collection; Comment Request.

TITLE: Nonprofit Agency Responsibilities.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled has submitted an Information Collection Request to the Office of Management and Budget (OMB) for review and clearance under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). This notice solicits comments on requirements relating to the record keeping requirements of nonprofit agencies serving people who are blind or severely disabled.

DATES: Comments must be submitted on or before August 16, 1999.

ADDRESSES: Written comments should be sent to: Daniel Werfel, Desk Officer for the Committee for Purchase, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503. Requests for information should be directed to: Beverly L. Milkman, Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, VA 22202–4302, (703) 603–7740.

SUPPLEMENTARY INFORMATION: The Committee imposes record keeping requirements on nonprofit agencies serving people who are blind or severely disabled. The requirements are for records of direct labor hours performed for the nonprofit agency by each worker and are for files which document the disability and competitive employability of each worker. Such records and files are required to ensure that nonprofit agencies seeking to participate in the Committee's program meet the requirements of 41 U.S.C. 46–48c.

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–18194 Filed 7–15–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletion from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a commodity previously furnished by such agencies.

EFFECTIVE DATE: August 16, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 26, April 16, May 14, 21, and 28, and June 4, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 14687, 18877, 26360, 27752, 28971, 28972 and 29992) of proposed additions to and deletion from the Procurement List:

Additions

The Following Comments Pertain to Gloves, Patient Examining

Comments were received from a private company both directly and through a Member of Congress who urged consideration of the company's comments. The company claimed that addition of the patient examining gloves to the Procurement List would violate the antitrust laws and affect a large number of businesses, contrary to the Regulatory Flexibility Act certification in the **Federal Register** notice of proposed addition of the gloves to the Procurement List. The company proposed that the nonprofit agency employing blind people which will provide the gloves to the Government be given a bid preference in a competitive procurement instead of being made a mandatory procurement source. The antitrust laws are designed to prevent restraint of trade in the commercial marketplace. It is the Committee's understanding that the Government is immune from suit under the antitrust laws for actions taken in its sovereign capacity, such as procurement of goods and services for its own use. This addition to the Procurement List concerns just such a procurement. Also, Congress specifically authorized this type of sole-source procurement to benefit people with blindness and other severe disabilities when it passed the Javits-Wagner-O'Day (JWOD) Act.

Prior to its standardization of its patient examining glove procurements on the type offered by the nonprofit agency which will provide them under the Procurement List, the Department of Veterans Affairs (VA) did not buy a single type of glove on a nationwide basis, as it is now doing. The nonprofit agency which will provide the gloves under the Procurement List is also the only contractor which VA has had for the new nationwide requirement. Under Committee regulations, the nonprofit agency is the contractor on whom impact of the Procurement List addition would be assessed. We are not aware of the possible impact on any other companies in any detail, and the commenting company has provided no information on which the Committee could base an impact determination. It should also be noted that the Regulatory Flexibility Act certification concerned impact on a substantial number of small entities. As just noted, the Committee is aware of only one affected small entity in this case, the nonprofit agency, although the commenting company may also be in this category. To the extent this comment represents an objection by the company to losing the possibility of selling examining gloves to VA, it should be noted that VA permits the purchase of the gloves through distributors as well as directly from the nonprofit agency, so the commenting company may be able to mitigate its losses by entering into a distribution agreement with the nonprofit agency.

In enacting the JWOD Act, Congress did not provide for the type of competitive bid preference the commenting company advocated. Consequently, the Committee is unable to accommodate the company's idea, even if it considered such an approach a desirable way of accomplishing its statutory mission of creating jobs for people who are blind or have other severe disabilities.

The Following Material Pertains to All of the Items Being Added to the Procurement List

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Fiberboard Half Size MM Trays and Sleeves
PSIN 3916B (Tray)
PSIN 3916C (Sleeves)
Gloves, Patient Examining
6515–01–461–3208
6515–01–461–3209
6515–01–455–5293
6515–01–461–8271
6515–01–455–5281
6515–01–455–2778
6515–01–455–2782
6515–01–461–8414
6515–01–455–2768

6515–01–455–2759
6515–01–461–8507
6515–01–455–5278
Office Furniture
7110–00–151–6485
7110–00–177–4901
7110–00–177–4902
7110–00–194–1613
7110–00–281–5689
7195–00–242–3503

Services

Base Supply Center
Aberdeen Proving Ground, Aberdeen, Maryland
CD–ROM Duplication Services
U.S. Army Corps of Engineers, 100 Liberty Avenue, Pittsburgh, Pennsylvania
(75% of the Corps' Requirement)
Hospital Housekeeping Services
U.S. Army Medical Activity & U.S. Army Dental Activity (including Evans Army Community Hospital), Fort Carson, Colorado

Janitorial/Custodial

Internal Revenue Service, Fresno Service Center (FSC), 5045 E. Butler Avenue, Fresno, California
VA Medical Center, 3350 La Jolla Village Drive, San Diego, California
Veterans Administration Outpatient Clinic, 2900 Veterans Way, Melbourne, Florida

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletion

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodity.

3. The action may result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodity is hereby deleted from the Procurement List:

Ion Exchange Compound
6810–00–873–2554

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–18195 Filed 7–15–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 16, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will result in authorizing small entities to furnish the commodities and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited.

Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Sachet Bag Assorted Scents & Oil Crystal Assorted Scents
M.R. 1733
M.R. 1779
NPA: Envision, Inc., Wichita, Kansas

Services

Family Housing Maintenance
Travis Air Force Base, California
NPA: PRIDE Industries, Roseville, California
Janitorial/Custodial
Basewide
Brooks Air Force Base, Texas
NPA: Willing Hearts, Inc., San Antonio, Texas
Janitorial/Custodial
National Institute for Occupational Safety and Health (NIOSH), Morgantown, West Virginia
NPA: PACE Training and Evaluation Center, Inc., Star City, West Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–18196 Filed 7–15–99; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Notice of Extension of Time Limits for Preliminary Results of New Shipper Antidumping Duty Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limits for preliminary results of new shipper review.

EFFECTIVE DATE: July 16, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn or Andrew Nulman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0648 or (202) 482–4052, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1998).

Background

On September 30, 1998, the Department of Commerce (the Department) received a request from Yancheng Baolong Biochemical Products Co., Ltd. for a new shipper review of the antidumping order on freshwater crawfish tail meat from the People's Republic of China. On October 30, 1998, the Department initiated this new shipper review covering the period of March 26, 1997 through August 31, 1998 (63 FR 59762, published November 5, 1999).

Extension of Time Limits for Preliminary Results

Because of the complexities enumerated in the Memorandum from Joseph A. Spetrini to Robert S. LaRussa, *Extension of Time Limit for the Preliminary Results of Antidumping Duty New Shipper Review of Freshwater Crawfish Tail Meat from the PRC,* dated July 7, 1999, it is not practicable to complete these reviews within the time limits mandated by sections 751(a)(2)(B)(iv) of the Act.

Therefore, the Department is extending the time limits for the preliminary results to August 26, 1999. This extension of time limits is in accordance with section 751(a)(2)(B)(iv) of the Act.

Dated: July 8, 1999.

Edward Yang,

Acting Deputy Assistant Secretary Enforcement Group III.

[FR Doc. 99–18228 Filed 7–15–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Notice of Extension of Time Limits for Preliminary Results of the Antidumping Duty Administrative Review and New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limits for preliminary results of administrative review and new shipper reviews.

EFFECTIVE DATE: July 16, 1999.

FOR FURTHER INFORMATION CONTACT: Andrew Nulman or Laurel LaCivita, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4052 or (202) 482–4236, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1998).

Background

The Department of Commerce (the Department) received a request from petitioner and from respondent, Ningbo Nanlian Frozen Foods Company, Ltd., to conduct an administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). On October 26, 1998, the Department initiated this antidumping administrative review covering the period of March 26, 1997 through August 31, 1998 (63 FR 58010, published October 29, 1998).

On September 29, 1998, the Department received requests from Lianyungang Haiwang Aquatic Products Co., Ltd. and Qingdao Rirong Foodstuff Co., Ltd. for new shipper reviews of the antidumping order on freshwater crawfish tail meat from the PRC. On October 30, 1998, the Department initiated these new shipper reviews covering the period of March 26, 1997 through August 31, 1998 (63 FR 59762, published November 5, 1998).

Extension of Time Limits for Preliminary Results

Because of the complexities enumerated in the Memorandum from Joseph A. Spetrini to Robert S. LaRussa, *Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review and New Shipper Reviews of Freshwater Crawfish Tail Meat from the PRC,* dated July 7, 1999, it is not practicable to complete these reviews within the time limits mandated by sections 751(a)(3)(A) of the Act.

Therefore, the Department is extending the time limits for the preliminary results to September 30, 1999. This extension of time limits is in accordance with section 751(a)(3)(A) of the Act.

Dated: July 8, 1999.

Edward Yang,

Acting Deputy Assistant Secretary Enforcement Group III.

[FR Doc. 99–18229 Filed 7–15–99; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 9907021819181–01]

International Buyer Program; Support for Domestic Trade Shows

AGENCY: International Trade Administration, Commerce.

ACTION: Notice and Call for Applications for the FY 2001 International Buyer Program (October 1, 2000 through September 30, 2001).

SUMMARY: This notice sets forth objectives, procedures and application review criteria associated with the U.S. Department of Commerce's International Buyer Program (IBP), to support domestic trade shows. Selection is for the International Buyer Program for Fiscal Year 2001.

The International Buyer Program was established to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The International Buyer Program emphasizes cooperation between the U.S. Department of Commerce (DOC) and trade show organizers to benefit U.S. firms exhibiting at selected events and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. The assistance provided to show organizers includes worldwide overseas promotion of selected shows to potential international buyers, end-

users, representatives and distributors. The worldwide promotion is executed through the offices of the United States and Foreign Commercial Service (hereinafter referred to as the Commercial Service) in 70 countries representing America's major trading partners, and also in U.S. Embassies in countries where the Commercial Service does not maintain offices. The Department expects to select approximately 24 shows for FY2001 from among applicants to the program. Shows selected for the International Buyer Program will provide a venue for U.S. companies interested in expanding their sales into international markets. Successful applicants will be required to enter into a Memorandum of Understanding (MOU) that sets forth the specific actions to be performed by the show organizer and the DOC. The MOU constitutes an agreement between the DOC and the show organizer specifying which services are to be rendered by DOC as part of the IBP and, in turn, what responsibilities are agreed to be performed by the show organizer. Anyone wishing to apply will be sent a copy of the MOU along with the application package. The services to be rendered by DOC will be carried out by the Commercial Service.

DATES: Applications must be received within August 30, 1999. Contributions are for shows selected and promoted during the October 1, 2000 and September 30, 2001, period.

ADDRESSES: Export Promotion Services/ International Buyer Program, Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW, Washington, DC 20230. Telephone: (202) 482–0146 (Facsimile applications will not be accepted).

FOR FURTHER INFORMATION CONTACT: Jim Boney, Product Manager, International Buyer Program, Room 2116, Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW, Washington, DC 20230. Telephone (202) 482–0146 or Fax: (202) 482–0115.

SUPPLEMENTARY INFORMATION: The Commercial Service is accepting applications for the International Buyer Program (IBP) for events taking place between October 1, 2000 and September 30, 2001. A contribution of $6,000 for shows of five days or less, or $8,000 for shows more than five days in duration, or requiring more than one International Business Center is required for the shows selected.

Under the IBP, the Commercial Service seeks to bring together international buyers with U.S. firms by selecting and promoting in international markets domestic trade shows in industries with high export potential. Selection of a trade show is one-time, i.e., a trade show organizer seeking selection for a recurring event must submit a new application for selection for each occurrence of the event. If the event occurs more than once in the 12-month period covering this announcement, the trade show organizer must submit a separate application for each event.

The Commercial Service will select approximately 24 events to support between October 1, 2000, through September 30, 2001. The Commercial Service will select those events that, in its judgment, most clearly meet the Commercial Service's objective and selection criteria mentioned below.

The Department selects events which it determines to be a leading international trade show appropriate for participation by U.S. exporting firms and promotion in overseas markets by U.S. Embassies and Consulates. Selection does not constitute a guarantee by the U.S. Government of the show's success. Selection is not an endorsement of the show organizer except as to its international buyer activities. Non-selection should not be viewed as a finding that the event will not be successful in the promotion of U.S. exports.

Exclusions: Trade shows will not be considered that are either first-time or horizontal (non-industry specific) events. Annual trade shows will not be selected for this program more than twice in any three-year period (e.g., shows selected for fiscal years 1999 and 2000 are not eligible for inclusion in this program in fiscal year 2001, but can be considered in subsequent years.).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

The Office of Management and Budget has approved the information collection requirements of the application to this program under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 2501 et. seq.) (OMB control no. 0625–0151).

General Selection Criteria: Those events will be selected that, in the judgment of the Department, most clearly meet the following criteria:

(a) *Export Potential:* The products and services to be promoted at the trade show are from U.S. industries that have high export potential, as determined by U.S. Department of Commerce sources, i.e., best prospects lists and U.S. export statistics (certain industries are rated as priorities by our domestic and international commercial officers in their Country Commercial Guides).

(b) *International Interest:* The trade show meets the needs of a significant number of overseas markets and corresponds to marketing opportunities as identified by the posts in their Country Commercial Guides (e.g. best prospect lists). Previous international attendance at the show may be used as an indicator.

(c) *Scope of the Show:* The trade show offers a broad spectrum of U.S.-made products and/or services for the subject industry. Trade shows with a majority of United States businesses, as defined in 15 U.S.C. 4724, will be given preference.

(d) *Stature of the show:* The trade show is clearly recognized by the industry it covers as a leading event for the promotion of that industry's products and services both domestically and internationally and as a showplace for the latest technology or services in that industry.

(e) *Exhibitor Interest:* There is demonstrated interest on the part of U.S. exhibitors in receiving international business visitors during the trade show. A significant number of these exhibitors should be new-to-export or seeking to expand sales into additional international markets.

(f) *Overseas Marketing:* There has been demonstrated effort made to market prior shows overseas. In addition, the applicant should describe in detail the international marketing program to be conducted for the event, explaining how efforts should increase individual and group international attendance.

(g) *Logistics:* The trade show site, facilities, transportation services and availability of accommodations are in the stature of an international-class trade show.

(h) *Cooperation:* The applicant demonstrates a willingness to cooperate with the Commercial Service of the United States of America to fulfill the program's goals and to adhere to target dates set out in the Memorandum of Understanding and the event timetable, both of which are available from the program office (see For Further Information on When, Where, and How to apply). Past experience in the IBP will be taken into account in evaluating current applications to the program.

Legal Authority: The Commercial Service has the legal authority to enter into the

above-mentioned memorandum of understanding with the show organizer under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2455(f)). The statutory authority for the Commercial Service to conduct the International Buyer Program is 15 U.S.C. 4724.

John Klingelhut,

Director, Office of Public/Private Initiatives, The Commercial Service, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 99–18213 Filed 7–15–99; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Decision of Binational Panel

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Corrected Notice of Decision of Binational Panel.

SUMMARY: On June 18, 1999 the Binational Panel issued its decision in the matter of Gray Portland Cement and Clinker from Mexico, Secretariat File No. USA–97–1904–01.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was conducted in accordance with these Rules.

Background Information

On May 6, 1997, Cemex, S.A. de C.V. (''CEMEX'') and Cementos de Chihuahua, S.A. de C.V. (''CDC'') filed a First Request for Panel Review with the U.S. Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the Final Results of Antidumping Duty Administrative Review made by the International Trade Administration respecting Gray Portland Cement and Clinker from Mexico. This determination was published in the **Federal Register** on April 9, 1997 (62 FR 27238–39). The request was assigned File No. USA–97–1904–01.

Panel Decision

The Panel affirmed in part and remanded in part with one dissenting opinion. The Panel determined that by stipulation between CEMEX and the Department announced at the hearing on December 15, 1998, the Panel remanded the final results of the Fifth Review to the Department for the purpose of correcting the ministerial errors identified by CEMEX in its May 9, 1997 letter to the Department. On remand, the Department shall correct the errors identified by CEMEX in its May 9, 1997 letter to the Department identified as Number 1, A and B, and Number 2. CEMEX has agreed to abandon its claim for ministerial error identified in its May 9, 1997 letter to the Department as Number 3. Pursuant to the stipulation, once the ministerial errors are corrected, the Department shall publish in the **Federal Register** notice of the corrections and then instruct the U.S. Customs Service to give effect to the corrections.

The Panel ordered the Department to issue a determination on remand consistent with the instructions and findings set forth in the Panel's decision. The determination on remand shall be issued within ninety (90) days of the date of the Order (not later than September 16, 1999).

Dated: July 12, 1999.

Caratina L. Alston,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 99–18126 Filed 7–15–99; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 062999B]

Mid-Atlantic Fishery Management Council; Meetings; Correction

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

ACTION: Change of dates of public meetings.

SUMMARY: The agenda for the Mid-Atlantic Fishery Management Council's Summer Flounder Monitoring Committee, Scup Monitoring Committee, Black Sea Bass Monitoring Committee, and Bluefish Monitoring Committee meeting was published on July 8, 1999. See **SUPPLEMENTARY INFORMATION** for revision to the meetings.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The initial agenda was published in the **Federal Register** on July 8, 1999 (64 FR 36857). The following revisions are to be made.

The **DATES** caption is corrected to read as follows:

On July 27, 1999 the Black Sea Bass Monitoring Committee will begin meeting at 10:00 a.m. The Scup Monitoring Committee will meet from 2:00–5:00 p.m. On July 28, 1999, the Summer Flounder Monitoring Committee will meet from 8:00 a.m. until noon. The Bluefish Monitoring Committee will meet from 1:00–4:00 p.m.

All other information remains unchanged.

Dated: July 12, 1999.

Richard W. Surdi,

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

[FR Doc. 99–18211 Filed 7–15–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070799D]

Marine Mammals

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

ACTION: Issuance of photography permit no. 955–1518–00

SUMMARY: Notice is hereby given that Dr. Julian Hector, The Natural History Unit, BBC, Whiteladies Road, Bristol, BS8 2LU, United Kingdom, has been issued a permit to take by Level B harassment northern fur seals (*Callorhinus ursinus*) for purposes of commercial/educational photography.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS,

1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Alaska Region, NMFS, 709 W. 9th Street, Federal Building, Room 461, P.O. Box 21668, Juneau, Alaska 99802 (907/586–7235).

SUPPLEMENTARY INFORMATION: On June 2, 1999, notice was published in the **Federal Register** (64 FR 29626) that the above-named applicant had submitted a request for a permit to take northern fur seals by Level B harassment during the course of commercial/educational photographic activities on St. Paul Island and surrounding waters. The requested permit has been issued, under the authority of § 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: July 9, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–18212 Filed 7–15–99; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Thursday, July 22, 1999, 9:30 a.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: July 13, 1999.

Sadye E. Dunn,

Secretary.

[FR Doc. 18381 Filed 7–14–99; 3:21 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Special Panel on Military Operations on Vieques; Meeting

ACTION: Notice.

SUMMARY: The Panel will conduct two public meetings to receive and discuss information associated with military operations at Vieques, Puerto Rico and in the adjoining ocean range complex. The panel will receive information from Congressman Carlos A. Romero-Barceló on July 16 and from the Department of the Navy on July 23. Because of the short timeframe of the panel's review, and the accelerated pace of the meeting schedule, this announcement must be made less than 15 days before the meetings will take place.

DATES: July 16 and July 23, 1999 from 8:30 to 11:00 a.m. and 9 a.m. to 12:00 p.m., respectively.

ADDRESSES: 1401 Wilson Boulevard, Room 400, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Contact Dr. Hector O. Nevarez, the Designated Federal Officer, 1401 Wilson Boulevard, Suite 400, Arlington, VA 22209, phone (703) 696–9456, fax (703) 696–9482, or via Email at *Hector Nevarez@osd.pentagon.mil.* Written comments must be sent to Dr. Nevarez and received no later than Wednesday, July 21, 1999. Copies of the draft meeting agenda can be obtained by contacting Debra Crnkovic at (703) 695–5493.

SUPPLEMENTARY INFORMATION: Seating in the panel meeting room is limited, and spaces will be reserved only for panel members and invited representatives. The remaining seating is available on a first-come, first-served basis. No teleconference lines will be available. Written comments for the record may be mailed to the Panel and will be distributed to the Panel members after the adjournment of the July 16 and 23, 1999 meetings.

Dated: July 12, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–18127 Filed 7–15–99; 8:45 am]

BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for the Record of Decision (ROD) for the Disposal and Reuse of Fort McClellan (FMC), Alabama

AGENCY: Department of the Army, DoD.

ACTION: Record of decision.

SUMMARY: The Department of the Army announces the availability of the Record of Decision (ROD) for the disposal and reuse of Fort McClellan, Anniston, Alabama. It has been determined that the Final Environmental Impact Statement (FEIS) for the disposal and reuse of the installation adequately assesses the impacts of the proposed action and related alternatives on the biological, physical and cultural environment. The Army installation is being closed in accordance with the Defense Base Closure and Realignment Act of 1990. A 22,567 acre National Guard Enclave will remain after Fort McClellan closes. The ROD establishes the Army's decision to proceed with disposal of excess properties and facilities in accordance with the Army's preferred alternative (Encumbered Disposal) described in the FEIS.

ADDRESSES: Copies of the ROD and/or FEIS may be obtained by contacting Mr. Curtis Flakes, US Army Corps of Engineers, Mobile District (ATTN: CESAM–PD–EC), P.O. Box 2288, Mobile, AL 36602–3630.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis Flakes at (334) 690–2777 and telefax: (334) 690–2727.

SUPPLEMENTARY INFORMATION: The FEIS analyzed three disposal alternatives: (1) The No Action Alternative, which entails maintaining the property in caretaker status after closure; (2) the Encumbered Disposal Alternative, which entails transferring the property to future owners with Army-imposed limitations, or encumbrances, on the future use of the property; and (3) the Unencumbered Disposal Alternative, which entails transferring the property to future owners with fewer or no Army-imposed restrictions on the future use of the property. The preferred action identified in the FEIS is Encumbered Disposal of excess property at Fort McClellan. Based upon the analysis contained in the FEIS, encumbrances

and deed restrictions associated with the Army's disposal actions for Fort McClellan will be mitigation measures.

Planning for the reuse of the property to be disposed of is a secondary action resulting from closure. The local community established the Fort McClellan Development Commission (FMDC) to produce a reuse development plan for the surplus property. The impacts of reuse are evaluated in terms of land use intensities. This reuse analysis is based upon implementing one of three reuse alternatives, all of which are based upon the FMDC reuse plan. The Army has not selected one of these three alternatives as the preferred action. Selection of the preferred reuse plan is a decision that will be made by the local community. This ROD allows the Army to initiate action to dispose of the excess property at Fort McClellan in accordance with the Fort McClellan Comprehensive Reuse Plan.

Dated: July 8, 1999.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I&E).

[FR Doc. 99–18118 Filed 7–15–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of Army, Corps of Engineers

Intent to Prepare a Feasibility Study and Draft Environmental Impact Statement (DEIS) for the Anacostia Levee Corridor Feasibility Study—Prince George's County, Maryland

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent.

SUMMARY: A U.S. House of Representatives resolution dated September 8, 1988, authorized a study on the Anacostia River and several of its tributaries. In accordance with that resolution and with the National Environmental Policy Act (NEPA), the Baltimore District, U.S. Army Corps of Engineers is initiating the Anacostia Levee Corridor Feasibility Study and Draft Environmental Impact Statement (DEIS). This feasibility study is the third study conducted by the U.S. Army Corps of Engineers in the Anacostia watershed. The feasibility study will focus on the Prince George's County, Maryland, portion of the Anacostia River watershed. The study area is near the confluence of the Northeast and Northwest Branches of the Anacostia River and involves the towns of Bladensburg, Brentwood, Colmar Manor, Cottage City, Edmonston, Hyattsville, and Riverdale. An existing levee system, authorized by the Flood Control Act of 1950 (Pub. L. 516), was completed in the mid-1950s and is in place along portions of the Anacostia River and the Northeast and Northwest Branches. The existing levee project includes approximately 14,400 feet of flood control channels, 28,100 feet of levees, four pumping stations, and one pressure conduit.

The Anacostia Levee Corridor Feasibility Study will have four components: flood damage reduction, fish and wildlife habitat restoration, aesthetics, and recreation. The flood damage reduction component will evaluate the existing levee system's capacity to provide adequate protection from the 100-year flood event. Based on that evaluation, the study team will identify and design modifications that will provide 100-year flood protection for the levee corridor. (The study will also evaluate alternative flood damage reduction options for high priority flood-prone areas and the residual flood hazard risk.) The fish and wildlife habitat restoration component of the study will evaluate the potential for re-establishing wetland, instream, and upland habitats within the levee corridor. Restoring habitat would benefit water quality and the biological communities both in the study area and downstream of the project. The study components concerned with improving aesthetics and recreational improvements in the levee area and in the surrounding urban environment. A DEIS will be integrated into the feasibility report to document existing conditions, project actions, and project effects and products. Prince George's County, Maryland, the Maryland National Capital Park and Planning Commission—Prince George's County, and the Maryland Department of the Environment are the project sponsors.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be addressed to Ms. Kathryn Conant, Study Team Leader, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–P, PO Box 1715, Baltimore, Maryland 21203–1715, telephone (410) 962–5175. E-mail address: kathryn.j.conant@usace.army.mil.

SUPPLEMENTARY INFORMATION: 1. The Anacostia Levee Corridor Feasibility Study is the third study to be initiated under the original 1988 authority. The first study, titled the Anacostia River and Tributaries Feasibility Study was completed by the Corps in 1994 and determined that previous Corps activity in the Anacostia River watershed has had a detrimental impact to the ecosystem of the watershed. That first study was a broad overview of the watershed and recommended environmental restoration projects in various watershed locations. The study also recommended that additional feasibility studies focusing on environmental restoration should be pursued. Based on that recommendation, the Baltimore District Corps of Engineers, Montgomery County, and Prince George's County identified the potential for additional environmental restoration opportunities within the Anacostia watershed. A second study, initiated by the Corps and Montgomery County in 1996, is investigating potential projects along the Northwest Branch. This third feasibility study, being initiated by the Corps and Prince George's County, will focus on potential projects along the stream reaches upstream and downstream of the Northeast-Northwest Branch confluence and two small tributaries that flow into the levee corridor.

2. The study area is in the western central portion of Prince George's County, within a mile of the Maryland-District of Columbia border. The study will focus on modifications to and within the existing levee project along the Anacostia River and the Northeast and Northwest Branches. During the study, the team will gather baseline data on the level of protection currently provided by the existing local flood protection project and on existing environmental conditions within the study area. Information gathered will include the hydraulic capacity and physical condition of the existing levee. Alternatives for improving local flood protection will include a variety of possible levee heights, lengths, and types of structure. Alternative environmental improvements will include a range of locations, targeted habitat types or communities, and project sizes for instream and terrestrial habitat restoration and wetland restoration projects.

3. The study will include coordination and preparation for a series of public involvement activities, such as workshops or information meetings and newsletters. In addition to meetings organized by the study team, it is anticipated that the study team will participate in a number of locally sponsored meetings with citizen interest groups or other entities. The purpose of the first public scoping workshop, to be held in the summer 1999, will be to provide information on the existing conditions data and to identify public

interest in and ideas about potential projects. The purpose of the second public meeting will be to provide information on preliminary alternatives and to gather public comments on the alternatives. It is anticipated that the first two meetings will be somewhat informal, informative, and highly interactive. A third public meeting will be held after the release of the draft feasibility report and draft environmental impact statement (DEIS) to present, discuss, and receive comments on the report and the recommended plan.

a. The public involvement program will include workshops, meetings, and other coordination with interested individuals and organizations, as well as with concerned Federal, state and local agencies. Information about the study will be provided through mailings, news releases, advertisements, and other media. Approximately 150 coordination letters and newsletters announcing the study initiation were sent to appropriate agencies, organizations, and individuals in April 1999.

b. The Baltimore District is preparing a DEIS which will describe the impacts of the proposed projects on environmental and cultural resources in the study area and the overall public interest. The DEIS will document all factors which may be relevant to the proposal, including the cumulative effects thereof. If applicable, the DEIS will also apply guidelines issued by the Environmental Protection Agency, under the authority of section 404(b)(1) of the Clean Water Act of 1977 (Pub. L. 95–217).

Environmental issues will focus on, but are not limited to, effects on air quality, wetlands, water quality; fish and wildlife resources (including threatened and endangered species); hazardous, toxic, and radioactive waste; aesthetic resources; and cultural resources (including archaeological sites and historic architecture). Benefits, costs, and impacts will be examined in detail to determine which elements of the water resources plan are justified. The team will evaluate the environmental impacts (both adverse and beneficial) of the proposed actions.

The decision to implement these actions will be based on an evaluation of the probable impact of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, will be balanced against its reasonably foreseeable costs.

c. In addition to the Corps, the Maryland Department of the Environment, Prince George's County, and the Maryland National Capital Park and Planning Commission-Prince George's County, other participants that will be involved in the study and DEIS process include the U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. National Park Service; Maryland Department of Natural Resources; Interstate Commission on the Potomac River Basin; Natural Resource Conservation Service; and the Prince George's County Soil Conservation District. The Baltimore District invites potentially affected Federal, state, and local agencies, and other organizations and entities to participate in this study.

4. The Anacostia Levee Corridor Feasibility Study and integrated DEIS are scheduled for public review in October 2001.

David S. Ladd,

Acting Chief, Planning Division.

[FR Doc. 99–18177 Filed 7–15–99; 8:45 am]

BILLING CODE 3710–41–N–

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Red River Navigation, Southwest Arkansas, Feasibility Report

AGENCY: U.S. Army Corps of Engineers, Vicksburg District, DoD.

ACTION: Notice of Intent.

SUMMARY: Three or four locks and dams may be required to extend navigation on the Red River upstream of Shreveport/Bossier City, Louisiana, to the vicinity of Index, Arkansas.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin Cannon (telephone (601) 631–5437), CEMVK–PP–PQ, 4155 Clay Street, Vicksburg, Mississippi 39183–3435.

SUPPLEMENTARY INFORMATION: Authority for this feasibility study is contained in section 402 of the Water Resources Development Act of 1996 (Pub. L. 104–303).

1. *Proposed Action:* The proposed action includes the construction of three or four locks and dams to extend navigation from Shreveport-Bossier City to the vicinity of Index, Arkansas (134 miles).

2. *Alternatives:* Four reasonable alternatives were identified during the reconnaissance study. These alternatives included a no-action alternative; extension of navigation from Shreveport-Bossier City to the vicinity of Garland, Arkansas; extension of navigation from Shreveport-Bossier City to the vicinity of Fulton, Arkansas; and extension of navigation from Shreveport-Bossier City to the vicinity of Index, Arkansas.

3. a. Two public scoping meetings will be held. One meeting will probably be held in Texarkana, Arkansas, and the other one will probably be held in Shreveport/Bossier City, Louisiana. These meetings will probably be held in August-September 1999. The U.S. Coast Guard, Environmental Protection Agency, U.S. Fish and Wildlife Service, Arkansas Department of Environmental Quality, Louisiana Department of Environmental Quality, Arkansas Game and Fish Commission, Louisiana Department of Wildlife and Fisheries, and the Arkansas Soil and Water Conservation Commission will be invited to become cooperating agencies. These agencies will review data and the feasibility report and appendixes. A public meeting will be held once the DEIS is completed, and all agencies, groups, tribes, and individuals will be sent copies of the DEIS and final EIS. Any significant issues identified in the scoping meetings will be analyzed in depth in the DEIS. Cooperating agencies will review data and appendixes.

b. The DEIS is estimated to be completed in September 2002.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–18176 Filed 7–15–99; 8:45 am]

BILLING CODE 3710–P–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC99–519–001, FERC–519]

Information Collection Submitted for Review and Request for Comments

July 12, 1999.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under the provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in responses to an earlier **Federal Register** notice of May 29, 1999 (64 FR 14893) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before August 16, 1999.

ADDRESSES: Address comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 725 17th Street, NW, Washington, DC 20503. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Chief Information Officer, Attention: Michael Miller, 888 First Street, NW, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 208–2425, and by e-mail at mike.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC–519 ''Application for Sale, Lease or Disposition, Merger or Consolidation of Facilities or for Purchase or Acquisition of Securities of a Public Utility''

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0082.

The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection of data. There is an increase in the reporting burden due to an increase in the number of entities that submit this collection of information. This is a mandatory information collection requirement.

4. *Necessity of Collection of Information:* Submission of this information is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of Section 203 of the Federal Power Act (FPA), 16 U.S.C. Section 203 authorizes the Commission to grant approval for transactions in which a public utility disposes of jurisdictional facilities, merges such facilities with the facilities owned by another person or acquires the securities of another pubic utility. Under the statute, the Commission must find that the proposed transaction will be consistent with the public interest. Section 318 of the FPA exempts certain persons from the requirements of Section 203 which would otherwise concurrently apply under the Public Utility Holding Company Act of 1935. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Part 33.

5. *Respondent Description:* The respondent universe currently comprises on average 125 entities subject to the Commission's jurisdiction.

6. *Estimated Burden:* 10,000 total burden hours, 125 respondents, 1 response annually, 80 hours per response.

7. *Estimated Cost Burden to Respondents:* 10,000 hours ÷ 2,080 hours per year × $109,889 per year $528,313, average cost per respondent = $4,226.50.

Statutory Authority: Sections 203 and 318 of the Federal Power Act, 16 U.S.C. 824(b) and 16 U.S.C. 825(q).

David P. Boergers,

Secretary.

[FR Doc. 99–18139 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. EL99–75–000, et al.]

California Electricity Oversight Board, et al.; Electric Rate and Corporate Regulation Filings

July 9, 1999.

Take notice that the following filings have been made with the Commission:

1. California Electricity Oversight Board

[Docket No. EL99–75–000]

Take notice that on July 7, 1999, the California Electricity Oversight Board (Board) tendered for filing, a Petition for Declaratory Order and Exemption of Filing Fee. The Board's petition for declaratory relief requests that the Commission order that Senate Bill (SB) 96 resolves disputed issues in the Commission Docket Nos. EC96–19, *et al.* and ER96–1663, *et al.* and pending before the United States Court of Appeals for the District of Columbia Circuit in Docket Nos. 98–1225, 98–1226 and 99–1133, and that the authorities and responsibilities to be exercised by the State of California, through the Board, as set forth in SB 96 are consistent with federal law.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. NFR Power, Inc., The Furst Group, Inc., Nicor Energy Management Services Company, National Fuel Resources, Inc.

[Docket Nos. ER96–1122–012, ER98–2423–003, RR97–1816–008 and ER95–1374–015]

Take notice that on July 2, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Eagle Gas Marketing Company and Granger Energy, L.L.C.

[Docket No. ER96–1503–013 and ER97–4240–004]

Take notice that on July 7, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

4. Sunoco Power Marketing, L.L.C.

[Docket No. ER97–870–010]

Take notice that on July 1, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation and Orange and Rockland Utilities, Inc., Rochester Gas & Electric Corporation, Power Authority of the State of New York and New York Power Pool

[Docket Nos. ER97–1523–006, OA97–470–000, and ER97–4234–000 (not consolidated)

Take notice that on July 2, 1999, the Member Systems of the New York Power Pool (Member Systems) tendered

for filing a revised proposal relating to the governance structure of the New York Independent System Operation (NYISO).

The Member Systems state that this filing was made in compliance with the Commission's orders dated April 30, 1999. *See Central Hudson Gas & Electric Corp., et. al.,* 87 FERC ¶ 61,135 (1999).

A copy of this filing was served upon all persons on the Commission's official service list(s) in the captioned proceeding(s), and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Alliant Energy Industrial Services, Inc., Golden Valley Power Company, Energetix, Inc., Vanpower, Inc., Prairie Winds Energy, Eclipse Energy, Inc., Kastex Energy Ventures, Inc., ECONnergy Energy Co., Alpha Energy Corporation and NAP Trading and Marketing, Inc.

[Docket Nos. ER99–1775–001, ER98–4334–003, ER97–3556–008, ER96–552–014, ER95–1234–013, ER94–1099–021, ER95–295–019, ER98–2553–003, ER98–2553–004, ER97–4730–005, ER97–4730–006 and Docket No. ER95–1278–011]

Take notice that on July 6, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

7. California Independent System Operator Corporation

[Docket No. ER99–1971–002]

Take notice that on July 2, 1999, the California Independent System Operator Corporation (ISO), tendered for filing a compliance filing in the above-referenced docket which included a number of revisions to the ISO Tariff. The ISO states that this filing was submitted to comply with the Commission's May 26, 1999 Order, 87 FERC ¶ 61,208 (1999), in the above-referenced docket.

The ISO states that this filing has been served on all parties listed on the official service list in the above-referenced docket.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–3475–000]

Take notice that on July 2, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 24 to add four (4) new Customers to the Market Rate Tariff under which Allegheny Power offers generation services.

Allegheny Power requests a waiver of notice requirements to make service available as of June 7, 1999, to Avista Energy, Inc., Constellation Power Service, Inc., Entergy Power Marketing Corporation and Williams Energy Marketing & Trading Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Orange and Rockland Utilities, Inc.

[Docket No. ER99–3476–000]

Take notice that on July 2, 1999, Orange and Rockland Utilities Inc. (Orange and Rockland) filed a Service Agreement between Orange and Rockland and Southern Energy Lovett, L.L.C. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of Orange and Rockland's Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of July 1, 1999 for the Service Agreement.

Orange and Rockland has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Orange and Rockland Utilities, Inc.

[Docket No. ER99–3477–000]

Take notice that on July 2, 1999, Orange and Rockland Utilities Inc. (Orange and Rockland) filed a Service Agreement between Orange and Rockland and Southern Energy Bowline, L.L.C. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of Orange and Rockland's Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of July 1, 1999 for the Service Agreement.

Orange and Rockland has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Orange and Rockland Utilities, Inc.

[Docket No. ER99–3478–000]

Take notice that on July 2, 1999, Orange and Rockland Utilities Inc. (Orange and Rockland) filed a Service Agreement between Orange and Rockland and Southern Energy NY-Gen, L.L.C. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of Orange and Rockland's Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of July 1, 1999 for the Service Agreement.

Orange and Rockland has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Commonwealth Electric Company

[Docket No. ER99–3479–000]

Take notice that on July 2, 1999, Commonwealth Electric Company (Commonwealth) tendered for filing a firm point-to-point transmission service agreement between Commonwealth and Entergy Nuclear Generating Company (Entergy). Commonwealth states that the service agreement sets out the transmission arrangements under which Commonwealth will provide firm point-to-point transmission service to Entergy under Commonwealth's open access transmission tariff accepted for filing in Docket No. ER97–1341–000, subject to refund and issuance of further orders.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Commonwealth Electric Company

[Docket No. ER99–3481–000]

Take notice that on July 2, 1999, Commonwealth Electric Company (Commonwealth) tendered for filing a Related Facilities Agreement between Commonwealth and Tiverton Power Associates Limited Partnership.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Public Service Company of New Mexico

[Docket No. ER99–3482–000]

Take notice that on July 2, 1999, Public Service Company of New Mexico (PNM) submitted for filing an executed service agreement, for short-term firm point-to-point transmission service under the terms of PNM's Open Access Transmission Service Tariff, with Arizona Public Service Company, dated June 18, 1999. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Commonwealth Edison Company

[Docket No. ER99–3484–000]

Take notice that on July 2, 1999, Commonwealth Edison Company, (ComEd), submitted for filing a revised Firm Service Agreement with Wisconsin Electric Power Company (WEPCO), under the terms of ComEd's Open Access Transmission Tariff (OATT). ComEd also submitted for filing three Non-Firm Service Agreements with Detroit Edison Company (DE), West Penn Power dba Allegheny Energy (WPP), and Alliant Energy Industrial Services, Inc. (AEIS), as customers under the terms of ComEd's OATT.

ComEd requests an effective date of June 7, 1999 for the service agreements, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on WEPCO, DE, WPP and AEIS.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. PacifiCorp

[Docket No. ER99–3485–000]

Take notice that PacifiCorp on July 2, 1999, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Notice of Filing of a Mutual Netting/Closeout Agreement (Netting Agreement) between PacifiCorp and City of Santa Clara (Santa Clara), Utah Municipal Power Agency (UMPA) and Western Resources, Inc. (WRI).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Consolidated Edison Company of New York, Inc.

[Docket No. ER99–3486–000]

Take notice that on July 2, 1999, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Aquila Power Corporation (Aquila).

Con Edison states that a copy of this filing has been served by mail upon Aquila.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. The Montana Power Company

[Docket No. ER99–3487–000]

Take notice that on July 2, 1999, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 an unexecuted Network Integration Transmission Service Agreement Network and Operating Agreement with Central Montana Electric Power Cooperative Inc. under Montana's FERC Electric Tariff, Fourth Revised Volume No. 5 (Open Access Transmission Tariff).

A copy of the filing was served upon Central Montana Electric Power Cooperative Inc.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Virginia Electric and Power Company

[Docket No. ER99–3488–000]

Take notice that on July 2, 1999, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to FPL Energy Power Marketing, Inc. and a Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to FPL Energy Power Marketing, Inc.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreements, Virginia Power will provide point-to-point service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of June 7, 1999, the date service was first requested under the Non-Firm Service Agreement.

Copies of the filing were served upon FPL Energy Power Marketing, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. CMS Generation Michigan Power, L.L.C.

[Docket No. ER99–3489–000]

Take notice that on July 2, 1999, CMS Generation Michigan Power, L.L.C. (Michigan Power) tendered for filing an executed service agreement for unbundled wholesale power service with CMS Marketing, Services and Trading Company pursuant to Michigan Power's Cost-Based Power Sales Tariff, accepted for filing in Docket No. ER99–1970–000.

The service agreement has an effective date of June 7, 1999.

Copies of the filing have been served on the Michigan Public Service Commission and CMS Marketing, Services and Trading Company.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Citizens Utilities Company

[Docket No. ER99–3490–000]

Take notice that on July 2, 1999, Citizens Utilities Company filed its compliance filing pursuant to the Commission's orders in North American Electric Reliability Council, et al., 86 FERC ¶ 61,275 (1999) and 85 FERC ¶ 61,353 (1998).

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. PP&L Montana, LLC, PP&L Colstrip I, LLC, PP&L Colstrip II, LLC, and PP&L Colstrip III, LLC

[Docket No. ER99–3491–000]

Take notice that on July 2, 1999, PP&L Montana, LLC, PP&L Colstrip I, LLC, PP&L Colstrip II, LLC, and PP&L Colstrip III, LLC tendered for filing with the Commission an application for an expedited order approving market-based and/or flexible rates, granting waiver of compliance with Order Nos. 888 and 889, and granting waivers of regulations. The applicants are wholly-owned subsidiaries of PP&L Global, Inc.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Allegheny Power Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) and West Penn Power Company (Allegheny Energy)

[Docket No. ER99–3492–000]

Take notice that on July 2, 1999, Allegheny Power Service Corporation on Behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) and West Penn Power Company (Allegheny Energy) filed Amendment No. 1 to Supplement No. 8 to the Market Rate Tariff and Amendment No. 1 to Supplement No. 33 to the Standard Generation Service Tariff to incorporate Netting Agreements with New Energy Ventures, Inc. into the tariff provisions.

Allegheny Power requests a waiver of notice requirements to make the Amendments effective as of the effective dates therein, June 2, 1999 for Amendment No. 1 to Supplement No. 33 and May 28, 1999, for Amendment No. 1 to Supplement No. 8.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: July 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–18145 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2530–021]

Central Maine Power Company; Availability of Final Environmental Assessment

July 12, 1999.

A final environmental assessment (FEA) is available for public review. The FEA is for an application for the Hiram Project (FERC No. 2530) to amend the license to incorporate the applicable terms of the Instream Flow Agreement for Hydroelectric Projects on the Saco River dated April 30, 1997. The project is located on the Saco River in Cumberland and Oxford Counties, Maine. The FEA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment.

The FEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the FEA are available for review in the Commission's Public Reference Branch, Room 2A, 888 First Street, N.E., Washington, DC 20426 or by calling (202) 208–1371. The FEA may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. Please call (202) 208–2222 for assistance. For further information, please contact John K. Novak at (202) 219–2828.

David P. Boergers,

Secretary.

[FR Doc. 99–18143 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2487–006 New York]

John M. Skorupski; Availability of Environmental Assessment

July 12, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the existing Hoosick Falls Hydroelectric Project located on the Hoosic River in Rensselaer County, New York, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch of the Commission's offices at 888 First Street, NE, Room 2A, Washington, DC 20426, and may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Any comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. For further information, contact John Costello at (202) 219–2914 or by E-mail at john.costello@ferc.fed.us.

David P. Boergers,

Secretary.

[FR Doc. 99–18142 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 10865–001 and 11495–000]

Warm Creek Hydro, Inc.; Nooksack River Hydro, Inc.; Public Meeting to Discuss Draft Environmental Impact Statement

July 12, 1999.

The Federal Energy Regulatory Commission (Commission) is reviewing the applications for license for the construction, operation, and maintenance of the Warm Creek Project No. 10865 and Clearwater Creek Project No. 11495 filed by Warm Creek Hydro, Inc. and Nooksack River Hydro, Inc., respectively. The projects are located in the Middle Fork Nooksack River Basin, in Whatcom County, Washington. On June 25, 1999, the Commission staff mailed the draft Environmental Impact Statement (draft EIS) to the Environmental Protection Agency, resource agencies, non-governmental organizations (NGOs) and other

interested individuals. The draft EIS evaluates the environmental consequences of the proposed projects.

The DEIS was noticed in the **Federal Register** on July 2, 1999 (volume 64, page 35999), and comments are due August 16, 1999. The DEIS may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance). The DEIS evaluates the environmental consequences of the construction, operation, and maintenance of the Warm Creek and Clearwater Creek Projects in Washington. It also evaluates the environmental effects of implementing the applicant's proposals, agency and NGO recommendations, staff's recommendations, and the no-action alternative.

The Commission staff will hold a public meeting on July 28, 1999, in Bellingham, Washington. The purpose of the meeting is to discuss the draft EIS, the draft EIS findings, and the Commission staff's recommendations. At the meeting, the Commission staff will summarize the status of the licensing proceedings, as well as the major draft EIS findings and recommendations. We invite all interested agencies, NGOs, and individuals to attend the meeting. The time and location of the meeting is shown below.

Project No. 10865–001

Date: July 28, 1999.
Time: 7:00 p.m.
Place: Hampton Inn, 3985 Bennett Road, Bellingham, Washington.

The meeting will be recorded by a court reporter, and all statements (oral and written) will become part of the Commission's public record for the projects. All individuals who attend will be asked to sign in. Individuals that intend to make statements during the meeting will be asked to clearly identify themselves for the record prior to speaking. Time allotted for presentations will be determined by staff based on the length of the meeting and the number of people wanting to speak.

Interested parties who choose not to speak, or who are unable to attend the public meeting, may file written comments. An original and eight copies of written comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The first page of all filings should indicate ''Warm Creek Project No. 10865–001'' and/or ''Clearwater Creek Project No. 11495–000'' at the top of the page. Furthermore, participants in this proceeding are reminded that if they file comments with the Commission, they must serve a copy of their filing to the parties on the Commission's service list.

For further information, please contact Timothy Looney at (202) 219–2852, or by E-mail at timothy.lonney@ferc.fed.us.

David P. Boergers,

Secretary.

[FR Doc. 99–18144 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Application Filed With the Commission and Soliciting Comments and Recommendations, Motions To Intervene, and Protests

July 12, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to License.
b. *Project No.:* 2197–035.
c. *Date Filed:* July 1, 1999.
d. *Applicant:* Yadkin, Inc.
e. *Name of Project:* Yadkin Hydroelectric Project.
f. *Location:* The Yadkin Hydroelectric Project is on the Yadkin/Pee Dee River in Montgomery, Stanly, Davidson and Rowan Counties, North Carolina. The Project includes High Rock, Tuckertown, Narrows (Badin Lake) and Falls Reservoirs.
g. *Filed Pursuant to:* Federal Power Act, 18 CFR 4.200.
h. *Applicant Contact:* Mr. Gene Ellis, Yadkin, Inc., P.O. Box 576, Badin, NC 28009–0576, (704) 422–5606.
i. *FERC Contact:* Questions about this application can be answered by Steve Hocking, E-mail address steve.hocking@ferc.fed.us, or telephone (202) 219–2656.
j. Deadline for filing comments and recommendations, motions to intervene, and protests: *August 23, 1999.*

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Please include the project number (2197–035) on any comments and recommendations, motions to intervene and protests.

k. *Description of Application:* Yadkin, Inc. (Yadkin), licensee for the Yadkin Hydroelectric Project, has filed a Shoreline Management Plan (SMP) for Commission approval. Yadkin says its SMP identifies important natural resources around project reservoirs and designates portions of the reservoir shoreline as ''Conservation Zones.'' The SMP is intended to promote wise use of the reservoirs by encouraging development in areas where the impact of development of the natural environment can be controlled or minimized. Further, the SMP would supersede the project's existing Bald Eagle Management Plan for Narrows Reservoir.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. *Individuals may get their name and address added to this project's mailing list by written request to the Secretary of the Commission.*

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be

obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–18140 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

July 12, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Waters.

b. *Project No.:* 2336–041.

c. *Date Filed:* February 9, 1999.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Lloyd Shoals.

f. *Location:* the Lloyd Shoals Project is located on the Ocmulgee, South, and Yellow rivers in Henry, Butts, Jasper, and Newton Counties, Georgia. This project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Larry J. Wall, Georgia Power Company, 241 Ralph McGill Boulevard NE, Atlanta, Georgia 30308–3374 (404) 506–2054.

i. *FERC Contact:* Any questions on this notice should be addressed to Jon Cofrancesco at *Jon.Cofrancesco@ferc.fed.us* or telephone 202–219–0079.

j. *Deadline for filing comments and or motions:* August 16, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the project number on any comments or motions filed.

k. *Description of Project:* Georgia Power Company, licensee for the Lloyd Shoals Project, requests Commission authorization to permit Lambert Sand and Gravel Company to remove sediments, sand, and gravel from project waters by mechanical dredging. The proposed dredging activities would occur in the center of the river channel along a 1.33 mile long section of the Yellow River and a 2.4 mile long section of the South River. A 25-foot-wide buffer would be maintained on each side of the river and approximately 32 acres of land outside the project boundary would be occupied by processing equipment and sediment ponds necessary for the dredging operation. The license states the proposed dredging activities would perform maintenance of the river channels necessary to improve wildlife habitat, reduce the incidence of flooding of adjacent properties during high flow events, and enhance recreational boating and the project reservoir's capacity.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction of the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferec.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. *Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.*

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Response Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–18141 Filed 7–15–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6379–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; NSPS, Bulk Gasoline Terminals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS Subpart XX, Bulk Gasoline Terminals, OMB Control Number 2060–0006, expiration date August 31, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 16, 1999.

FOR FURTHER INFORMATION CONTRACT: Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 0664.06.

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart XX, Bulk Gasoline Terminals, OMB Control No. 2060–0006; EPA ICR No. 0664.06, expires August 31, 1999. This request is an extension of a currently approved collection.

Abstract: Owners or operators of the affected facilities described must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the

anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; notification of the date of the initial performance test; and the results of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. These notifications, reports and records are required, in general, of all sources subject to NSPS.

Monitoring requirements specific to bulk gasoline terminals consist mainly of identifying and documenting vapor tightness for each gasoline tank truck that is loaded at the affected facility, and notifying the owner or operator of each tank truck that is not vapor tight. The owner or operator must also perform a monthly visual inspection for liquid or vapor leaks, and maintain records of these inspections at the facility for a period of two years.

The reporting requirements for this industry currently include only the initial notifications and initial performance test report listed above. All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. Notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to ensure that the pollution control devices are properly installed and operated. Performance test reports are needed as these are the Agency's record of a source's initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on January 5, 1999 , 64 FR 499; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average .13 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners and Operators of Bulk Gasoline Terminals.

Estimated Number of Respondents: 40.

Frequency of Response: Initial.

Estimated Total Annual Hour Burden: 11,420 hours.

Estimated Total Annualized Capital and Operations and Maintenance Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0664.06 and OMB Control No.2060–0006 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: July 8, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–18187 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6244–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed July 5, 1999 Through July 9, 1999 Pursuant to 40 CFR 1506.9.

EIS No. 990228, Draft EIS, COE, NJ, Barnegat Inlet to Little Egg Inlet Hurricane and Storm Damage Protection, Implementation, Long Beach Island, Ocean County, NJ, Due: August 30, 1999, Contact: Randy Piersol (215) 656–6577.

EIS No. 990229, Draft EIS, AFS, MT, NB, WY, ND, SD, Dakota Prairie Grasslands, Nebraska National Forest Units and Thunder Basin National Grassland, Land and Resource Management Plans 1999 Revisions, Implementation, MT, NB, WY, ND and SD, Due: October 13, 1999, Contact: Pam Gardner (308) 432–0300.

EIS No.990230, Draft EIS, AFS, UT, Trout Slope East Timber Project, Timber Harvest and Associated Activities, Implementation, Vernal Ranger District, Ashley National Forest, Uintah County, UT, Due: August 30, 1999, Contact: Brad Exton (435) 789–1181.

EIS No. 990231, Draft EIS, FHW, CO, Colorado Forest Highway 80, Guanell Pass Road (also known as Park County Road 62/Clear Creek County Road 381/Forest Development Road 118) from US 285 in Grant to Georgetown, Improvements, Funding and COE Section 404, NPDES and Special Use Permits Issuance, Park and Clear Creek Counties, CO, Due: August 30, 1999, Contact: Richard Cushing (303) 716–2138.

EIS No. 990232, Final EIS, BLM, UT, Ferron Natural Gas Project, Proposal to Construct, Maintain and Operate a Natural Gas Transmission Pipeline, Application for Permit to Drill (APD), Special-Use-Permit and Right-of-Way Grant, Carbon and Emery Counties, UT, Due: August 16, 1999, Contact: George Diwachak (801) 539–4043.

EIS No. 990233, Draft EIS, FHW, LA, North-South Expressway Const. I–220 in Shreveport, LA to the Arkansas State Line, Funding and COE Section 404 Permit Issuance, Caddo Parish, LA, Due: September 3, 1999, Contact: William C. Farr (225) 389–0464.

EIS No. 990234, Final EIS, BLM, WY, Newcastle Resource Management Plan, Implementation, Evaluates Alternatives for the Use of Public Lands and Resources in Portions of Wyoming, Crook, Niobrara and Weston Counties, WY, Due: August 16, 1999, Contact: Floyd Ewing (307) 746–4453.

EIS No. 990235, Final EIS, AFS, WA, I–90 Land Exchange between Forest Service and Plum Creek, within the Vicinity of the Wenatchee, Mt. Baker-Snoqualmie and Gifford Pinchot

National Forests, Kittitas, King, Pierce, Lewis, Cowlitz and Skamania Counties, WA, Due: August 16, 1999, Contact: Floyd Rogalski (509) 674–4411.

EIS No. 990236, Final EIS, BLM, CO, Yankee Gulch Sodium Minerals Project, To Produce Sodium Products, Piceance Basin, Right-of-Way Permit and COE Section 404 Permit, Rio Blanch County, CO, Due: September 13, 1999, Contact: Larry Shults (970) 878–3601.

Amended Notices

EIS No. 990163, Draft EIS, BLM, CA, Soledad Canyon Sand and Gravel Mining Project, Proposal to Mine, Produce and Sell, ''Split Estate'' Private Owned and Federally Owned Lands, Transit Mixed Concrete, Los Angeles County, CA, Due: September 13, 1999, Contact: Ms. Elena Misquez (760) 251–4804.

Published FR 05–21–99—Review Period extended from 07–06–99 to 09–13–99.

Dated: July 13, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–18223 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6400–3]

Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee; Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: Under Section 10(a)(2) of Public Law 920423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on July 21 and 22, 1999, from 9:00 a.m. to 5:00 p.m. eastern time at RESOLVE, Inc., 1255 23rd Street, NW, Suite 275 Washington DC 20037. The meeting is open to the public, but due to past experience, seating will be limited.

The purpose of this meeting will be to discuss a framework to evaluate reproductive and developmental health effects data; and provide an overview of current and ongoing epidemiological and toxicological data on developmental and reproductive health effects.

Statements from the public will be taken if time permits.

For more information, please contact Martha M. Kucera, Designated Federal Officer, Microbial Disinfectants/ Disinfection Byproducts Advisory Committee, U.S. EPA, Office of Ground Water and Drinking Water, Mailcode 4607, 401 M Street, SW, Washington, D.C. 20460. The telephone number is 202–260–7773 or E-mail kucera.martha@epamail.epa.gov.

Dated: July 9, 1999.

Elizabeth Fellows,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 99–18316 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00169B; FRL–6093–5]

Consumer Labeling Initiative; Notice of Availability of Draft Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability for public review and comment of a draft version of the Consumer Labeling Initiative (CLI) Phase II Report. The draft Phase II Report describes qualitative and quantitative consumer research performed during 1998, summarizes the research findings and conclusions, describes other project activities ongoing since 1997, and identifies recommendations for Agency and voluntary industry action. The final version of the Phase II Report is expected to be published in the fall of 1999.

DATES: Comments on the CLI project or on the Phase II Report can be submitted at any time. For comments to be incorporated into the final Phase II Report, they must be received by the Agency or its agent, Abt Associates Inc., on or before July 29, 1999.

ADDRESSES: The draft Phase II Report is available electronically and in hard copy; for availability refer to Unit I. of the ''SUPPLEMENTARY INFORMATION'' section. Comments on the draft Phase II Report may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the ''SUPPLEMENTARY INFORMATION'' section.

FOR FURTHER INFORMATION CONTACT: Mary Dominiak, CLI Task Force Co-Chair, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Rm. E-213B, 401 M St., SW., Washington, DC 20460, (202) 260–7768; fax: (202) 260–1096; e-mail: consumer.label@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

This notice is directed to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the contact person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information or Copies of These Documents?

1. *Electronically*. The draft Phase II Report can be downloaded from the Internet in PDF file format at http://www.abtdemo.com/cli.

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

2. *In person:* Persons interested in viewing the draft Phase II Report in hard copy should contact the TSCA Nonconfidential Information Center (NCIC). The TSCA NCIC is located at EPA Headquarters in Rm. NE–B607, 401 M St., SW., Washington, DC. The telephone number is (202) 260–7099.

C. 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, it is imperative that you identify docket control number ''OPP–00169B'' and ''AR-139-Consumer Labeling Initiative'' in the subject line on the first page of your response.

1. *By mail.* Submit comments to: OPPT Document Control Officer (7407), AR-139-Consumer Labeling Initiative, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Room G099, East Tower, Washington, DC 20460.

Comments on the draft Phase II Report only may also be mailed to: Srabani Roy, Abt Associates Inc., 55 Wheeler St., Cambridge, MA 02138–

1168. No CBI should be submitted to Abt Associates either electronically or by mail.

2. *In person*: Deliver your comments to either location listed immediately above.

3. *Electronically*. Submit electronic comments by e-mail to: ''oppt-ncic@epa.gov,'' or you may mail or deliver your standard computer disk using the addresses in this unit. Electronic comments on the draft Phase II Report may be submitted alternatively to Abt Associates Inc., which is under contract to EPA on this project, at: srabani_roy@abtassoc.com. All comments submitted directly to Abt Associates Inc., will also be entered into the official record for this action.

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 6/7/8 or ASCII file format. All comments in electronic form must be identified by the docket control number ''OPPTS–00169B'' and ''AR-139-Consumer Labeling Initiative.'' Electronic comments may also be filed online at many Federal Depository Libraries.

II. Background

EPA launched a voluntary Consumer Labeling Initiative (CLI) in 1996 (61 FR 12011, March 22, 1996) (FRL-4956-8) to explore ideas from consumers, industry, and health and safety professionals on ways to make the environmental, safe use, and health information on household product labels easier for consumers to find, read, understand, and use. The CLI was designed as a pilot project addressing indoor insecticides, outdoor pesticides, and household hard surface cleaners. The first stage of the CLI concluded with publication of the CLI Phase I Report (EPA–700–R–96–001) in September 1996. Phase II of the project, which began in 1997 and ran through early 1999, included qualitative research with consumers conducted by EPA, as well as quantitative research undertaken voluntarily by the Agency's industry and trade association partners. The raw data from these surveys were placed in the CLI Administrative Record (AR-139) for public inspection and comment (63 FR 57298, October 27, 1998) (FRL–6040–3).

The draft CLI Phase II Report contains the detailed findings, conclusions, and recommendations developed from the survey information and other ongoing CLI activities. Comments received on or before July 29, 1999, will be incorporated in the final version of the CLI Phase II Report, which is expected to be published in the fall of 1999. The draft Phase II Report can be downloaded in PDF file format at: http://www.abtdemo.com/cli. The draft Report is approximately 165 pages, with Appendices of approximately 200 pages. PDF files require the use of the Adobe Acrobat Reader, which can be downloaded without charge at: http://www.adobe.com. The draft Phase II Report can also be reviewed in hard copy in the CLI Administrative Record (AR-139).

III. 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. Public Record

The Agency has established an official record for this action under administrative record AR–139. 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 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 from noon to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC.

List of Subjects

Environmental protection.

Dated: July 13, 1999.

Wardner Penberthy,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 99–18341 Filed 7-15-99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6379–8]

Report on the Shrimp Virus Peer Review Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of a final report.

SUMMARY: This notice announces the availability of a final report of a peer review and risk assessment workshop on nonindigenous pathogenic shrimp viruses, which was held January 7–8, 1998. The report was sponsored by the U.S. Environmental Protection Agency (EPA), National Center for Environmental Assessment, on behalf of the Joint Subcommittee on Aquaculture (JSA), under the National Science and Technology Council. Completed under contract to the EPA, the document, ''Report on the Shrimp Virus Peer Review and Risk Assessment Workshop: Developing a Qualitative Risk Assessment'' (EPA/600/R–99/027), describes the potential risks of nonindigenous pathogenic shrimp viruses on wild shrimp populations in U.S. coastal waters. Expert conclusions and recommendations contained in the report have undergone an independent scientific review. The results of this independent review and the draft final report were used as the basis for a risk management workshop on shrimp viruses held on July 28–29, 1998, in New Orleans [see **Federal Register** 63(130)36895–36896 (July 8, 1998)].

ADDRESSES: An electronic version of the final report will be accessible on the EPA National Center for Environmental Assessment home page at http://www.epa.gov/ncea/ .

A limited number of paper copies will be available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513-489–8695. Please provide your name and mailing address and the

title and EPA number of the document, ''Report on the Shrimp Virus Peer Review and Risk Assessment Workshop: Developing a Qualitative Risk Assessment' (EPA/600/R–99/027).

FOR FURTHER INFORMATION CONTACT: Dr. H. Kay Austin, U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment (8601D), 401 M Street, SW, Washington, DC 20460; telephone: (202) 564–3328; fax: (202) 565–0090; e-mail: austin.kay@epa.gov. For technical assistance contact Dr. Tom McIlwain, Chairperson of the JSA Shrimp Virus Work Group, National Marine Fisheries Service, 3209 Frederick Street, Pascagoula, MS 39567, (601) 762–4591.

SUPPLEMENTARY INFORMATION: Public concerns over the potential introduction and spread of nonindigenous pathogenic shrimp viruses to the wild shrimp fishery and shrimp aquaculture industry in U.S. coastal waters have been increasing. Although these viruses pose no threat to human health, outbreaks on U.S. shrimp farms, the appearance of diseased shrimp in U.S. commerce, and new information on the susceptibility of shrimp and other crustaceans to these viruses prompted calls for action. In response, the JSA tasked the Federal interagency Shrimp Virus Workgroup with assessing the shrimp virus problem. The JSA includes representatives of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (DOC/NOAA/NMFS); the U.S. Department of Agriculture, Cooperative State Research, Education and Extension Service (DOA/CREES); Animal Plant Health Inspection Service (DOA/APHIS); and Agricultural Research Service (DOA/ARS); U.S. Department of Energy; U.S. Department of Defense; Army Corp of Engineers (DOD/ACE); U.S. Department of Health and Human Services, Food and Drug Administration (HHS/FDA); Tennessee Valley Authority (TVA); the EPA; and the U.S. Fish and Wildlife Service (FWS)). The Federal interagency Shrimp Virus Workgroup includes individuals from DOC/NMFS, EPA, FWS, and USDA/APHIS.

Publication of this final report is one of a series of related activities sponsored by EPA, in cooperation with DOC/NMFS, USDA/APHIS, and FWS, on behalf of the JSA. In June 1997, the Shrimp Virus Workgroup summarized the available information on shrimp viruses in a report to the JSA entitled, ''An Evaluation of Potential Shrimp Virus Impacts on Cultured Shrimp and on Wild Shrimp Populations in the Gulf of Mexico and Southeastern U.S. Atlantic Coastal Waters' [JSA Shrimp Virus Report (JSVR)]. The JSVR was reviewed at four stakeholder meetings [see Federal Register 62(112):31790–31791 (June 11, 1997)], jointly sponsored by EPA, DOC/NMFS, and USDA/APHIS on behalf of the JSA, during July and August 1997. Available products of these efforts include the JSVR (see http://www.nmfs.gov/trade/special.html) and the Minutes of the Stakeholder Meetings Report (EPA/630/R–92/001) (see http://www.epa.gov/ncea/pdfs/shrimp5.pdf). These products and additional stakeholder (public) comments formed the basis for the shrimp virus peer review and risk assessment workshop. The workshop participants considered several potential pathways of nonindigenous pathogenic shrimp viruses to wild shrimp populations, including shrimp aquaculture, shrimp processing and ''other'' sources and pathways, and independently assessed risks using a qualitative risk assessment approach developed by the Aquatic Nuisance Species Task Force.

As described in the report, workshop participants concluded that viruses could survive in pathways leading to coastal environments, and that there is potential for viruses to affect native shrimp in localized areas, such as an estuary or bay. However, many participants believed that local populations of shrimp would recover rapidly as a result of reintroduction of shrimp or increases in reproduction. Although there was high uncertainty, most workshop participants believed that the risks from viral introductions to the entire population of native shrimp in U.S. coastal waters is relatively low. Limitations in time and information during the workshop prevented the participants from fully considering impacts to organisms besides shrimp, although they believed these organisms deserved further consideration.

Finally, while qualitative evaluations are valuable, workshop participants noted that they are associated with a great deal of uncertainty. However, given the limited information currently available, participants believed that it is not feasible to conduct a more comprehensive, quantitative assessment of the risks associated with nonindigenous pathogenic shrimp viruses at this time. Participants noted that there is a need to conduct further systematic research efforts to reduce uncertainty.

The workshop report and the results of the independent scientific review of its conclusions and recommendations were used as the basis for a risk management workshop on shrimp viruses held on July 28–29, 1998, in New Orleans. A report of the risk management workshop (jointly sponsored by the EPA Gulf of Mexico Program, DOC/NMFS, and DOA/CREES/ARS) that develops options and strategies for managing the threat of shrimp viruses to cultured and wild stocks of shrimp in U.S. coastal waters is currently being developed.

Dated: June 21, 1999.

William H. Farland,

Director, National Center for Environmental Assessment.

[FR Doc. 99–18185 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6378–9]

South Bay Asbestos Superfund Site Proposed Notice of Administrative Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed prospective purchaser agreement associated with the South Bay Asbestos Superfund Site was executed by the United States Environmental Protection Agency (''EPA'') on June 16, 1999. The proposed prospective purchaser agreement would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6973, against Legacy Partners 2335 LLC (the ''Purchaser''). The proposed settlement would require the purchaser to pay EPA a one-time payment of $75,000.

For thirty (30) calendar days following the date of publication of this document, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the effected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental

Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before August 16, 1999.

AVAILABILITY: The proposed prospective purchaser agreement and additional background documentation relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may be obtained from Kara Christenson, Assistant Regional Counsel (ORC–2), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference ''Legacy Partners 2335 LLC, South Bay Asbestos Area Superfund Site,'' and ''Docket No. 96–09'' and should be addressed to Kara Christenson at the above address.

FOR FURTHER INFORMATION CONTACT: Kara Christenson, Assistant Regional Counsel (ORC–2), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; E-mail: christenson.kara@epa.gov; phone: (415) 744–1330.

Dated: July 2, 1999.

John Kemmerer,

Acting Director, Superfund Division, Region IX.

[FR Doc. 99–18186 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51930; FRL–6090–5]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 16, 1999 to June 11, 1999, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

FOR FURTHER INFORMATION CONTACT: Christine Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460; telephone numbers: 202–554–1404 and TDD: 202–554–0551; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the 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 and Other Related Documents?

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

B. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51930. 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 the TSCA Nonconfidential Information Center, North East Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is 202–260–7099.

C. *By phone*. If you need additional information about this action, you may also contact the person identified in the ''FOR FURTHER INFORMATION CONTACT '' section.

III. Why is EPA taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME, and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 16, 1999 to June 11, 1999, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

IV. Receipt and Status Report for PMNs and TMEs

This status report identifies the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II above to access additional non-CBI information that may be available.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 97 Premanufacture Notices Received From: 05/16/99 to 06/11/99

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0819	05/17/99	08/15/99	CBI	(S) Aqueous dispersion of polyurethane for leather finishing	(G) 2-oxepanone, polymer with dimethylolpropionic acid,substituted diisocyanate, alkyl diamine, cmpd. with trialkylamine
P–99–0820	05/19/99	08/17/99	Angus Chemical Company	(S) Site-limited intermediate	(S) Propane, 2-chloro-2-nitro*
P–99–0821	05/17/99	08/15/99	CBI	(G) Adhesive component	(G) Polymer of methylenebis[isocyantobenzene] and mixed polyether polyols
P–99–0822	05/17/99	08/15/99	CBI	(G) Adhesive component	(G) Polymer of methylenebis[isocyantobenzene], mixed polyether polyols, mixed esters, and an alkene
P–99–0823	05/17/99	08/15/99	CBI	(G) Adhesive component	(G) Polymer of methylenebis[isocyantobenzene], mixed polyether polyols, mixed esters, and an alkene
P–99–0824	05/17/99	08/15/99	CBI	(G) Adhesive component	(G) Polymer of methylenebis[isocyantobenzene], mixed polyether polyols, mixed esters, substituted trialkoxysilane, and an alkene
P–99–0825	05/18/99	08/16/99	CBI	(G) Ink jet dispersing agent	(G) Acrylic copolymer
P–99–0826	05/18/99	08/16/99	CBI	(G) Binder component	(G) Epoxidized copolymer of phenol and aromatic hydrocarbon
P–99–0827	05/18/99	08/16/99	CBI	(G) Binder component	(G) Epoxidized copolymer of phenol and aromatic hydrocarbon
P–99–0828	05/20/99	08/18/99	CBI	(G) Colorant for leather products	(G) Counter ions of substituted disulfonic acid naphthalene triazo dye
P–99–0829	05/20/99	08/18/99	CBI	(G) Colorant for leather products	(G) Counter ions of substituted disulfonic acid naphthalene triazo dye
P–99–0830	05/21/99	08/19/99	CBI	(S) Dye for cotton fiber	(G) Synthetic indigo solution
P–99–0831	05/20/99	08/18/99	CBI	(G) Open non dispersive (stabilizer)	(G) Metal salt of a phosphorus compound
P–99–0832	05/20/99	08/18/99	CBI	(S) Aqueous dispersion of polyurethane for leather finishing	(G) Substituted polyurethane alkylamine salt
P–99–0833	05/24/99	08/22/99	CBI	(G) Resin coating	(G) Acrylate ester
P–99–0834	05/20/99	08/18/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0835	05/20/99	08/18/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0836	05/20/99	08/18/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0837	05/20/99	08/18/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0838	05/20/99	08/18/99	CBI	(G) Adhesive components	(G) Polymer of hexamethylene diisocyanate, alkanepolyols, and alkanepolycarboxylic acid
P–99–0839	05/20/99	08/18/99	CBI	(G) Adhesive components	(G) Hexamethylene diisocyanate, polymer with a polyether polyol, alkanepolyols, dimethyl terephthalate, benzenepolycarboxylic acid and alkanepolycarboxylic acid
P–99–0840	05/20/99	08/18/99	CBI	(G) Adhesive components	(G) Hexamethylene diisocyanate, polymer with alkanepolyols, dimethyl terephthalate, benzenepolycarboxylic acid and alkanepolycarboxylic acid
P–99–0841	05/24/99	08/22/99	CBI	(G) Emulsifier	(G) Modified alkanolamide
P–99–0842	05/24/99	08/22/99	CBI	(G) Fuel additive	(G) Polybutene phenol mannich base
P–99–0843	05/24/99	08/22/99	CBI	(G) Component of inks and clear varnishes	(G) Polyester acrylate
P–99–0844	05/25/99	08/23/99	E. I. Dupont de Nemours - Dupont Nylon	(G) Polymer additive	(G) Aliphatic acid metal salt

I. 97 Premanufacture Notices Received From: 05/16/99 to 06/11/99—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0845	06/01/99	08/30/99	CBI	(S) Negative charge control agent	(G) Aluminate, bis[[(substituted)azo][hydroxyphenylbenzenesulfonamidato] hydrogen compound with tetramethylpiperidinamine
P–99–0846	06/01/99	08/30/99	CBI	(G) Surfactant	(G) B-alanine, *n*-(2-carboxyethyl)-*n*-[3-][2-carboxyethyl)amino] propyl]-*n*-[isoalkyloxypropyl]derivs.
P–99–0847	05/28/99	08/26/99	Cerdec Corporation; Drakenfeld Products	(G) Pigment	(G) Mixed metal oxide
P–99–0848	05/28/99	08/26/99	CBI	(S) Emulsifier for metalworking fluids	(G) Alkenyl carboxylate, metal salt
P–99–0849	06/02/99	08/31/99	CBI	(G) Open non-dispersive (process additive)	(G) Stryene / acrylate copolymer aqueous dispersion
P–99–0850	06/01/99	08/30/99	Zeon Chemicals L.P.	(S) Adhesive modifier for painting of olefinic rubber	(G) Polyester polymer of aromatic polycarboxylic acid with aliphatic polyalcohols
P–99–0851	06/01/99	08/30/99	CBI	(G) Open destructive use as a gas generant for automotive inflators	(G) Metal ammine nitrate complex
P–99–0852	06/02/99	08/31/99	CBI	(G) Open, non-dispersive (additive)	(G) Fatty acid polyester
P–99–0853	05/26/99	08/24/99	CBI	(G) Additives for plastics	(G) Polyester
P–99–0854	05/26/99	08/24/99	CBI	(G) Packing	(G) Acrylate copolymer
P–99–0855	05/26/99	08/24/99	CBI	(S) Ambient temp. cure agent for metal primer coatings	(G) Cashew nutshell liq., reaction products with formaldehyde and aliphatic amine
P–99–0856	06/02/99	08/31/99	CBI	(G) Coating component	(G) Polymer of phenols, bisphenol a and epichlorohydrin
P–99–0857	06/01/99	08/30/99	H. B. Fuller Company	(S) Textile lamination	(G) Polyester polyether isocyanate polymer
P–99–0858	06/01/99	08/30/99	H. B. Fuller Company	(S) Textile lamination	(G) Polyester polyether isocyanate polymer
P–99–0859	06/01/99	08/30/99	H. B. Fuller Company	(S) Textile lamination	(G) Polyester polyether isocyanate polymer
P–99–0860	06/01/99	08/30/99	H. B. Fuller Company	(S) Textile lamination	(G) Polyester polyether isocyanate polymer
P–99–0861	06/01/99	08/30/99	H. B. Fuller Company	(S) Textile lamination	(G) Polyester polyether isocyanate polymer
P–99–0862	06/01/99	08/30/99	H. B. Fuller Company	(S) Textile lamination	(G) Polyester polyether isocyanate polymer
P–99–0863	06/02/99	08/31/99	CBI	(G) Component of adhesives, inks, and coatings	(G) Silicone acrylate
P–99–0864	06/07/99	09/05/99	CBI	(G) Polyester urethane glass fiber sizing agent	(G) Polyester urethane aqueous dispersion
P–99–0865	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0866	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0867	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0868	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0869	06/07/99	09/05/99	CBI	(G) Resin coating	(G) Urethane methacrylate
P–99–0870	06/07/99	09/05/99	CBI	(G) Adhesive	(G) Polyester polyurethane
P–99–0871	06/07/99	09/05/99	Daicolor-pope, Inc.	(S) Matting agent for paint	(G) Polyacrylate ester
P–99–0872	06/07/99	09/05/99	Daicolor-pope, Inc.	(S) Matting agent for paint	(G) Polyacrylate ester
P–99–0873	06/03/99	09/01/99	Reichhold, Inc.	(S) Binder for industrial coatings	(G) Multifunctional aromatic aldimine
P–99–0874	06/03/99	09/01/99	Marubeni Specialty Chemicals, Inc.	(G) Modified polyvinyl alcohol	(G) Modified polyvinyl alcohol
P–99–0875	06/03/99	09/01/99	CBI	(G) Adhesive component	(G) Methylenebis[isocyanatobenzene], polymer with alkanepolyols, dimethyl terephthalate, benzenepolycarboxylic acid and alkanepolycarboxylic acids
P–99–0876	06/03/99	09/01/99	CBI	(G) Sealant component	(G) Methylenebis[isocyanatobenzene], polymer with alkanepolyols, dimethyl terephthalate, caprolactone, benzenepolycarboxylic acid and alkanepolycarboxylic acids
P–99–0877	06/03/99	09/01/99	CBI	(G) Adhesive component	(G) Methylenebis[isocyanatobenzene], polymer with alkanepolyols, caprolactone, and alkanepolycarboxylic acids

I. 97 Premanufacture Notices Received From: 05/16/99 to 06/11/99—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0878	06/03/99	09/01/99	CBI	(G) Sealant component	(G) Methylenebis[isocyanatobenzene], polymer with alkanepolyols, an alkene, caprolactone, mixed esters and alkanepolycarboxylic acids
P–99–0879	06/03/99	09/01/99	CBI	(G) Adhesive component	(G) Methylenebis[isocyanatobenzene], polymer with alkanepolyols, polyether polyols and alkanepolycarboxylic acid
P–99–0880	06/03/99	09/01/99	CBI	(G) Adhesive component	(G) Methylenebis[isocyanatobenzene], polymer with polyether polyols, substituted polyalkene, benzenepolycarboxylic acid and benzenepolycarboxylic acid derivative, alkanepolycarboxylic acid, and an alkanepolyol
P–99–0881	06/01/99	08/30/99	CBI	(S) Azo-sulfur dye for coloring of leather	(G) Benzenediazonium, [[[[[[[(substituted)phenyl]azo] (substituted) naphthalenyl]azo]phenyl] sulfonyl]amino]-, chloride, reaction products with leuco sulphur dye and [[[[[(substituted)azo]phenyl] azo]phenyl]sulfonyl]amino] benzenediazonium chloride
P–99–0882	06/04/99	09/02/99	Environmental Test Systems, Inc	(G) Additive in a urine screening test	(S) 5-isoquinolinesulfonic acid*
P–99–0883	06/03/99	09/01/99	Ciba Specialty Chemicals Corporation/ Consumer Care Division	(G) Textile dyeing auxiliary	(G) Ethanol, 2-[(substituted)amino]phenyl]sulfonyl]-, hydrogen sulfate (ester), monosodium salt
P–99–0884	06/04/99	09/02/99	CBI	(G) Multipurpose adhesive; open, nondispersive use; laminating adhesive; open, nondispersive use	(G) Polyurethane prepolymer; polyurethane adhesive
P–99–0885	06/04/99	09/02/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0886	06/04/99	09/02/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0887	06/04/99	09/02/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0888	06/04/99	09/02/99	CBI	(G) Component of coating with open use	(G) Aryl sulfonamide
P–99–0889	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0890	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0891	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0892	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0893	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0894	06/03/99	09/01/99	Houghton International Inc.	(S) Lubricant additive	(G) Alkanolamine carboxylate salts
P–99–0895	06/04/99	09/02/99	3M Company	(S) Curing agent for inorganic coatings	(G) Isocyanate terminated polymer
P–99–0896	06/08/99	09/06/99	CBI	(G) Open, non-dispersive (resin)	(G) Ketimine
P–99–0897	06/08/99	09/06/99	CBI	(G) Material for optical disk	(G) Substituted benzothiazole metal complex
P–99–0898	06/11/99	09/09/99	CBI	(G) Fluorescence quencher for paper and paperboard industries	(G) Fluorescence quencher-polycationic condensation product
P–99–0899	06/09/99	09/07/99	CBI	(S) Additive for fluorocarbons to enhance wash durability	(G) Blocked diisocyanatohexane, homopolymer
P–99–0900	06/09/99	09/07/99	CBI	(G) Open non-dispersive (additive)	(G) Quinoline dyestuff
P–99–0902	06/10/99	09/08/99	CBI	(G) Fluid retention polymer	(G) Dialkyldiallylammonium halide with unsaturated phosphonic acid, acrylamido alkyl propane sulfonic acid ammonium salt, and two acrylic monomers
P–99–0903	06/11/99	09/09/99	CBI	(G) Adhesive	(G) Aromatic saturated copolyester
P–99–0904	06/11/99	09/09/99	CBI	(G) Open non-dispersive (resin)	(G) Ketimine

I. 97 Premanufacture Notices Received From: 05/16/99 to 06/11/99—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–99–0905	06/10/99	09/08/99	CBI	(G) A destructive use as a chemical intermediate	(G) Alkylbenzene
P–99–0906	06/11/99	09/09/99	Degussa-Huls Corporation	(G) Chemical intermediate	(S) Platinum (2+), tetraammine-, (sp-4-1)-carbonate (1:2)*
P–99–0907	06/11/99	09/09/99	CBI	(G) Open, non-dispersive use	(G) Alkyl aryl phenol polymer
P–99–0908	06/11/99	09/09/99	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–99–0909	06/11/99	09/09/99	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–99–0910	06/11/99	09/09/99	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–99–0911	06/11/99	09/09/99	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–99–0912	06/11/99	09/09/99	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–99–0913	06/11/99	09/09/99	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–99–0914	06/11/99	09/09/99	CBI	(G) Fuel additive	(G) Alkylphenolpolyetheramine
P–99–0915	06/07/99	09/05/99	CBI	(S) Acid dye for the coloring of anodized aluminum	(G) Chromate, [[[(substituted)nitrophenyl] azo]naphthalenedisulfoanto][[[(substituted) phenyl]azo]phenylbutanamidato]-, trisodium; chromate, bis[[[(substituted) nitropheny-l]azo]naphthalenedisulfoanto]-, pentasodium; chromate, bis[[[(substituted)phenyl] azo]phenylbutanamidato]-, sodium*
P–99–0922	06/02/99	08/31/99	CBI	(G) Binder for printing ink	(G) Polyacrylic resin

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the TMEs received:

II. 1 Test Marketing Exemption Notice Received From: 05/16/99 to 06/11/99

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
T–99–0003	06/10/99	07/25/99	Kiwi Brands	(G) Household cleaning surfactant	(S) Ethanol, 2-[2-(C_{12}-14-alkyloxy)ethoxy] derivs., hydrogen sulfates, compds. with triisopropanolamine*

In table III, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

III. 41 Notice of Commencement From: 05/16/99 to 06/11/99

Case No.	Received Date	Commencement/ Import Date	Chemical
P–93–0210	06/02/99	05/25/99	(G) Carboxylated styrene-butadiene copolymer latex
P–93–0580	06/11/99	03/05/99	(G) Polyester isocyanate polymer
P–97–0126	05/24/99	05/12/99	(G) Aromatic tetraphenyl phosphate ester
P–97–0666	05/26/99	05/16/99	(G) Fluoroalkyl derivative
P–97–0709	06/11/99	06/08/99	(G) Complex synthetic ester produced from aliphatic alcohol and aliphatic acids including oxidates (petroleum)
P–97–0814	06/02/99	05/05/99	(G) Aliphatic polyamide
P–97–0973	05/20/99	04/21/99	(G) Alkyl functional silicone
P–98–0409	06/04/99	05/23/99	(G) Cross linking stoving polyurethane resin
P–98–0759	06/09/99	05/10/99	(G) Cycloaliphatic amine
P–98–0946	06/02/99	05/03/99	(G) Polydimethylsiloxane with acrylate groups
P–98–0951	06/01/99	05/21/99	(G) Polyester polyether urethane block copolymer
P–98–0976	05/18/99	04/06/99	(G) Dialkyl methylamine
P–98–1116	06/04/99	05/14/99	(S) Silane, trichloro(3,3,4,4,5,5,6,6,7,7,8,8,9,9,10,10,10- heptadecafluorodecyl)-*
P–98–1168	06/11/99	05/17/99	(G) Aliphatic acid, calcium salt
P–98–1176	06/04/99	01/27/99	(G) Polyfluoroalkylether
P–98–1254	05/21/99	05/13/99	(G) Alkali metal amino carboxylate

III. 41 Notice of Commencement From: 05/16/99 to 06/11/99—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–99–0014	06/07/99	05/25/99	(S) 2-oxazolidinone*
P–99–0114	06/07/99	05/20/99	(G) Chromate, bis[hydroxy-[hydroxynaphthalenyl)azo]-[(substitutedphenyl)azo]-naphthalenesulfonato-, sodium salt*
P–99–0185	06/07/99	05/20/99	(S) Amines, dicoco alkyl, reaction products with ditallow alkyl amines and 1-hexadecene-maleic anhydride- polyethylene glycol allyl me ether-1-tetradecene polymer*
P–99–0192	06/02/99	05/03/99	(G) Cationic resin
P–99–0206	05/17/99	05/10/99	(G) Benzopyranone
P–99–0227	05/24/99	05/18/99	(G) Hydroxylamine citrate salt
P–99–0262	05/17/99	04/20/99	(G) Organo aluminum halide
P–99–0264	06/04/99	03/31/99	(S) Mixture of 2-butenoic acid, 4-oxo-4-[[3-(triethoxysilyl)propyl]amino]-, (z)- and 1-propanamine, 3-(triethoxysilyl)-, (z)-2-butenedioate (1:1)*
P–99–0300	05/17/99	04/20/99	(G) Organo aluminium halide
P–99–0386	06/07/99	05/11/99	(G) Perylene derivative
P–99–0390	06/07/99	05/04/99	(S) 9,10-anthracenedione, 2-ethyl-, spent catalyst, from hydrogen peroxide manuf.*
P–99–0391	06/07/99	05/04/99	(S) 9,10-anthracenedione, 2-(1,1-dimethylethyl)-, spent catalyst, from hydrogen peroxide manuf.*
P–99–0392	06/07/99	05/04/99	(S) 9,10-anthracenedione, 2-(1,1-dimethylpropyl)-, spent catalyst, from hydrogen peroxide manuf.*
P–99–0393	06/07/99	05/04/99	(S) 9,10-anthracenedione, 2-(1,2-dimethylpropyl)-, spent catalyst, from hydrogen peroxide manuf.*
P–99–0409	06/01/99	05/18/99	(S) Propanenitrile, 3-[bis(2-hydroxyethyl)amino]-*
P–99–0417	05/24/99	05/06/99	(S) 4h-4a, 9-methanoazuleno[5,6-d]-1,3-diaxole, octahydro-2,2,5,8,8,9a-hexamethyl-, (4ar, 5r, 7as, 9r)-*
P–99–0427	05/17/99	04/28/99	(S) Ethene, hydroformylation products, by-products from*
P–99–0428	05/17/99	05/12/99	(S) Propene, hydroformylation products, by-products from*
P–99–0429	05/17/99	04/28/99	(S) Butene, hydroformylation products, by-products from*
P–99–0430	05/17/99	04/28/99	(S) Butanal, condensation products, hydrogenated, by-products from*
P–99–0432	05/17/99	04/28/99	(S) 4-heptanone, 2,6-dimethyl, hydrogenated, by-products from*
P–99–0464	06/08/99	05/11/99	(G) Polyester-polyamide block copolymer
P–99–0466	06/08/99	05/11/99	(G) Polyester-polyamide block copolymer
P–99–0479	06/09/99	06/15/99	(G) Polysubstituted bis phenylazonapthalene disulfonic acid
P–99–0516	06/08/99	05/25/99	(G) Polyether polyurethane

List of Subjects

Environmental protection, Premanufacture notices.

Dated: July 12, 1999.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 99–18188 Filed 7–15–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL HOUSING FINANCE BOARD

[No. 99–N–9]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (FHLBank) members it has selected for the 1998–99 sixth quarter review cycle under the Finance Board's community support requirements regulation. This notice also prescribes the deadline by which FHLBank members selected for review must submit Community Support Statements (statements) to the Finance Board.

DATES: FHLBank members selected for the 1998–99 sixth quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board on or before August 30, 1999.

ADDRESSES: FHLBank members selected for the 1998–99 sixth quarter review cycle must submit completed statements to the Finance Board either by regular mail to the Office of Policy, Research and Analysis, Program Assistance Division, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006, or by electronic mail to MAXWELLA@FHFB.GOV.

FOR FURTHER INFORMATION CONTACT: Amy R. Maxwell, Housing Finance Officer, Office of Policy, Research and Analysis, Program Assistance Division, at 202/408–2882; at the following electronic mail address: MAXWELLA@FHFB.GOV; or at the Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006. A telecommunications device for deaf persons (TDD) is available at 202/408–2579.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service that FHLBank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the FHLBank member's performance under the Community Reinvestment Act of 1977 (CRA), *id.* 2901 *et seq.*, and record of lending to first-time homebuyers. *Id.* 1430(g)(2).

Pursuant to the requirements of section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirements regulation that establishes standards a FHLBank member must meet in order to maintain access to long-term advances

and review criteria the Finance Board must apply in evaluating a member's community support performance. *See* 12 CFR part 936. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. *Id.* § 936.3. Only members subject to the CRA must meet the CRA standard. *Id.* § 936.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. *Id.* § 936.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each FHLBank district for community support review each calendar quarter. *Id.* 936.2(a). The Finance Board will not review an institution's community support performance until it has been a FHLBank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each FHLBank member selected for review must complete a statement and submit it to the Finance Board by the August 30, 1999 deadline prescribed in this notice. *Id.* § 936.2(b)(1)(ii) and (c). On or before July 31, 1999, each FHLBank will notify the members in its district that have been selected for the 1998–99 sixth quarter community support review cycle that they must complete and submit a statement to the Finance Board by the deadline. *Id.* § 936.2(b)(2)(i). The member's FHLBank will provide a blank statement form, which also is available on the Finance Board's web site at WWW.FHFB.GOV. Upon request, the member's FHLBank also will provide assistance in completing statement.

The Finance Board has selected the following members for the 1998–99 sixth quarter community support review cycle:

FEDERAL HOME LOAN BANK OF BOSTON—DISTRICT 1

Charter Oak Federal Credit Union	Groton, CT
Salisbury Bank and Trust Company	Lakeville, CT
Hometown Bank	Moodus, CT
The New Milford Bank and Trust Company	New Milford, CT
Chelsea Groton Savings Bank	Norwich, CT
Dime Savings Bank of Norwich	Norwich, CT
Savings Bank of Rockville	Rockville, CT
Thomaston Savings Bank	Thomaston, CT
American Bank of Connecticut	Waterbury, CT
North American Bank and Trust Company	Waterbury, CT
Wilton Bank	Wilton, CT
Asian American Bank and Trust Company	Boston, MA
The Community Bank	Brockton, MA
Bay State Federal Savings Bank	Brookline, MA
Chicopee Savings Bank	Chicopee, MA
Weymouth Co-operative Bank	East Weymouth, MA
Easthampton Savings Bank	Easthampton MA
Dukes County Savings Bank	Edgartown, MA
Bank of Fall River, a Co-operative Bank	Fall River, MA
Foxborough Savings Bank	Foxboro, MA
MetroWest Bank	Framingham, MA
Gloucester Bank & Trust Company	Gloucester, MA
Gloucester Cooperative Bank	Gloucester, MA
Family Bank, FSB	Haverhill, MA
Hudson Savings Bank	Hudson, MA
Lee Bank	Lee, MA
Lenox Savings Bank	Lenox, MA
Washington Savings Bank	Lowell, MA
Community Credit Union of Lynn	Lynn, MA
Eastern Bank	Lynn, MA
National Grand Bank	Marblehead, MA
Summit Bank	Medway, MA
Nantucket Bank	Nantucket, MA
Middlesex Savings Bank	Natick, MA
First and Ocean National Bank	Newburyport, MA
Newburyport Five Cents Savings Bank	Newburyport, MA
North Easton Savings Bank	North Easton, MA
Norwood Cooperative Bank	Norwood, MA
Seamen's Bank	Provincetown, MA
Granite Savings Bank	Rockport, MA
Rockport National Bank	Rockport, MA
The Co-operative Bank	Roslindale, MA
Bank of Western Massachusetts	Springfield, MA
Randolph Savings Bank	Stoughton, MA
The Savings Bank	Wakefield, MA
Walpole Co-operative Bank	Walpole, MA
Watertown Savings Bank	Watertown, MA
Northern Bank and Trust Company	Woburn, MA
Kennebec Savings Bank	Augusta, ME
Bath Savings Institution	Bath, ME
Barco Federal Credit Union	Hampden, ME
Kingfield Bank	Kingfield, ME
Androscoggin Savings Bank	Lewiston, ME
Saco and Biddeford Savings Institution	Saco, ME
Sanford Institution for Savings	Sanford, ME

The First Colebrook Bank	Colebrook, NH
Merrimack County Savings Bank	Concord, NH
New Hampshire Federal Credit Union	Concord, NH
Laconia Savings Bank	Laconia, NH
Mascoma Savings Bank, FSB	Lebanon, NH
Southern New Hampshire Bank and Trust	Windham, NH
First Bank and Trust Company	Providence, RI
Granite Savings Bank and Trust Company	Barre, VT

FEDERAL HOME LOAN BANK OF NEW YORK—DISTRICT 2

Bridge View Bank	Englewood Cliffs, NJ
Skylands Community Bank	Hackettstown, NJ
Haddon Savings Bank	Haddon Heights, NJ
Trenton Savings Bank	Lawrenceville, NJ
New Community Federal Credit Union	Newark, NJ
The Rahway Savings Institution	Rahway, NJ
Interchange Bank	Saddle Brook, NJ
Merrill Lynch Trust Company, FSB	Somerset, NJ
Minotola National Bank	Vineland, NJ
Albion Federal Savings & Loan Association	Albion, NY
Bath National Bank	Bath, NY
Flatbush FS&LA of Brooklyn	Brooklyn, NY
Manufacturers and Traders Trust Company	Buffalo, NY
Landmark Community Bank	Canajoharie, NY
Greene County Savings Bank	Catskill, NY
Ontario National Bank	Clifton Springs, NY
Bank of Richmondville	Cobleskill, NY
Champlain National Bank	Elizabethtown, NY
Fairport Savings & Loan Association	Fairport, NY
Highland Falls FS&LA	Highland Falls, NY
Steuben Trust Company	Hornell, NY
Ulster Savings Bank	Kingston, NY
Suffolk Federal Credit Union	Medford, NY
Atlantic Bank of New York	New York, NY
Habib American Bank	New York, NY
Sterling National Bank	New York, NY
The Merchants Bank of New York	New York, NY
Rome Savings Bank	Rome, NY
Trustco Bank, N.A.	Schenectady, NY
Sleepy Hollow National Bank	Sleepy Hollow, NY
Solvay Bank	Solvay, NY
The Troy Savings Bank	Troy, NY
European American Bank	Uniondale, NY
Walden Savings Bank	Walden, NY
Banco Popular de Puerto Rico	San Juan, PR

FEDERAL HOME LOAN BANK OF PITTSBURGH—DISTRICT 3

Enterprise Bank	Allison Park, PA
Apollo Trust Company	Apollo, PA
Farmers and Merchants Trust Company	Chambersburg, PA
Cambria County FS&LA	Cresson, PA
Premier Bank	Doylestown, PA
Elderton State Bank	Elderton, PA
East Penn Bank	Emmaus, PA
PFC Bank	Ford City, PA
First National Bank of Fredericksburg	Fredericksburg, PA
PeoplesBank, a Codorus Valley Company	Glen Rock, PA
Gratz National Bank	Gratz, PA
Harleysville National Bank & Trust Company	Harleysville, PA
Harris Savings Bank	Harrisburg, PA
Irwin Bank and Trust Company	Irwin, PA
Jersey Shore State Bank	Jersey Shore, PA
The Farmers National Bank of Kittanning	Kittanning, PA
Bank of Landisburg	Landisburg, PA
First National Bank of Liverpool	Liverpool, PA
Mars National Bank	Mars, PA
Fulton County National Bank & Trust Company	McConnellsburg, PA
Union National Bank of Mount Carmel	Mount Carmel, PA
Nazareth National Bank and Trust Company	Nazareth, PA
First Federal Savings Bank of New Castle	New Castle, PA
The New Tripoli National Bank	New Tripoli, PA
The National Bank of North East	North East, PA
Jefferson Bank	Philadelphia, PA
Police and Fire Federal Credit Union	Philadelphia, PA
Reliance Standard Life Insurance Company	Philadelphia, PA

St. Edmond's Federal Savings Bank	Philadelphia, PA
Phoenixville FS&LA	Phoenixville, PA
PNC Mortgage Bank, N.A.	Pittsburgh, PA
Portage National Bank	Portage, PA
Security National Bank	Pottstown, PA
LA Bank, N.A.	Scranton, PA
Sun Bank	Selinsgrove, PA
Guaranty Bank, N.A.	Shamokin, PA
Orrstown Bank	Shippensburg, PA
Progressive Bank, N.A.—Buckhannon	Buckhannon, WV
First Exchange Bank	Mannington, WV
One Valley Bank North, Inc.	Moundsville, WV
First Community Bank of Mercer County, Inc.	Princeton, WV
F&M Bank—Blakeley	Ranson, WV
First National Bank of Romney	Romney, WV
Ameribank	Welch, WV

FEDERAL HOME LOAN BANK OF ATLANTA—DISTRICT 4

AuburnBank	Auburn, AL
BankSouth	Dothan, AL
First Commercial Bank	Huntsville, AL
Peachtree Bank	Maplesville, AL
North Jackson Bank	Stevenson, AL
First Bradenton Bank	Bradenton, FL
Liberty National Bank	Bradenton, FL
Riverside National Bank	Fort Pierce, FL
First City Bank of Florida	Fort Walton Beach, FL
First National Bank & Trust	Fort Walton Beach, FL
First Northwest Florida Bank	Fort Walton Beach, FL
The Bank of Brevard	Melbourne, FL
PineBank	Miami, FL
SunTrust Bank, Miami, N.A.	Miami, FL
First National Bank of Florida	Milton, FL
Sun Trust Bank, Central Florida, N.A.	Orlando, FL
Palm Beach National Bank and Trust Company	Palm Beach, FL
Horizon Bank of Florida	Pensacola, FL
Tarpon Coast National Bank	Port Charlotte, FL
Citizens Federal Savings Bank of Port St. Joe	Port St. Joe, FL
First Commercial Bank of Tampa	Tampa, FL
The Bank of Tampa	Tampa, FL
Indian River National Bank	Vero Beach, FL
First National Bank of South Georgia	Albany, GA
First American Bank and Trust	Athens, GA
Appalachian Community Bank	Blairsville, GA
Fannin County Bank, N.A.	Blue Ridge, GA
Atlantic National Bank	Brunswick, GA
First National Bank of Grady County	Cairo, GA
Main Street Bank	Covington, GA
First State Bank of Randolph County	Cuthbert, GA
Chestatee State Bank	Dawsonville, GA
Fairburn Banking Company	Fairburn, GA
First Citizens Bank of Fayette County	Fayetteville, GA
Georgia First Bank	Gainesville, GA
Farmers and Merchants Bank	Lakeland, GA
Premier Bank	Marietta, GA
Southwest Georgia Bank	Moultrie, GA
Atlantic States Bank	Norcross, GA
Carver State Bank	Savannah, GA
Eastside Bank & Trust Company	Snellville, GA
The First State Bank	Stockbridge, GA
Bank of Upson	Thomaston, GA
Thomasville National Bank	Thomasville, GA
Farmers Bank of Maryland	Annapolis, MD
Kopernik Federal Savings Association	Baltimore, MD
Liberty Federal Savings & Loan Association	Baltimore, MD
Slavie Federal Savings & Loan Association	Baltimore, MD
Chesapeake Bank and Trust Company	Chestertown, MD
Chestertown Bank of Maryland	Chestertown, MD
American Trust Bank	Cumberland, MD
FCNB Bank	Frederick, MD
First Bank of Frederick	Frederick, MD
Hagerstown Trust	Hagerstown, MD
Lafayette F.C.U.	Kensington, MD
First United National Bank and Trust	Oakland, MD
National Bank of Rising Sun	Rising Sun, MD

Taneytown Bank and Trust Company	Taneytown, MD
Bank of Stanly	Albemarle, NC
Home Savings Bank of Albemarle	Albemarle, NC
Self-Help Credit Union	Durham, NC
Gibsonville Community Savings Bank	Gibsonville, NC
Farmers and Merchants Bank	Granite Quarry, NC
Stone Street Bank and Trust	Mocksville, NC
Carolina Community Bank	Murphy, NC
First National Bank of Shelby	Shelby, NC
FirstBank of the Midlands, N.A.	Columbia, SC
Farmers & Merchants Bank of South Carolina	Holly Hill, SC
Carolina First Bank, FSB	Travelers Rest, SC
TeleBank	Arlington, VA
The Bank of Northern Virginia	Arlington, VA
American National Bank and Trust Company	Danville, VA
United Bank	Fairfax, VA
The Bank of Fincastle	Fincastle, VA
Marshall National Bank and Trust Company	Marshall , VA
The Middleburg Bank	Middleburg, VA
First Sentinel Bank	Richlands, VA
Bank of Ferrum	Rocky Mount, VA
First Bank	Strasburg, VA
F&M Bank—Peoples	Warrenton, VA
Northern Neck State Bank	Warsaw, VA

FEDERAL HOME LOAN BANK OF CINCINNATI—DISTRICT 5

NCF Bank and Trust Company	Bardstown, KY
Bedford Loan and Deposit Bank	Bedford, KY
Berea National Bank	Berea, KY
South Central Bank of Bowling Green, Inc.	Bowling Green, KY
Meade County Bank	Brandenburg, KY
Campbellsville National Bank	Campbellsville, KY
Edmonton State Bank	Edmonton, KY
Fifth Third Bank of Northern Kentucky	Florence , KY
First Security Bank and Trust	McLean Island, KY
Lawrenceburg National Bank	Lawrenceburg, KY
Farmers National Bank	Lebanon, KY
Square D Employees' Federal Credit Union	Lexington, KY
Fifth Third Bank of Kentucky, Inc.	Louisville, KY
Jefferson Banking Company	Louisville, KY
Citizens National Bank	Russellville, KY
Bank of McCreary County	Whitley City, KY
Williamsburg National Bank	Williamsburg, KY
First National Bank of Ohio (FirstMerit)	Akron, OH
Firelands Federal Credit Union	Bellevue, OH
Bethel Building and Loan Company	Bethel, OH
The Equitable Savings and Loan Company	Cadiz, OH
CinFed Employees Federal Credit Union	Cincinnati, OH
Firstar Bank, N.A.	Cincinnati, OH
Harvest Home Savings Bank	Cincinnati, OH
Lenox Savings Bank	Cincinnati, OH
Mt. Washington Savings & Loan Company	Cincinnati, OH
Shore Bank and Trust Company	Cleveland, OH
Community First Bank, N.A.	Forest, OH
First Ohio Credit Union, Inc.	Fostoria, OH
Galion Building and Loan Association	Galion, OH
Greenville National Bank	Greenville, OH
Second National Bank	Greenville, OH
Citizens Bank of London	London, OH
First FS&LA of Lorain	Lorain, OH
United National Bank and Trust Co.	Massillon, OH
River Valley Federal Credit Union	Miamisburg, OH
New Richmond National Bank	New Richmond, OH
Citizens National Bank of Norwalk	Norwalk, OH
Ripley Federal Savings and Loan Association	Ripley, OH
Ripley National Bank	Ripley, OH
The First National Bank of Shelby	Shelby, OH
Strasburg Savings Bank	Strasburg, OH
Toledo Area Catholic Credit Union	Sylvania, OH
Peoples Savings Bank	Urbana, OH
First Federal Savings and Loan Association	Van Wert, OH
Second National Bank of Warren	Warren, OH
Perpetual Savings Bank	Wellsville, OH
First Federal Savings Bank	Zanesville, OH
Citizens National Bank	Athens, TN

Heritage Bank	Clarksville, TN
Bank of Putnam County	Cookeville, TN
Farmers Bank	Cornersville, TN
First Federal Savings Bank	Dickson, TN
Carter County Bank	Elizabethton, TN
Jackson Bank and Trust	Gainesboro, TN
Gates Banking and Trust Company	Gates, TN
Tennessee State Bank	Gatlinburg, TN
Bank of Gleason	Gleason, TN
Greene County Bank	Greeneville, TN
Bank of Halls	Halls, TN
Commercial Bank	Harrogate, TN
Union Bank	Jamestown, TN
Bank of Tennessee	Kingsport, TN
First Bank	Lexington, TN
Enterprise National Bank	Memphis, TN
The Bank of Milan	Milan, TN
Cavalry Banking	Murfreesboro, TN
Rutherford Bank and Trust	Murfreesboro, TN
Commercial Bank and Trust Company	Paris, TN
Farmers Bank	Portland, TN
Central Bank	Savannah, TN
First Community Bank of Bedford County	Shelbyville, TN
Farmers and Merchants Bank	Trezevant, TN
American City Bank of Tullahoma	Tullahoma, TN
Reelfoot Bank	Union City, TN

FEDERAL HOME LOAN BANK OF INDIANAPOLIS—DISTRICT 6

ONB Bloomington, N.A.	Bloomington, IN
First National Bank	Cloverdale, IN
First Federal Bank, a F.S.B.	Corydon, IN
CSB State Bank	Cynthiana, IN
Blue River Federal Savings Bank	Edinburgh, IN
Bright National Bank	Flora, IN
Three Rivers Federal Credit Union	Fort Wayne, IN
Grabill Bank	Grabill, IN
Fifth Third Bank of Central Indiana	Indianapolis, IN
Landmark Savings Bank, F.S.B.	Indianapolis, IN
Meridian Security Insurance Company	Indianapolis, IN
Peoples Bank and Trust Company	Indianapolis, IN
Union Federal Savings Bank of Indianapolis	Indianapolis, IN
First FS&LA of Clark County	Jeffersonville, IN
Lafayette Savings Bank, F.S.B.	Lafayette, IN
Peoples Savings & Loan Association	Monticello, IN
First State Bank	Morgantown, IN
New Washington State Bank	New Washington, IN
First Citizens State Bank	Newport, IN
Citizens State Bank of Petersburg	Petersburg, IN
United Southwest Bank	Washington, IN
American Trust & Savings Bank of Whiting	Whiting, IN
Bank of Alma	Alma, MI
Great Lakes Bancorp, a FSB	Ann Arbor, MI
Signature Bank	Bad Axe, MI
Lake Osceola State Bank	Baldwin, MI
Central State Bank	Beulah, MI
Community Bank	Caro, MI
Eastern Michigan Bank	Croswell, MI
State Bank of Ewen	Ewen, MI
Oakland Commerce Bank	Farmington Hills, MI
Grand Bank	Grand Rapids, MI
LSI Credit Union	Grand Rapids, MI
National Bank of Hastings	Hastings, MI
Valley Ridge Bank	Kent City, MI
Co-op Services Credit Union	Livonia, MI
Firstbank	Mount Pleasant, MI
First National Bank of Norway	Norway, MI
League Life Insurance Company	Southfield, MI
Sterling Bank and Trust, FSB	Southfield, MI
Macomb Federal Savings Bank	St. Clair Shores, MI
The Empire National Bank of Traverse	Traverse City, MI

FEDERAL HOME LOAN BANK OF CHICAGO—DISTRICT 7

Amcore Bank Aledo	Aledo, IL
Merchants National Bank	Aurora, IL
National Bank of Commerce	Berkeley, IL

Prairie Bank and Trust Company	Bridgeview, IL
Cerro Gordo Building and Loan, s.b.	Cerro Gordo, IL
Firstar Bank Illinois	Chicago, IL
Marquette National Bank	Chicago, IL
South Shore Bank	Chicago, IL
Sterling Savings Bank	Chicago, IL
The First Commercial Bank	Chicago, IL
Resource Bank, N.A.	DeKalb, IL
Du Quoin State Bank	Du Quoin, IL
Crossroads Bank	Effingham, IL
Midwest Bank and Trust Company	Elmwood Park, IL
Heartland National Bank	Herrin, IL
Midwest Bank	Hinsdale, IL
Jacksonville Savings Bank	Jacksonville, IL
Commonwealth Credit Union	Kankakee, IL
Kankakee Federal Savings Bank	Kankakee, IL
Union Federal Savings and Loan Association	Kewanee, IL
The Peoples National Bank of Lawrenceville	Lena, IL
Brickyard Bank	Lincolnwood, IL
Citizens National Bank of Macomb	Macomb, IL
First Suburban National Bank	Maywood, IL
Farmes & State	Meredosia, IL
Community National Bank	Metropolis, IL
Morris Building and Loan, s.b.	Morris, IL
Smith Trust and Savings Bank	Morrison, IL
First National Bank of Nokomis	Nokomis, IL
Nokomis Savings Bank	Nokomis, IL
Orangeville Community Bank	Orangeville, IL
First National Bank of Pana	Pana, IL
First State Bank of Red Bud	Red Bud, IL
Capaha Bank	Tamms, IL
AmeriMark Bank	Villa Park, IL
North Shore Trust and Savings	Waukegan, IL
Waukegan Savings & Loan Association	Waukegan, IL
Prospect Federal Savings Bank	Worth, IL
First National Bank of Xenia	Xenia, IL
State Bank of Arcadia	Arcadia, WI
First National Bank of Barron	Barron, WI
Blackhawk State Bank	Beloit, WI
First National Bank of Berlin	Berlin, WI
Badger State Bank	Cassville, WI
State Bank of Chilton	Chilton, WI
American Bank	Eau Claire, WI
F&M Bank—Fennimore	Fennimore, WI
American Bank	Fond du Lac, WI
Franklin State Bank	Franklin, WI
State Financial Bank Hales	Hales Corners, WI
Peoples National Bank	Hayward, WI
Horicon State Bank	Horicon, WI
Farmers and Merchants Bank of Jefferson	Jefferson, WI
F&M Bank—Kaukauna	Kaukauna, WI
Farmers State Bank	Markesan, WI
Mid-Wisconsin Bank	Medford, WI
Lincoln State Bank	Milwaukee, WI
Mitchell Bank	Milwaukee, WI
AMCORE Bank	Montello, WI
Bank of Monticello	Monticello, WI
The Bank of New Glarus	New Glarus, WI
The First National Bank of New Richmond	New Richmond, WI
RiverBank	Osceola, WI
Bank of Poynette	Poynette, WI
Johnson Bank	Racine, WI
Citizens Bank, N.A.	Shawano, WI
Shell Lake State Bank	Shell Lake, WI
Eagle Valley Bank, N.A.	St. Croix Falls, WI
State Bank of Stockbridge	Stockbridge, WI
Westland Savings Bank	Tomah, WI
ALLCO Credit Union	Wauwatosa, WI
The Equitable Bank, S.S.B.	Wauwatosa, WI
Fortress Bank of Westby	Westby, WI
Westby Co-op Credit Union	Westby, WI

FEDERAL HOME LOAN BANK OF DES MOINES—DISTRICT 8

Ackley State Bank	Ackley, IA
Exchange State Bank	Adair, IA

First State Bank	Belmond, IA
Iowa State Savings Bank	Clinton, IA
Iowa State Savings Bank	Creston, IA
Security Bank and Trust Company	Decorah, IA
AmerUS Life Insurance Company	Des Moines, IA
Norwest Bank Iowa, N.A.	Des Moines, IA
Dupaco Community Credit Union	Dubuque, IA
State Bank	Everly, IA
Grundy National Bank	Grundy Center, IA
Hartwick State Bank	Hartwick, IA
Hiawatha Bank and Trust Company	Hiawatha, IA
Community State Bank	Indianaola, IA
Green Belt Bank and Trust	Iowa Falls, IA
Farmers Savings Bank	Kalona, IA
First National Bank in LeMars	Le Mars, IA
Western Bank & Trust	Moville, IA
First National Bank of Muscatine	Muscatine, IA
Security State Bank	New Hampton, IA
Citizens State Bank	Oakland, IA
Oakland State Bank	Oakland, IA
First National Bank of Sioux Center	Sioux Center, IA
The Security National Bank of Sioux City	Sioux City, IA
Heartland Bank	Somers, IA
Farmers Trust & Savings Bank	Spencer, IA
First Bank & Trust	Spirit Lake, IA
Citizens First National Bank	Storm Lake, IA
West Chester Savings Bank	Washington, IA
Community National Bank	Waterloo, IA
First National Bank of Waverly	Waverly, IA
Peoples Savings Bank	Wellsburg, IA
Farm Bureau Life Insurance Company	West Des Moines, IA
Farm Bureau Mutual Insurance Company	West Des Moines, IA
Farmers Savings Bank	Wever, IA
State Bank	Worthington, IA
Atwater State Bank	Atwater, MN
First National Bank of Brewster	Brewster, MN
City-County Federal Credit Union	Brooklyn Center, MN
Buffalo National Bank	Buffalo, MN
Peoples Bank of Commerce	Cambridge, MN
First National Bank	Chisholm, MN
Clinton State Bank	Clinton, MN
First State Bank of Eden Prairie	Eden Prairie, MN
Eitzen State Bank	Eitzen, MN
The County Bank	Forest Lake, MN
Citizens State Bank of Glenville	Glenville, MN
Marquette Bank N.A.	Golden Valley, MN
First Security Bank—Hendricks	Hendricks, MN
First National Bank of Henning	Henning, MN
Jackson Federal Savings and Loan Association	Jackson, MN
Janesville State Bank	Janesville, MN
Citizens State Bank of Kelliher	Kelliher, MN
Security State Bank of Kenyon	Kenyon, MN
First Security Bank—Lake Benton	Lake Benton, MN
State Bank of Long Lake	Long Lake, MN
Lake Country State Bank	Long Prairie, MN
United Prairie Bank	Madison, MN
Bank of Maple Plain	Maple Plain, MN
Superior Guaranty Insurance Company	Minneapolis, MN
First National Bank in Montevideo	Montevideo, MN
Mountain Iron First State Bank	Mountain Iron, MN
Citizens Bank of New Ulm	New Ulm, MN
State Bank and Trust Company of New Ulm	New Ulm, MN
Community National Bank	Northfield, MN
Minnwest Bank Ortonville	Ortonville, MN
Pine River State Bank	Pine River, MN
Northland Security Bank	Ramsey, MN
Border State Bank	Roseau, MN
First Security Bank—Sanborn	Sanborn, MN
Americana Community Bank	Sleepy Eye, MN
Bremer Bank, N.A.	St. Cloud, MN
Western Bank	St. Paul, MN
Community Bank of St. Peter	St. Peter, MN
Vermillion State Bank	Vermillion, MN
Northern State Bank of Virginia	Virginia, MN
First State Bank of Wabasha	Wabasha, MN
Heritage Bank N.A.	Willmar, MN

Merchants National Bank of Winona	Winona, MN
First State Bank of Wyoming	Wyoming, MN
Bank of Zumbrota	Zumbrota, MN
Jefferson Heritage Bank	Ballwin, MO
Hometown Bank, N.A.	Carthage, MO
Boone County National Bank	Columbia, MO
Tri-County State Bank	El Dorado Springs, MO
Commercial Trust Company of Fayette	Fayette, MO
Home Exchange Bank of Jamesport	Jamesport, MO
Jefferson Bank of Missouri	Jefferson City, MO
Central Bank of Kansas City	Kansas City, MO
Community America Credit Union	Kansas City, MO
Kearney Trust Company	Kearney, MO
Lawson Bank	Lawson, MO
United State Bank	Lewistown, MO
Sun Security Bank of America	Mountain Grove, MO
First Missouri State Bank	Poplar Bluff, MO
First State Bank of Purdy	Purdy, MO
The Seymour Bank	Seymour, MO
State Bank of Slater	Slater, MO
Citizens Bank of Sparta	Sparta, MO
Heritage Bank of St. Joseph	St. Joseph, MO
Southwest Bank of St. Louis	St. Louis, MO
Webb City Bank	Webb City, MO
Security State Bank of Edgeley	Edgeley, ND
Bremer Bank, N.A.	Grand Forks, ND
Community National Bank of Grand Forks	Grand Forks, ND
Stutsman County State Bank	Jamestown, ND
Bank of Steele	Steele, ND
Peoples State Bank	Westhope, ND
Security State Bank, Wishek	Wishek, ND
Dakota State Bank	Blunt, SD
Security State Bank	Madison, SD
BankWest, Inc.	Pierre, SD
American Memorial Life Insurance Company	Rapid City, SD
First National Bank of White	White, SD
First Dakota National Bank	Yankton, SD

FEDERAL HOME LOAN BANK OF DALLAS—DISTRICT 9

Bank of Cave City	Cave City, AR
First National Bank of Crossett	Crossett, AR
Simmons First National Bank of Dumas	Dumas, AR
National Bank of Commerce	El Dorado, AR
Bank of Arkansas	Fayetteville, AR
Greers Ferry Lake State Bank	Heber Springs, AR
First National Bank of Phillips County	Helena, AR
Malvern National Bank	Malvern, AR
Merchants and Planters Bank	Manila, AR
McGehee Bank	McGehee, AR
TrustBanc	Mountain Home, AR
Citizens National Bank	Nashville, AR
Merchants and Planters Bank	Newport, AR
American State Ban	Osceola, AR
Bank of Pocahontas	Pocahontas, AR
The Farmers & Merchants Bank	Prairie Grove, AR
First United Bank	Stuttgart, AR
Commercial National Bank of Texarkana	Texarkana, AR
American Founders Life Insurance Company	Phoenix, AZ
Union Planters Bank of Louisiana	Baton Rouge, LA
The Cottonport Bank	Cottonport, LA
Kaplan State Bank	Kaplan, LA
Resource Bank	Mandeville, LA
Sabine State Bank and Trust Company	Many, LA
Minden Bank and Trust Company	Minden, LA
Exchange Bank and Trust Company	Natchitoches, LA
Liberty Bank and Trust Company	New Orleans , LA
American Bank of Ruston, N.A.	Ruston, LA
Sicily Island State Bank	Sicily Island, LA
St. Martin Bank and Trust Company	St. Martinville, LA
Concordia Bank and Trust Company	Vidalia, LA
The Evangeline Bank and Trust Company	Ville Platte, LA
Progressive Bank	Winnsboro, LA
First Security Bank	Batesville, MS
Peoples Bank of Franklin County	Bude, MS

Bank of the South	Crystal Springs, MS
Commercial Bank of DeKalb	DeKalb, MS
Community Bank	Ellisville, MS
Community Bank of Mississippi	Forest, MS
Community Bank, Indianola	Indianola, MS
Century Bank	Lucedale, MS
Great Southern National Bank	Meridian, MS
Newton County Bank	Newton, MS
First National Bank of Oxford	Oxford, MS
Citizens Bank	Philadelphia, MS
The Peoples Bank and Trust Company	Tupelo, MS
Bank of Belen	Belen, NM
Carlsbad National Bank	Carlsbad, NM
Community Bank	Espanola, NM
First National Bank of Farmington	Farmington, NM
Western Bank	Lordsburg, NM
Centinel Bank of Taos	Taos, NM
Peoples Bank	Taos, NM
First Community Bank, N.A.	Alice, TX
Amarillo National Bank	Amarillo, TX
First National Bank of Bastrop	Bastrop, TX
Citizens State Bank	Buffalo, TX
Zavala County Bank	Crystal City, TX
National Bank of Daingerfield	Daingerfield, TX
First National Bank	Edinburg, TX
First National Bank	Fabens, TX
First National Bank	Fairfield, TX
Town North National Bank	Farmers Branch, TX
First National Bank in Graham	Graham, TX
First State Bank, Granger	Granger, TX
CompuBank	Houston, TX
First Bank	Houston, TX
First Community Credit Union	Houston, TX
First National Bank of Huntsville	Huntsville, TX
Community Bank of Texas	Kirbyville, TX
The Laredo National Bank	Laredo, TX
First State Bank of Livingston	Livingston, TX
First National Bank in Lockney	Lockney, TX
Franklin National Bank	Mount Vernon, TX
First State Bank	Smithville, TX
First National Bank of Sudan	Sudan, TX
Texline State Bank	Texline, TX
Randolph-Brooks Federal Credit Union	Universal City, TX
Citizens National Bank	Victoria, TX
American Bank, N.A.	Waco, TX
Union Square Federal Credit Union	Wichita Falls, TX

FEDERAL HOME LOAN BANK OF TOPEKA—DISTRICT 10

FirstBank of Arvada, N.A.	Arvada, CO
FirstBank of Aurora, N.A.	Aurora, CO
FirstBank of Douglas County, N.A.	Castle Rock, CO
Mountain Bell Credit Union	Colorado Springs, CO
Western National Bank of Colorado	Colorado Springs, CO
Dove Creek State Bank	Dove Creek, CO
Bank of Colorado—Western Slope	Grand Junction, CO
FirstBank of Lakewood, N.A.	Lakewood, CO
First Bank of Littleton, N.A.	Littleton, CO
Olathe State Bank	Olathe, CO
FirstBank of Silverthorne, N.A.	Silverthorne, CO
First National Bank of Strasburg	Strasburg, CO
First National Bank, Telluride	Telluride, CO
WestStar Bank	Vail, CO
FirstBank of Wheat Ridge, N.A.	Wheat Ridge, CO
First National Bank of Yuma	Yuma, CO
First State Bank of Burlingame	Burlingame, KS
Emporia State Bank and Trust Company	Emporia, KS
Home State Bank	Erie, KS
Union State Bank of Everest	Everest, KS
Emprise Bank, N.A.	Hillsboro, KS
The Farmers State Bank	Holton, KS
First Community Bank	Kansas City, KS
Guaranty Bank and Trust	Kansas City, KS
Linn County Bank	La Cygne, KS
First National Bank & Trust Company in Larned	Larned, KS
The Bank	Oberlin, KS

First National Bank of Onaga	Onaga, KS
First National Bank and Trust Company	Parsons, KS
First State Bank and Trust	Tonganoxie, KS
Capital City Bank	Topeka, KS
Commerce Bank and Trust	Topeka, KS
Security Benefit Life Insurance Company	Topeka, KS
Wellsville Bank	Wellsville, KS
Boeing Wichita Employees Credit Union	Wichita, KS
First National Beatrice Bank & Trust Company	Beatrice, NE
Exchange Bank	Gibbon, NE
First State Bank	Gothenburg, NE
West Gate Bank	Lincoln, NE
Home State Bank	Louisville, NE
Bank of Mead	Mead, NE
Farmers and Merchants Bank	Milford, NE
Norwest Bank Nebraska, N.A.	Omaha, NE
First State Bank	Scottsbluff, NE
The Cattle National Bank	Seward, NE
The First National Bank of Unadilla	Unadilla, NE
First National Bank of Valentine	Valentine, NE
CharterWest National Bank	West Point, NE
Winside State Bank	Winside, NE
Atoka State Bank	Atoka, OK
WestStar Bank	Bartlesville, OK
First National Bank of Chelsea	Chelsea, OK
Alfalfa County Bank	Cherokee, OK
American Heritage Bank	El Reno, OK
Grand Federal Savings Bank	Grove, OK
American Fidelity Assurance Company	Oklahoma City, OK
Bank One Oklahoma, N.A.	Oklahoma City, OK
Weokie Credit Union	Oklahoma City, OK
American National Bank and Trust Company	Shawnee, OK
First National Bank and Trust Company	Weatherford, OK
First National Bank in Wewoka	Wewoka, OK

FEDERAL HOME LOAN BANK OF SAN FRANCISCO—DISTRICT 11

Heritage Bank	Phoenix, AZ
Norwest Bank Arizona, N.A.	Phoenix, AZ
Western Sierra Bank	Cameron Park, CA
First Central Bank, N.A.	Cerritos, CA
First Coastal Bank, N.A.	El Segundo, CA
Crown American Bank	El Segundo, CA
Farmers & Merchants Bank—Central California	Lodi, CA
Southern Pacific Thrift & Loan Association	Los Angeles, CA
County Bank	Merced, CA
Omni Bank, N.A.	Monterey Park, CA
CivicBank of Commerce	Oakland, CA
Bay Area Bank	Redwood City, CA
Central Sierra Bank	San Andreas, CA
Santel Federal Credit Union	San Diego, CA
Bank of San Francisco	San Francisco, CA
Sequoia National Bank	San Francisco, CA
Santa Barbara Bank and Trust	Santa Barbara, CA
Coast Commercial Bank	Santa Cruz, CA
Del Amo Savings Bank, FSB	Torrance, CA
Silver State Bank	Henderson, NV
Comstock Bank	Reno, NV

FEDERAL HOME LOAN BANK OF SEATTLE—DISTRICT 12

Honolulu City & County Employees FCU	Honolulu, HI
Valley Bank of Belgrade	Belgrade, MT
Rocky Mountain Bank	Billings, MT
Blackfeet National Bank	Browning, MT
Mountain West Bank, N.A.	Helena, MT
Three Rivers Bank of Montana	Kalispell, MT
Bitterroot Valley Bank	Lolo, MT
Missoula Federal Credit Union	Missoula, MT
Glacier Bank of Whitefish	Whitefish, MT
Western Bank of Wolf Point	Wolf Point, MT
Rogue Federal Credit Union	Medford, OR
First National Bank of Layton	Layton, UT
Orem Community Bank	Orem, UT
Deseret First Credit Union	Salt Lake City, UT
Anchor Mutual Savings Bank	Aberdeen, WA
The Bank of Grays Harbor	Aberdeen, WA

Bank NorthWest	Bellingham, WA
Whatcom Educational Credit Union	Bellingham, WA
Security State Bank	Centralia, WA
North Cascades National Bank	Chelan, WA
Bank of Whitman	Colfax, WA
Islanders Bank	Friday Harbor, WA
Community First Bank	Kennewick, WA
Bank of Latah	Latah, WA
Bank of the Pacific	Long Beach, WA
Washington Credit Union	Lynnwood, WA
Bank of Pullman	Pullman, WA
Credit Union of the Pacific	Seattle, WA
Freemont First National Bank	Seattle, WA
Home Security Bank	Sunnyside, WA
Bank of the West	Walla Walla, WA
Yakima National Bank	Yakima, WA
Yakima Valley Credit Union	Yakima, WA
First National Bank of Wyoming	Laramie, WY
Bank of Lovell, N.A.	Lovell, WY
Rawlins National Bank	Rawlins, WY
First State Bank of Wheatland	Wheatland, WY

II. Public Comments

To encourage the submission of public comments on the community support performance of FHLBank members, on or before July 31, 1999, each FHLBank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 1998–99 sixth quarter review cycle. 12 CFR 936.2(b)(2)(II). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. *Id*. 936.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 1998–99 sixth quarter review cycle must be delivered to the Finance Board on or before the August 30, 1999 deadline for submission of statements.

Dated: July 8, 1999.

By the Federal Housing Finance Board.

William W. Ginsberg,

Managing Director.

[FR Doc. 99–17914 Filed 7–15–99; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

Brisk International Express, Inc., 8542 NW 66th Street, Miami, FL 33166; Officers: Sandra Reis Monteiro, President (Qualifying Individual), Amauri Carlos Monteiro, Secretary

Dit (USA), Inc., 1805 W. Hovey, Suite B, Normal, IL 61761; Officers: Mark Boulware, Assistant Secretary (Qualifying Individual), Fuyuo Asahina, President and Director

FPS Logistic (USA) Inc., 111 W. Ocean Blvd., Suite 1150, Long Beach, CA 90802; Officers: Quincy Ho Sung Tan, President (Qualifying Individual), Tong Tsun Wai, Director

Hana Worldwide Shipping Co., Inc., 533 Division Street, Elizabeth, NJ 07201; Officer: Ki Hun Yoo, President (Qualifying Individual)

Pacific & Atlantic Ocean Container Line Inc., 45 Rockefeller Plaza, Suite 3162, New York, NY 10020; Officers: Oscar Anthony Poli, Executive Vice President (Qualifying Individual), Ivo Giovannini, Director

Transcontainer (USA) Inc., 1001 North Mittel Drive, Wood Dale, IL 60191; Officers: Shoichi Nakamura, Executive Vice President (Qualifying Individual), Shunjir Iwaya, President

Twin Modal, Inc., 2621 Fairview Avenue North, Roseville, MN 55113; Officers: Christopher J. Wojtowicz, FMC Compliance Officer (Qualifying Individual), Robert J. (Chip) Smith, President/Director

WCS International, Inc. d/b/a World Class Shipping, 515 Rockaway Avenue, Suite 21, Valley Stream, NY 11581; Officers: William C. Shaw III, President (Qualifying Individual), Ellen A. Shaw, Secretary/Treasurer

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Everpole Shipping Incorporated, 19191 South Vermont, Avenue, Suite 510, Torrance, CA 90502; Officer: Thomas Chan, President, (Qualifying Individual), Kit Ying Tam, Director

AB Shipping, 4297 Walnut Grove Avenue, Rosemead, CA 91770; Abby An, Sole Proprietor

Double Ace Cargo, Inc., 5086 N.W. 74 Avenue, Miami, FL 33166; Officers: Ernesto Vila, President (Qualifying Individual), Rolgues Rodridgues, Vice President

PLS International, Inc.; 2060 Pennsylvania Avenue, Monaca, PA 15061, Officers: Warren M. Rojas, Executive Director, (Qualifying Individual), Patrick A. Gallagher, Director

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants

Gen Trading Machinery, Inc. d/b/a GTM Cargo & Logistics, Inc., 1246 NW 125 Terrance, Sunrise, FL 33312; Officers: Gisella Noya Garrison, President (Qualifying Individual), Michael L. Garrison, Vice President

Combined Forwarding, Inc., 1275 Sawgrass Corporate Parkway, Sunrise, FL 33323; Officer: Clive N. Smith, President (Qualifying Individual)

J.D. Senese & Associates, Inc., Sentek International of Illinois, 1420 Renaissance Drive, Suite 301F, Park Ridge, IL 60068; Officers: Teresa Rae Purcell, Vice President, (Qualifying Individual), James D. Senese, President

Southeastern Freight Forwarding, Inc., 6448 Hillcrest Crossing South, Mobile, AL 36695; Officers: Jacqueline Ann Wilkie, President (Qualifying Individual), Stanley A. Wilkie, Vice President

Transport Specialists, Inc., 21641 Beaumeade Circle, 316–319, Ashburn, VA 20147; Officer: George S. Northern, President (Qualifying Individual)

Jet International Forwarding, Inc. d/b/a J.I.F., 9811 W. Okeechoee, Road, #105, Hialeah, FL 33016; Officers: Christina Santana, Registered Agent, (Qualifying Individual), Francisco D. Ferrey, President

Kallista Shipping Corporation, 4345 NW 97th Avenue, Miami, FL 33178; Officers: Irene M. Chizmar, Vice President, (Qualifying Individual), Israel Garcia, President

Dated: July 13, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–18165 Filed 7–15–99; 8:45 am]

BILLING CODE 6730–01–M

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 30, 1999.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480–0291:

1. Robert A. Olson, Orono, Minnesota; to acquire voting shares of St. Stephen BanGroup, Inc., Minneapolis, Minnesota, and thereby indirectly acquire voting shares of St. Stephen State Bank, St. Stephen, Minnesota.

Board of Governors of the Federal Reserve System, July 12, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18130 Filed 7–15–99; 8:45 am]

BILLING CODE 6210–01–F

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 August 2, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Peter R. Kerndt, Santa Monica, California; to acquire additional voting shares of Kerndt Bank Services, Inc., Lansing, Iowa, and thereby indirectly acquire additional voting shares of Kerndt Brothers Savings Bank, Lansing, Iowa.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Caren L. Coffee, Miles City, Montana; to acquire voting shares of Stockman Financial Corporation, Miles City, Montana, and thereby indirectly acquire voting shares of Stockman Bank of Montana, Miles City, Montana

Board of Governors of the Federal Reserve System, July 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18220 Filed 7–15–99; 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 August 9, 1999.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480–0291:

1. Great Northern Corporation, St. Michael, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Great Northern Bank, St. Michael, Minnesota.

Board of Governors of the Federal Reserve System, July 12, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18129 Filed 7–15–99; 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 August 12, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Fayette Bancorporation, Marion, Iowa; to acquire approximately 70 percent of the voting shares of Shell Rock Bancorporation, Shell Rock, Iowa, and thereby indirectly acquire Security State Bank, Waverly, Iowa.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Pritchard Acquisition Co., Inc., San Antonio, Texas; to become a bank holding company by acquiring, through merger, InterContinental BankShares Corporation, San Antonio, Texas, and thereby indirectly acquire InterContinental National Bank, San Antonio, Texas.

Board of Governors of the Federal Reserve System, July 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18222 Filed 7–15–99; 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 30, 1999.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. First Union Corporation, Charlotte, North Carolina; to acquire EVEREN Capital Corporation, Chicago, Illinois, and thereby indirectly acquire EVEREN Securities, Inc., Chicago, Illinois, and thereby engage in underwriting and dealing in, to a limited extent, all types of debt and equity securities other than interests in open–end investment companies, *see, J.P. Morgan & Co., Inc., et al.*, 75 Fed. Res. Bull. 192 (1989); underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks of the Federal Reserve System may underwrite and deal in under 12 U.S.C. 24 and 335, pursuant to § 225.28(b)(8)(i) of Regulation Y; acting as investment or financial advisor, pursuant to § 225.28(b)(6) of Regulation Y; providing securities brokerage services, , buying and selling all types of securities as a''riskless principal,'' acting as agent for the private placement of securities, acting as a futures commission merchant, and providing other agency transactional services, pursuant to § 225.28(b)(7)(i)–(v) of Regulation Y; engaging as principal in foreign exchange, forward contracts, options, futures, options on futures, swaps, and similar contract, whether traded on exchanges or not, based on any rate, price, financial asset (including gold, silver, platinum, palladium, copper, or any other metal approved by the Board), nonfinancial asset, or group of assets other than bank–ineligible securities, pursuant to § 225.28(b)(8)(ii) of Regulation Y; and engaging in community development activities, pursuant to § 225.28(b)(12) of Regulation Y. In addition, First Union Corporation requests Board approval to acquire up to 19.9 percent of the voting shares of the EVEREN Capital Corporation, Chicago, Illinois, under certain circumstances.

Board of Governors of the Federal Reserve System, July 12, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18128 Filed 7–15–99; 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; Correction

This notice corrects a notice (FR Doc. 99–17526) published on pages 37535 and 37536 of the issue for Monday, July 12, 1999.

Under the Federal Reserve Bank of Sam Francisco heading, the entry for Wells Fargo & Company, San Francisco, California, Norwest Mortgage, Inc., Des Moines, Iowa, and Southwest Partners, Des Moines, Iowa, is revised to read as follows:

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Wells Fargo & Company, San Francisco, California; Norwest Mortgage, Inc., Des Moines, Iowa; and Southwest Partners, Des Moines, Iowa; to engage *de novo* through their subsidiary, Gold Coast Mortgage, San Diego, California, in a joint venture with Werner & Simmons Real Estate, Inc., San Diego, California, and RAS Financial Services, Inc., Palos Verdes Estates, California, in making, acquiring, brokering and servicing loans or other extensions of credit, including

residential mortgage loans, pursuant to § 225.28(b)(1) of Regulation Y.

Comments on this application must be received by July 26, 1999.

Board of Governors of the Federal Reserve System, July 12, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18131 Filed 7–15–99; 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 August 2, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Popular, Inc., Hato Rey, Puerto Rico, to acquire GM Group, Inc., Rio Piedras, Puerto Rico, and thereby engage in management consulting, pursuant to § 225.28(b)(9)(i) of Regulation Y, and data processing and data transmission activities, pursuant to § 225.28(b)(14) of Regulation Y.

Board of Governors of the Federal Reserve System, July 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18221 Filed 7–15–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 2:30 p.m., Tuesday, July 20, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 2lst Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. Proposed amendments to Regulation A (Extensions of Credit by Federal Reserve Banks) to establish a Century Date Change Special Liquidity Facility (proposed earlier for public comment; Docket No. R–1038).

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $6 per cassette by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: July 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18267 Filed 7–13–99; 4:48 pm]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 3:00 p.m., Tuesday, July 20, 1999, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 13, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–18268 Filed 7–13–99; 4:48 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Revised Form OCSE–100, State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act.

OMB No.: 0970–0017.

Description: The State plan preprint and amendments serve as a contract with OCSE in outlining the activities the States will perform as required by law in order for States to receive Federal funds to meet the costs of these activities. This final rule serves to eliminate regulations, in part or in whole, which were rendered obsolete by or inconsistent with, the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA), the Balanced Budget Act of 1997 (BBA) and the Adoption and Safe Families Act of 1997. All of the required new and revised State plan preprints were approved by OMB July 7, 1997 (expiring July 31,

2000) and February 18, 1998 (expiring February 28, 2001), both under OMB No. 0970–0017. Also, new forms were approved by OMB No. 0970–0085 (Standard Interstate Forms), 0970–0152 (Lien and Subpoena Forms), and 0970–0154 (Wage Withholding Form). The final rule will update the State plan by removing the State plan preprint page for Section 3.12, Payment of Support thorough the IV–D agency or Other Entity. Section 314(c) of PRWORA repealed Section 466(c) of the Act. 45 CFR 302.57 is being removed by the final rule as it implemented Section 466(c). The requirements for State plan preprint page 3.12 are now covered by Section 3.14, Collection and Disbursement of Support Payments. The information collected on the State plan pages is necessary to enable OCSE to monitor compliance with the requirements in Title IV–D of the Social Security Act and implementing regulations.

Respondents: State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden per response	Total burden hours
State Plan for Child Support	54	1	43 min.	39

Estimated Total Burden Hours: 39.

ADDITIONAL INFORMATION: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W.; Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Attn: ACF Desk Officer.

Dated: July 13, 1999.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 99–18167 Filed 7–15–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–2248]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH); Draft Guidances on Efficacy of Anthelmintics: General Recommendations (#90), Efficacy of Anthelmintics: Specific Recommendations for Bovines (#95), Efficacy of Anthelmintics: Specific Recommendations for Ovines (#96), and Efficacy of Anthelmintics: Specific Recommendations for Caprines (#97); Availability; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability for comment of four draft guidance documents entitled: ''Efficacy of Anthelmintics: General Recommendations (#90),'' ''Efficacy of Anthelmintics: Specific Recommendations for Bovines (#95),'' ''Efficacy of Anthelmintics: Specific Recommendations for Ovines (#96),'' and ''Efficacy of Anthelmintics: Specific Recommendations for Caprines (#97).'' These related draft guidance documents have been developed by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). They are intended to standardize and simplify methods used in the evaluation of new anthelmintics submitted for approval to the European Union, Japan and the United States.

DATES: Submit written comments by August 16, 1999. FDA must receive comments before the deadline in order to ensure their consideration at the next VICH Committee.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm 1061, Rockville, MD 20852. Comments should be identified with the full title of the draft guidance documents and the docket number found in the heading of this document.

Copies of the draft guidance documents entitled ''Efficacy of Anthelmintics: General Recommendations,'' ''Efficacy of Anthelmintics: Specific Recommendations for Bovines,'' ''Efficacy of Anthelmintics: Specific Recommendations for Ovines,'' and ''Efficacy of Anthelmintics: Specific Recommendations for Caprines'' may be obtained on the Internet from the CVM home page at ''http://www.fda.gov/cvm/fda/TOCs/guideline.html''. Persons without Internet access may submit written requests for single copies of the draft guidances to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests.

FOR FURTHER INFORMATION CONTACT:

Regarding VICH: Sharon R. Thompson (HFV–3), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1798, e-mail: ''sthompso@cvm.fda.gov''.

Regarding the guidance documents: Thomas Letonja (HFV–130), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7576, e-mail: ''tletonja@cvm.fda.gov''.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities, industry associations, and individual sponsors to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seeking scientifically based harmonized technical requirements for the development of pharmaceutical products. One of the goals of harmonization is to identify and reduce the differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation (ICH) of Technical Requirements for Registration of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the registration of human pharmaceutical products among the European Union, Japan and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the registration of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH meetings are held under the auspices of the Office International des Epizooties (OIE). The VICH Steering Committee is composed of member representatives from the European Commission; the European Medicines Evaluation Agency; the European Federation of Animal Health; the Japanese Veterinary Pharmaceutical Association; the Japanese Ministry of Agriculture, Forestry and Fisheries; the U.S. Animal Health Institute; the U.S. FDA; and the U.S. Department of Agriculture.

Four observers are eligible to participate in the VICH Steering Committee: One representative from the Government of Australia/ New Zealand, one representative from industry in Australia/ New Zealand, one representative from MERCOSUR (Argentina, Brazil, Uruguay and Paraguay), and one representative from Federacion Latino-Americana de la Industria para la Salud Animal. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the Confédération Mondiale de L'Industrie de la Santé Animale (COMISA). A COMISA representative participates in the VICH Steering Committee meetings.

The VICH Steering Committee held meetings and agreed that the four draft guidance documents should be made available for public comment. On October 20 through 22, 1998, the Committee agreed to the draft guidance document entitled ''Efficacy of Anthelmintics: General Recommendations.'' On March 16 through 18, 1999, the Committee agreed on the three draft guidance documents entitled ''Efficacy of Anthelmintics: Specific Recommendations for Bovines,'' ''Efficacy of Anthelmintics: Specific Recommendations for Ovines,'' and ''Efficacy of Anthelmintics: Specific Recommendations for Caprines.''

The draft guidance entitled ''Efficacy of Anthelmintics: General Recommendations'' is intended to standardize and simplify the methods used for the effectiveness evaluation of new anthelmintics and generic copies for use in domesticated animals. Animal welfare will benefit by the elimination of duplicate studies, which will reduce the number of animals required for necessary studies. Likewise this will benefit the industry by reducing research and development costs. The three draft guidances entitled ''Efficacy of Anthelmintics: Specific Recommendations for Bovines,'' ''Efficacy of Anthelmintics: Specific Recommendations for Ovines,'' and ''Efficacy of Anthelmintics: Specific Recommendations for Caprines'' should be read in conjunction with the ''Efficacy of Anthelmintics: General Recommendations (EAGR).'' The guidances for bovines, ovines, and caprines are part of the EAGR, and the aim of these three draft guidances is to: (1) Be more specific for certain issues not discussed in the general guidance, (2) highlight differences with the EAGR on efficacy data recommendations, and (3) give explanations for disparities with the EAGR. Comments about the draft guidance documents will be considered by the FDA and the VICH Anthelmintic Working Group. Ultimately, FDA intends to adopt the VICH Steering Committee's final guidances and publish them as future guidances.

These draft documents, developed under the VICH process, have been revised to conform to FDA's good guidance practices regulations (62 FR 8961, February 27, l997). For example, the documents have been designated ''guidance'' rather than ''guideline.'' Because guidance documents are not binding, unless specifically supported by statute or regulation, mandatory words such as ''must,'' ''shall , '' and ''will'' in the original VICH documents have been substituted with ''should.'' Similarly, words such as ''requirement'' or ''acceptable'' or phrases such as ''minimum standards'' or ''minimum needed'' have been replaced by ''recommendation'' or ''recommended'' as appropriate to the context. Additionally, the term(s) ''veterinary medicinal products'' and ''veterinary pharmaceuticals products'' may require revision to be consistent with product terms used in other VICH guidance documents.

These draft documents represent current FDA thinking on efficacy requirements for anthelmintic medicinal products. These documents do not create or confer any rights for or on any person and will not operate to bind FDA or the public. Alternate approaches may be used if they satisfy the requirements of applicable statutes, regulations, or both.

II. Comments

Interested persons should submit written comments on or before August 16, 1999 to the Dockets Management Branch (address above) regarding the guidance documents. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. A copy of the document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday, except for Federal Holidays.

Dated: July 12, 1999.

Margaret M. Dotzel,

Acting Assoicate Commissioner for Policy Coordination.

[FR Doc. 99–18166 Filed 7–13–99; 12:06 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: National Health Service Corps (NHSC) Professional Training and Information Questionnaire (PRIQ) OMB No. 0915–0208: Revision

The Health Resources and Services Administration, Bureau of Primary Health Care, NHSC, assists medically underserved communities through the placement of primary health care professionals in health professional shortage areas.

The PTIQ is used to collect data related to professional issues, family concerns, and assignment preferences from NHSC obligated Scholarship Program Recipients including physicians, physician assistants (PAs), nurse practitioners (NPs), certified nurse midwives (CNMs), and other disciplines in the current year's placement cycle. These data are used to match an individual health care professional with the most appropriate clinical practice setting.

The PTIQ will be mailed twelve months in advance of the intended service availability date.

The burden estimate is as follows:

Type of respondent	Number of respondents	Responses per respondent	Hours per response (minutes)	Total hour burden
Health care professionals	339	1	12	68
Total	339			68

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: July 12, 1999.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 99–18123 Filed 7–15–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4340–FA–09]

FY 1998 Comprehensive Improvement Assistance Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department for funding under the FY 1998 Super Notice of Funding Availability (SuperNOFA) for the Comprehensive Improvement Assistance Program. This announcement contains the names and addresses of the competition award recipients and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20410, telephone (202) 358–0221, extension 101. (This is not a toll-free number). A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at 1–800–877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

The Comprehensive Improvement Assistance Program is authorized by sec. 14, United States Housing Act of 1937 (42 U.S.C. 14371); Sec. 7 (d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

The objective of the Comprehensive Improvement Assistance Program (CIAP) is to provide funds to improve the physical condition and upgrade the management and operation of existing Public projects to assure that they continue to be available to serve low-income families.

On March 31, 1998 (63 FR 15566), the Department published a SuperNOFA in the **Federal Register** informing Public Housing Agencies that own or operate fewer than 250 units of the availability of FY 1998 CIAP funding. The FY 1998 awards announced in this Notice were selected for funding consistent with the provisions of the SuperNOFA.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Action of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is hereby publishing, in this notice, the names and addresses of the PHAs that received funding awards under the FY 1998 CIAP SuperNOFA, and the amount of the awards. This information is set forth in Appendix A to this notice.

The Catalog of Federal Domestic Assistance number for the CIAP Program is 14.852.

Dated: July 2, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Appendix A

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS

Applicant name	Address	Amount funded
ALBERTVILLE HA	P.O. BOX 1126, ALBERTVILLE, AL 35950–0000	$200,000.00
HA OF THE CITY OF ALICEVILLE	P.O. BOX 485, ALICEVILLE, AL 35442–0485	500,000.00
HA ARAB	P.O. BOX 452, ARAB, AL 35016–0000	157,500.00
HA ASHFORD	100 BRUNNER STREET, ASHFORD, AL 36302–0000	50,000.00
HA OF THE CITY OF COLUMBIA	100 BRUNNER STREET, ASHFORD, AL 36312–0000	42,500.00
HA OF THE TOWN OF ASHLAND	155 RUNYAN COURT, ASHLAND, AL 36251,	187,000.00
HA OF THE CITY OF ATHENS	5TH AVE., BLDG J, ATHENS, AL 35611–0853	235,000.00
HA BAY MINETTE	400 SOUTH STREET, BAY MINETTE, AL 36507–0000	267,599.00
HA OF THE TOWN OF BERRY	P.O. BOX 387, BERRY, AL 35546–0387	90,000.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
HA OF THE CITY OF CENTRE	P.O. BOX 733, BOAZ, AL 35957	750,000.00
RAINSVILLE HA	P.O. BOX 733, BOAZ, AL 35957	350,000.00
HA OF THE CITY OF BRANTLEY	P.O. BOX 32, BRANTLEY, AL 36009	500,000.00
HA OF THE CITY OF BRENT	P.O. BOX 263, BRENT, AL 35034	304,200.00
HA OF THE CITY OF BREWTON	P.O. BOX 344, BREWTON, AL 36427–0344	120,000.00
BRUNDIDGE HA	P.O. BOX 595, BRUNDIDGE, AL 36010–0595	500,000.00
HA OF THE TOWN OF CALERA	P.O. BOX 136, CALERA, AL 35040–0136	473,100.00
CHILDERSBURG HA	P.O. BOX 396, CHILDERSBURG, AL 35044–0396	165,000.00
HA OF THE CITY OF CLANTON	P.O. BOX 408, CLANTON, AL 35045–0408	267,000.00
HA COLUMBIANA	P.O. BOX 498, COLUMBIANA, AL 35051–0000	241,500.00
HA OF THE CITY OF DALEVILLE	101 DONNELL CIRCLE, DALEVILLE, AL 36322	100,000.00
HA ENTERPRISE	NELL COURT OFFICE—MILDRED STREET, ENTERPRISE, AL 36330–0000	225,000.00
HA OF THE CITY OF EUTAW	100 CARVER CIRCLE, EUTAW, AL 35462	75,000.00
HA OF THE CITY OF GEORGIANA	P.O. BOX 279, GEORGIANA, AL 36033	150,000.00
HA OF THE CITY OF GOODWATER	P.O. BOX 507, GOODWATER, AL 35072	60,000.00
HA GREENVILLE	P.O. BOX 521, GREENVILLE, AL 36037–0000	500,000.00
HA OF GUIN	P.O. BOX 712, GUIN, AL 35563–0712	201,100.00
HA OF THE TOWN OF BLOUNTSVILLE	P.O. BOX 172, GUNTERSVILLE, AL 35976–0172	482,400.00
HA PHIL CAMPBELL INC	P.O. BOX 209, HACKLEBURG, AL 35564–0000	96,000.00
HA OF THE CITY OF HARTFORD	P.O. BOX 87, HARTFORD, AL 36344–0000	150,000.00
HA OF THE TOWN OF HOBSON CITY	800 ARMSTRONG ST., HOBSON CITY, AL 36201	90,000.00
HA JACKSONVILLE	895 GARDNER DRIVE, JACKSONVILLE, AL 36265–0000	262,500.00
HA LEEDS	P.O. BOX 513, LEEDS, AL 35094–0000	500,000.00
HA LINEVILLE	P.O. BOX 455, LINEVILLE, AL 36266–0000	250,000.00
HA OF THE CITY OF LUVERNE	P.O. BOX 311, LUVERNE, AL 36049–0311	50,000.00
TRIANA HA	250 ZEIRDT RD, MADISON, AL 35758	36,000.00
HA MIDLAND CITY	ROUTE 1 BOX 100, MIDLAND CITY, AL 36350–0000	100,000.00
HA MILLPORT	P.O. BOX 475, MILLPORT, AL 35576–0000	100,000.00
HA MONROEVILLE	P.O. BOX 732, MONROEVILLE, AL 36461–0000	145,000.00
HA OF THE TOWN OF MONTEVALLO	P.O. BOX 13, MONTEVALLO, AL 35115–0013	100,000.00
HA OF THE CITY OF MOULTON	P.O. BOX 546, MOULTON, AL 35650–0546	87,000.00
HA OF THE TOWN OF NEW BROCKTON.	P.O. BOX 159, NEW BROCKTON, AL 36351–0159	500,000.00
H A ONEONTA	1 HILLCREST CIRCLE, ONEONTA, AL 35121–0000	270,000.00
HA OF THE CITY OF VALLEY	P. O. BOX 786, OPELIKA, AL 36801–0786	500,000.00
HA OPP	P O DRAWER 579, OPP, AL 36467–0000	231,200.00
PELL CITY HA	P. O. BOX 681, PELL CITY, AL 35125–0681	800,000.00
HA PIEDMONT	P O BOX 420, PIEDMONT, AL 36272–0000	316,500.00
HA OF THE CITY OF PRATTVILLE	318 WATER STREET, PRATTVILLE, AL 36067–	500,000.00
HA OF RED BAY	P. O. BOX 1426, RED BAY, AL 35582	246,000.00
HA RUSSELLVILLE	P O BOX 9866, RUSSELLVILLE, AL 35653–0000	500,000.00
HA SAMSON	P O BOX 307, SAMSON, AL 36477–0000	375,243.00
HA STEVENSON	DRAWER E, STEVENSON, AL 35772–0000	141,000.00
HA OF THE CITY OF SULLIGENT	P. O. BOX 656, SULLIGENT, AL 35586–0656	150,000.00
HA TALLASSEE	904 HICKORY ST, TALLASSEE, AL 36078–0000	150,000.00
TARRANT HA	624 BELL AVE, TARRANT, AL 35217–0000	250,000.00
CITY OF UNION SPRINGS HA	100 SPRING RD., TROY, AL 36081	137,500.00
HA OF THE CITY OF TUSCUMBIA	P. O. BOX 350, TUSCUMBIA, AL 35674	500,000.00
HA UNIONTOWN	P O BOX 633, UNIONTOWN, AL 36786–0000	235,650.00
HA OF THE CITY OF VERNON	ROUTE 2, BOX 28, VERNON, AL 35592	217,500.00
WINFIELD HA	P.O. BOX 609, WINFIELD, AL 35594–	231,000.00
HA OF THE TOWN OF YORK	P O BOX 9, YORK, AL 36925–0009	100,000.00
HA OF THE CITY OF ALMA	#9 WEST MAIN ST., ALMA, AR 72921–0537	209,790.00
HA OF THE CITY OF AUGUSTA	100 RIVERDALE, AUGUSTA, AR 72006–2733	262,199.00
HA OF THE CITY OF BEEBE	P.O. DRAWER C–2, BEEBE, AR 72012–	316,171.00
LONOKE CTY. HA	P.O. BOX 74, CARLISLE, AR 72024–0000	306,971.00
HA OF THE CITY OF CLARKSVILLE	P.O. BOX 407, CLARKSVILLE, AR 72830–0407	454,399.00
HA OF THE CITY OF COTTON PLANT	P.O. DRAWER 599, COTTON PLANT, AR 72036–599	186,826.00
HA OF THE CITY OF DOVER	200 DAVIS ST., DOVER, AR 72837–0106	91,548.00
HA OF THE CITY OF DUMAS	P.O. BOX 115, DUMAS, AR 71639–0115	698,112.00
LITTLE RIVER CTY. HA	P.O. DRAWER A, FOREMAN, AR 71836–0000	193,224.00
NW REG. HA	P.O. BOX 2568, HARRISON, AR 72602–2568	209,966.00
HA OF THE CITY OF EMMET	720 TEXAS STREET, HOPE, AR 71801–	37,851.00
JONESBORO URBAN RENEWAL HA	330 UNION STREET, JONESBORO, AR 72401–0000	223,926.00
HA OF THE CITY OF JUDSONIA	P.O. BOX 549, JUDSONIA, AR 72081–0549	168,309.00
HA OF THE CITY OF LEACHVILLE	410 FIFTH STREET, AR 72438	472,567.00
HA OF THE CITY OF MANILA	P.O. BOX 590, MANILA, AR 72442–0600	338,754.00
HA OF THE CITY OF MCCRORY	P.O. BOX 468, MCCRORY, AR 72101–0468	163,853.00
HA OF THE CITY OF MONETTE	P.O. DRAWER 387, MONETTE, AR 72447–0387	232,082.00
HA OF THE CITY OF MORRILTON	P.O. BOX 229, MORRILTON, AR 72110–0000	440,074.00
PIKE CTY. HA	P.O. BOX 241, MURFREESBORO, AR 71958–0000	26,200.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
PARAGOULD HA	P O BOX 137, PARAGOULD, AR 72451–0000	140,517.00
HA OF THE CITY OF POCAHONTAS	1403 HOSPITAL DR., POCAHONTAS, AR 72455–	394,115.00
HA OF THE CITY OF VAN BUREN	P.O. BOX 387, VAN BUREN, AR 72956–0387	535,364.00
WARREN HA	801 WEST CENTRAL, WARREN,AR 71671–0000	97,642.00
WYNNE HA	P. O. BOX 552, WYNNE, AR 72396–0000	453,108.00
CITY OF GLENDALE HA	6842 NORTH 61ST AVENUE, GLENDALE, AZ 85301–3199	453,335.00
NOGALES HA	P.O. BOX 777, NOGALES, AZ 85628–0777	263,129.00
YUMA CTY. HSNG. DEPT.	8450 W HIGHWAY 95 SUITE 88, SOMERTON, AZ 85350–2534	558,984.00
SOUTH TUCSON HA	1713 S THIRD AVE, SOUTH TUCSON, AZ 85713–0000	1,175,894.00
WILLIAMS HA	113 S. FIRST STREET, WILLIAMS, AZ 86046–0000	169,925.00
YUMA CITY HA	1350 W. COLORADO STREET, YUMA, AZ 85364–3824	395,825.00
CITY OF ALAMEDA HA	701 ATLANTIC AVENUE, ALAMEDA, CA 94501	1,013,972.00
CTY. OF SAN MATEO HA	264 HARBOR BL., BLDG. A, CA 94402–0000	775,050.00
CITY OF BENICIA HA	28 RIVERHILL DRIVE, BENICIA, CA 94510–0000	598,100.00
SANTA CRUZ CTY. HA	2160—41ST AVE, CAPITOLA, CA 95010–0000	1,486,750.00
CITY OF EUREKA HA	735 W EVERDING ST, EUREKA, CA 95503–0000	262,000.00
DUBLIN HA	22941 ATHERTON ST., HAYWARD, CA 94541–6613	159,500.00
ALAMEDA CTY. HA	22941 ATHERTON STREET, HAYWARD, CA 94541–6633	473,500.00
HA OF THE CITY OF PASO ROBLES	P.O. BOX 817, PASO ROBLES, CA 93446–1047	130,130.00
PORT HUENEME HA	250 NO VENTURA RD, PORT HUENEME, CA 93041–0000	328,193.00
CITY. OF PLUMAS HA	P.O. BOX 319, QUINCY, CA 95971–0000	99,500.00
HA OF THE CITY OF RIVERBANK	3309 STANISLAUS STREET, RIVERBANK, CA 95367	74,800.00
CTY. OF SAN DIEGO	3989 RUFFIN ROAD, SAN DIEGO, CA 92123–1815	102,850.00
HA OF THE CITY OF SAN PABLO	1 ALVARADO SQUARE, SAN PABLO, CA 94806–	341,000.00
MENDOCINO CTY	COMMUNITY DEVELOPMENT COMMISSION, UKIAH, CA 95482	130,200.00
UPLAND CITY HA	1226 N CAMPUS AVE, UPLAND, CA 91786–3337	252,281.00
YOLO CTY. HA	P.O. BOX 1867, WOODLAND, CA 95698–0000	146,669.00
CENTER HA	POST OFFICE BOX 179, CENTER, CO 81125–0000	463,795.00
CONEJOS CTY. HA	5291 EAST 60TH AVE, COMMERCE CITY, CO 80022–	1,024,195.00
CONEJOS CTY. HA	5291 EAST 60TH AVE, COMMERCE CITY, CO 80202–	182,404.00
ENGLEWOOD HA	BX 40305-MILE HI STN, ENGLEWOOD, CO 80202–0305	126,697.00
HA OF THE TOWN OF HOLLY	P.O. BOX 487, HOLLY, CO 81047	28,000.00
DELTA HA	P.O. BOX 376, LA JUNTA, CO 81050–0000	937,215.00
LAKEWOOD HA	445 S. ALLISON PARKWAY, LAKEWOOD, CO 80226–0000	1,841,250.00
LITTLETON HA	5844 S DATURA ST, LITTLETON, CO 80120–0000	727,300.00
LOVELAND HA	375 WEST 37TH STREET, LOVELAND, CO 80538–0000	132,301.00
HA OF THE CITY OF WALSENBURG,	P.O. BOX 312, WALSENBURG, CO 81089	472,562.00
HA OF THE TOWN OF YUMA	700 W. THIRD AVE., YUMA, CO 80759	231,194.00
GLASTONBURY HA	25 RISLEY ROAD, GLASTONBURY, CT 06033–0000	381,450.00
NAUGATUCK HA	16 IDA STREET, NAUGATUCK, CT 06770–0000	324,786.00
NEW LONDON HA	78 WALDEN AVE, NEW LONDON, CT 06320–0119	74,687.00
NORWICH HA	10 WESTWOOD PARK, NORWICH, CT 06360–0000	422,930.00
PUTNAM HA	123 LACONIA AVENUE, PUTNAM, CT 06260–0000	135,000.00
ROCKVILLE HA	P.O. BOX 963, ROCKVILLE, CT 06066–0000	510,800.00
HA OF THE TOWN OF SEYMOUR	LOCK DRAWER 191, SEYMOUR, CT 06483	156,562.00
WEST HARTFORD HA	759 FARMINGTON AVE, WEST HARTFORD, CT 06119–0000	145,000.00
WINDSOR LOCKS HA	41 OAK STREET, WINDSOR LOCKS, CT 06096–0000	125,000.00
WINCHESTER HA	80 CHESTNUT STREET, WINSTED, CT 06098–0000	193,700.00
HA OF THE CITY OF APALACHICOLA	P.O. BOX 730, APALACHICOLA, FL 32320	120,000.00
HA OF AVON PARK	P.O. BOX 1327, AVON PARK, FL 33826–1327	452,250.00
HA OF BARTOW	P.O. BOX 1413, BARTOW, FL 33831–0000	264,760.00
HA BOCA RATON	201 WEST PALMETTO PARK ROAD, BOCA RATON, FL 33432–0000	333,681.00
GILCHRIST CTY. HA	P.O. BOX 38, BRONSON, FL 32621–0038	31,200.00
LEVY CTY. HA	P.O. BOX 38, BRONSON, FL 32621–0038	363,000.00
BROOKSVILLE HA	800 CONTINENTAL DR., BROOKSVILLE, FL 34601	240,000.00
BEACHCHIPLEY HA	P.O. BOX 388, CHIPLEY, FL 32428–0388	187,300.00
PASCO CTY. HA	14517 7TH STREET, DADE CITY, FL 33525–2703	151,000.00
HA OF THE CITY OF DEERFIELD BEACH.	425 N.W1ST TERRACE, DEERFIELD BEACH, FL 33441–0000	534,500.00
DEFUNIAK SPRINGS HA	120 OERTING DRIVE, DEFUNIAK SPRINGS, FL 32433	128,500.00
DELAND HA	300 SUNFLOWER CIRCLE, DELAND, FL 32724–5556	630,000.00
DELRAY BEACH HA	770 S W 12TH TERRACE, DELRAY BEACH, FL 33444–0000	475,194.00
HA OF THE CITY OF FERNANDINA	1300 HICKORY ST, FERNANDINA BEACH, FL 32034–0000	120,000.00
FT WALTON BEACH HA	27 ROBINWOOD DR. SW, FORT WALTON BEACH, FL 32548–0000	396,800.00
HA HOLLYWOOD	7300 NORTH DAVIE ROAD, HOLLYWOOD, FL 33024–0000	135,900.00
UNION CTY. HA	715 W. MAIN STREET, LAKE BUTLER, FL 32054	559,962.00
LAKE WALES HA	P.O. BOX 426, LAKE WALES, FL 33859–0426	467,000.00
MACCLENNY HA	P.O. BOX 977, MACCLENNY, FL 32063–0977	168,000.00
HA OF THE CITY OF MARIANNA	337 ALBERT ST., MARIANNA, FL 32446–0000	162,000.00
MILTON HA	1498B BYROM ST., MILTON, FL 32570–3827	204,800.00
HA OF NEW SMYRNA BEACH	P.O. BOX 688, NEW SMYRNA BEACH, FL 32170–0688	500,000.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
NICEVILLE HA	500 BOYD CIRCLE, NICEVILLE, FL 32578	75,000.00
HA LEE CTY.	14170 WARNER CIRCLE NW, NO. FORT MYERS, FL 33903–0000	430,627.00
ORMOND BEACH HA	100 NEW BRITAIN AVE, ORMOND BEACH, FL 32175–0998	21,000.00
SEMINOLE CTY. HA	662 ACADEMY PLACE, OVIEDO, FL 32765	246,240.00
HA OF SPRINGFIELD	3806 EAST 8TH STREET, PANAMA, FL 32401–5389	114,000.00
PLANT CITY HA	1306 LARRICK LANE, PLANT CITY, FL 33566–0000	612,700.00
HA OF POMPANO BEACH	P.O. BOX 2006, POMPANO BEACH, FL 33061–0000	72,250.00
PUNTA GORDA HA	P.O. BOX 51–1146, PUNTA GORDA, FL 33951–1146	317,352.00
RIVIERA BEACH HA	2014 WEST 17TH COURT, RIVIERA BEACH, FL 33404–5002	469,000.00
HA OF THE CITY OF STUART	P.O. BOX 1787, STUART, FL 33494–0000	526,735.00
TARPON SPRINGS HA	500 S. WALTON AVENUE, TARPON SPRINGS, FL 34689–4740	814,600.00
WINTER HAVEN HA	2670 AVENUE C SW, WINTER HAVEN, FL 33880–0000	165,719.00
HA OF THE CITY OF WINTER PARK	718 MARGARET SQUARE, WINTER PARK, FL 32789–1952	469,540.00
HA OF THE CITY OF ABBEVILLE	P.O. BOX 546, ABBEVILLE, GA 31001–0306	214,182.00
HA OF THE CITY OF ACWORTH	P.O. BOX 347, ACWORTH, GA 30101–0347	225,000.00
HA OF THE CITY OF ASHBURN	200 PERRY DRIVE, OFFICE 412, ASHBURN, GA 31714	129,432.00
HA OF THE CITY OF BAXLEY	P.O. BOX 56, BAXLEY, GA 31513–0056	200,000.00
HA OF THE CITY OF BLUE RIDGE	P.O. BOX 3226, BLUE RIDGE, GA 30513–0088	153,900.00
HA OF THE CITY OF BUCHANAN	P.O. 355, BUCHANAN, GA 30113	100,050.00
HA OF THE CITY OF CANTON	1400 OAKSIDE DRIVE-#76, CANTON, GA 30114	341,100.00
HA OF THE CITY OF CLAXTON	P.O. BOX 849, CLAXTON, GA 30417–0849	639,200.00
HA OF THE CITY OF CLAYTON	P.O. BOX 1271, CLAYTON, GA 30525	390,316.00
HA OF THE CITY OF COCHRAN	P.O. BOX 32, COCHRAN, GA 31014–0032	555,750.00
HA OF THE CITY OF BUENA VISTA	P.O. BOX 630, COLUMBUS, GA 31993	534,489.00
HA OF THE CITY OF FT GAINES	P.O. BOX 403, CUTHBERT, GA 31740–1496	75,000.00
HA OF THE CITY OF DALLAS	P.O. BOX 74, DALLAS, GA 30132–0074	629,922.00
HA OF THE CITY OF DANIELSVILLE	P.O. BOX 339, DANIELSVILLE, GA 30633–0039	392,255.00
HA OF THE CITY OF DAWSON	P.O. BOX 724, DAWSON, GA 31742–0724	67,000.00
HA OF THE CTY. OF DOUGLAS	8474 POUNDS CIRCLE, DOUGLASVILLE, GA 30134	1,231,480.00
HA OF THE CITY OF EASTMAN	P.O. BOX 100, EASTMAN, GA 31023–0100	278,751.00
HA OF THE CITY OF ELBERTON	12 NORTH MCINTOSH ST., ELBERTON, GA 30635–1552	383,465.00
HA OF THE CITY OF ELLIJAY	P.O. BOX 426, ELLIJAY, GA 30540–0426	886,380.00
HA OF THE CITY OF FOLKSTON	P.O. BOX 397, FOLKSTON, GA 31537–0397	109,150.00
HA OF THE CITY OF FT OGLE THORPE.	P.O. BOX 2034, FORT OGLETHORPE, GA 30742–0034	124,440.00
HA OF THE CITY OF GIBSON	P.O. BOX 146, GIBSON, GA 30810–0086	68,760.00
HA OF THE CITY OF GLENWOOD	P.O. BOX 237, GLENWOOD, GA 30428–0237	414,893.00
HA OF THE CITY OF GREENSBORO	P.O. BOX 217, GREENSBORO, GA 30642–0217	380,000.00
HA OF THE CITY OF HAWKINSVILLE	P.O. BOX 718, HAWKINSVILLE, GA 31036–0052	182,166.00
HA OF THE CITY OF HAZLEHURST	P.O. BOX 838, HAZELHURST, GA 31539–0838	1,263,496.00
HA OF THE CITY OF HAZLEHURST	P.O. BOX 838, HAZELHURST, GA 31539–0838	518,050.00
HA OF THE CITY OF HINESVILLE	301 OLIVE STREET, HINESVILLE, GA 31313–2915	974,160.00
HA OF THE CITY OF HOGANSVILLE	P.O. BOX 127, HOGANSVILLE, GA 30230	894,200.00
HA OF THE CITY OF HOMERVILLE	P.O. BOX 416, HOMERVILLE, GA 31634	317,000.00
HA OF THE CITY OF JASPER	164 LANDRUM CIRCLE, JASPER, GA 30143–1209	660,960.00
HA OF THE CITY OF JASPER	164 LANDRUM CIRCLE, JASPER, GA 30143–1209	48,000.00
HA OF THE CITY OF JEFFERSON	P.O. BOX 905, JEFFERSON, GA 30549	877,500.00
HA OF THE CITY OF KINGSLAND	P.O. BOX 1377, KINGSLAND, GA 31548–0438	527,000.00
HA OF THE CITY OF MCDONOUGH	345 SIMPSON STREET, MCDONOUGH, GA 30253–0073	100,000.00
HA OF THE CITY OF MENLO	ROUTE 1, BOX 19–B, W, MENLO, GA 30731–0019	280,000.00
HA OF THE CITY OF METTER	P.O. BOX 207, METTER, GA 30439–0207	3,651,935.00
HA OF THE CITY OF MOUNT VERNON	P.O. BOX 335, MT. VERNON, GA 30445–0035	328,564.00
HA OF THE CTY. OF ATKINSON	P.O. BOX 278, NASHVILLE, GA 31639–0278	26,000.00
HA OF THE CITY OF HAHIRA	P.O. BOX 278, NASHVILLE, GA 31639–0278	62,000.00
HA OF THE CITY OF NORCROSS	19 GARNER STREET, NORCROSS, GA 30071	206,000.00
HA OF THE CITY OF ROCHELLE	P.O. BOX 156, ROCHELLE, GA 31079–0156	414,850.00
HA OF THE CITY OF ROCHELLE	P.O. BOX 156, ROCHELLE, GA 31079–0156	24,950.00
HA OF THE CITY OF SPARTA	P.O. BOX 327, SPARTA, GA 31087–0021	636,015.00
HA OF THE CITY OF STATESBORO	P.O. BOX 552, STATESBORO, GA 30458–0552	181,800.00
HA OF THE CITY OF BOSTON	216 SOUTH COLLEGE ST, THOMASVILLE, GA 31792–6432	349,925.00
HA OF THE CITY OF HOMER	P.O. DRAWER J, TOCCOA, GA 30577–0257	313,614.00
HA OF THE CITY OF CORNELIA	P.O. DRAWER J, TOCCOA, GA 30577–0257	105,000.00
HA OF THE CITY OF CLARKESVILLE	P.O. DRAWER J, TOCCOA, GA 30577–0257	330,220.00
HA OF THE CITY OF CLEVELAND	P.O. DRAWER J, TOCCOA, GA 30577–0257	120,384.00
HA OF THE CITY OF UNADILLA	P.O. BOX 447, UNADILLA, GA 31091–0407	95,368.00
HA OF THE CITY OF VIDALIA	P.O. BOX 508, VIDALIA, GA 30474–0508	838,055.00
HA OF THE CTY. OF HOUSTON	P.O. BOX 2048, WARNER ROBINS, GA 31099–2048	209,207.00
HA OF THE CITY OF BLACKSHEAR	P.O. BOX 1407, WAYCROSS, GA 31502–1407	230,580.00
HA OF THE CITY OF MILLEN	P.O. BOX 628, WAYNESBORO, GA 30830–0597	1,528,580.00
HA OF THE CTY. OF SCREVEN	P.O. BOX 628, WAYNESBORO, GA 30830–0597	132,200.00
HA OF THE CITY OF TALBOTTON	P.O. BOX 220, WOODLAND, GA 31836	127,500.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
HA OF THE CITY OF WOODLAND	P.O. BOX 220, WOODLAND, GA 31836–0220	82,500.00
HA OF THE CTY. OF TALBOT	P.O. BOX 220, WOODLAND, GA 31836	35,800.00
AREA XV MULTI-CTY. HSNG. AGENCY	417 NORTH COLLEGE, AGENCY, IA 52530–0000	95,000.00
AUTHORITYLOW RENT HSNG. AGENCY OF.	2830 WINEGARD DR, BURLINGTON, IA 52601–0000	65,000.00
CHARLES CITY HSNG. & REDEV	1000 SOUTH GRAND AVE, CHARLES CITY, IA 50616–2704	50,000.00
LOW RENT HSNG. AGENCY OF CLINTON.	215 6TH AVENUE S. SUITE 33, CLINTON, IA 52732–2958	125,000.00
SOUTHERN IOWA REG HA	219 N PINE, CRESTON, IA 50801–2413	75,000.00
DAVENPORT HSNG. COMM	501 WEST THIRD STREET, DAVENPORT, IA 52801–0000	100,000.00
CENTRAL IOWA REG. HA	1111 NINTH STREET, DES MOINES, IA 50314–0000	75,000.00
EASTERN IOWA REG. HA	SUITE 330, NESLER CENTRE, DUBUQUE, IA 52004–1140	50,000.00
BURLINGTON-ESSEX LOW RENT HSNG. AGENCY.	SOUTHVIEW VILLAGE, ESSEX, IA 51638	40,000.00
LOW RENT HSNG. AGENCY OF FARRAGUT.	804 JACKSON, FARRAGUT, IA 51639	50,000.00
FT DODGE MUNICIPAL HSNG. AGENCY.	700 SOUTH 17TH STREET, FORT DODGE, IA 50501–0000	230,000.00
LOW RENT HSNG. AGENCY OF BANCROFT.	700 SOUTH 17TH STREET, FT. DODGE, IA 50501	100,000.00
IOWA CITY HA	410 E. WASHINGTON STREET, IOWA CITY, IA 52240–0000	200,000.00
VALLEYKEOKUK HA	111 SOUTH 2ND STREET, KEOKUK, IA 52632–0000	75,000.00
KNOXVILLE LOW RENT HSNG. AGENCY.	305 S THIRD STREET, KNOXVILLE, IA 50118–0000	65,000.00
NORTH IOWA REG. HA	217 2ND STREET, SW, MASON CITY, IA 50401–0000	30,000.00
LOW RENT HSNG. AGENCY OF MISSOURI.	505 E. HURON ST., MISSOURI VALLEY, IA 51555–1656	55,000.00
LOW RENT HSNG. AGENCY OF MOUNT AYR.	306 EAST MONROE, MOUNT AYR, IA 50854–0468	60,000.00
LOW RENT HSNG. AGENCY OF RED OAK.	1805 N. EIGHTH ST., RED OAK, IA 51566–1656	44,725.00
ROCK RAPIDS MUNICIPAL HSNG. AGENCY.	P.O. BOX 403, ROCK RAPIDS, IA 51246	90,000.00
LOW RENT HSNG. AGENCY OF SIDNEY.	P.O. BOX 421, SIDNEY, IA 51652	30,000.00
VILLISCA LOW RENT HSNG. AGENCY	600 E. THIRD ST., VILLISCA, IA 50864	80,000.00
IDAHO HSNG. AGENCY	P.O. BOX 7899, BOISE, ID 83707–1899	135,000.00
BOISE CITY HA	680 CUNNINGHAM PLACE, BOISE, ID 83702–0000	460,000.00
EDWARDS CTY. HA	125 WEST CHERRY STREET, ALBION, IL 62806-	14,000.00
PIKE CTY. HA	POST OFFICE BOX 123, BARRY, IL 62312–0123	176,596.00
THE HA OF THE CTY. OF CASS	RURAL ROUTE #2, BOX 92, BEARDSTOWN, IL 62618–0092	455,000.00
R&OLPH CTY. HA	214 OPDYKE STREET, CHESTER, IL 62233–	285,000.00
WHITE CTY. HA	POST OFFICE BOX 64, CROSSVILLE, IL 62827–0064	1,047,060.00
LEE CTY. HA	1000 WASHINGTON AVENUE, DIXON, IL 61021–	405,897.00
HA OF THE CTY. OF HARDIN	POST OFFICE BOX 322, ELIZABETHTOWN, IL 62931–0322	196,000.00
HA OF POPE CTY	ROUTE 3 BOX 75, GOLCONDA, IL 62938–0075	340,203.00
HA OF CALHOUN CTY	POST OFFICE BOX 426, HARDIN, IL 62047–0426	187,740.00
MASON CTY. HA	201 EAST HURST, HAVANA, IL 62644–0442	150,000.00
HA OF THE CTY. OF JERSEY	505 HORN DRIVE, JERSEYVILLE, IL 62052-	832,700.00
HA OF THE CTY. OF LAWRENCE	1109 TWELFTH STREET, LAWRENCEVILLE, IL 62439–	117,000.00
HA OF THE CTY. OF CLARK	POST OFFICE BOX 282, MARSHALL, IL 62441–0282	13,000.00
MASSAC CTY. HA	POST OFFICE BOX 528, METROPOLIS, IL 62960–0528	1,789,500.00
GRUNDY CTY. HA	1700 NEWTON PLACE, MORRIS, IL 60450–	369,150.00
HA OF PULASKI CTY	POST OFFICE BOX 246, MOUNDS,IL 62964–0246	624,100.00
HA OF THE CITY OF NORTH CHICAGO.	1440 JACKSON STREET, NORTH CHICAGO, IL 60064–	475,000.00
HA OF THE CTY. OF RICHLAND	129 EAST SCOTT STREET, OLNEY, IL 62450–	19,200.00
MENARD CTY. HA	POST OFFICE BOX 168, PETERSBURG, IL 62675–0176	1,813,800.00
OGLE CTY. HA	407 NORTH UNION STREET, POLO, IL 61064–	118,130.00
HA OF THE CTY. OF VERMILION	P O BOX 146, ROSSVILLE, IL 60963–0146	12,000.00
HA OF THE CTY. OF SHELBY	POST OFFICE BOX 252, SHELBYVILLE, IL 62565–0252	1,556,520.00
HA OF THE CTY. OF CUMBERLAND	POST OFFICE BOX 160, TOLEDO, IL 62468–0475	516,404.00
HA OF JOHNSON CTY	POST OFFICE BOX 188, VIENNA, IL 62995–0188	548,970.00
MCHENRY CTY. HA	POST OFFICE BOX 1109, WOODSTOCK, IL 60098–	18,500.00
HA OF THE CITY OF BEDFORD	1305 "K" STREET, BEDFORD, IN 47421–0000	44,000.00
BLOOMFIELD HA	100 WEST MAIN STREET, BLOOMFIELD, IN 47424–	1,507,000.00
FREMONT HA	P. O. BOX 189, FREMONT, IN 46737–0000	80,000.00
HA OF THE CITY OF KENDALLVILLE	240 ANGLING ROAD, KENDALLVILLE, IN 46755–	239,513.00
LINTON HA	RURAL ROUTE 2, BOX 461, LINTON, IN 47441–0000	616,595.00
MOUNT VERNON HA	1500 JEFFERSON DRIVE, MOUNT VERNON, IN 47620–	75,000.00
DELAWARE CTY. HA	2401 SOUTH HADDIX AVENUE, MUNCIE, IN 47302–0000	563,001.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
ROME CITY HA	P O BOX 415, ROME CITY, IN 46784–0000	$422,100.00
ATCHISON HA	103 S. 7TH STREET, ATCHISON, KS 66002–0000	$200,000.00
ATWOOD HA	801 SOUTH 3RD STREET, ATWOOD, KS 67730–	$47,411.00
BELLEVILLE HA	1815 24TH ST., BELLEVILLE, KS 66935–	$70,000.00
BELOIT HA	200 CEDAR AVENUE, BELOIT, KS 67420–	$200,000.00
BIRD CITY HSNG.	209 N. RICH, BIRD CITY, KS 67731–	$5,550.00
BLUE RAPIDS HA	504 EAST 5TH STREET, BLUE RAPIDS, KS 66411–	$70,000.00
BONNER SPRINGS HA	420 NORTH PARK, BONNER SPRINGS, KS 66012–1498	$64,500.00
BURRTON HA	460 EAST ADAMS, BURRTON, KS 67020–	$17,600.00
CAWKER CITY HA	125 SUNRISE DR., CAWKER CITY, KS 67430–9791	$50,000.00
CHANUTE HA	110 SOUTH RONDA LANE, CHANUTE, KS 66720–1954	$71,684.00
CHERRYVALE HA	621 W. 4TH STREET, CHERRYVALE, KS 67335–	$70,000.00
CLAY CENTER HA	330 WEST COURT, CLAY CENTER, KS 67432–	$94,000.00
FT SCOTT HA	315 SCOTT AVENUE, FORT SCOTT, KS 66701–	$312,550.00
GALENA HA	1301 ELM ST., GALENA, KS 66739–	$270,000.00
GARDEN CITY HA	606 PERSHING, GARDEN CITY, KS 67846–	$50,000.00
GOODLAND HA	515 E. 5TH STREET, GOODLAND, KS 67735–	$124,100.00
GREENLEAF HA	300 HILLCREST LANE, GREENLEAF, KS 66943–	$84,000.00
HALSTEAD HA	815 WEST 6TH STREET, HALSTEAD, KS 67056–	$329,000.00
HAYS HA	1709 SUNSET TRAIL, HAYS, KS 67601–	$90,000.00
HOWARD HA	134 E. WASHINGTON, HOWARD, KS 67349–0386	$76,400.00
HUMBOLDT HA	410 SOUTH 9TH, HUMBOLDT, KS 66748–	$30,000.00
IOLA HA	217 NORTH WASHINGTON, IOLA, KS 66749–	$105,000.00
LEBANON HA	1225 MAPLE LANE, LEBANON, KS 65536–0000	$500,000.00
LIBERAL HA	1401 NORTH NEW YORK AVENUE, LIBERAL, KS 67901–2764	$95,000.00
LURAY HA	201 NORTH MAIN, LURAY, KS 67649–	$55,000.00
MANKATO HA	525 NORTH CLINTON, MANKATO, KS 66956–	$55,647.00
NICODEMUS HA	RURAL ROUTE 2, BOX 135-O, NICODEMUS, KS 67625–	$25,500.00
NORTH NEWTON HA	PO BOX 377, NORTH NEWTON, KS 67117–0377	$51,488.00
NORTON HA	213 HORACE GREELEY AVE., NORTON, KS 67654–	$30,000.00
OLATHE HA	300 NORTH CHESTNUT, OLATHE, KS 66061–	$69,830.00
PAOLA HA	310 S IRON, PAOLA, KS 66071–	$54,500.00
PARSONS HA	1900 BELMONT, PARSONS, KS 67357–	$250,307.00
PLEASANTON HA	902 PALM, PLEASANTON, KS 66075–	$211,000.00
RUSSELL HA	330 W. 4TH ST., RUSSELL, KS 67665–	$21,600.00
SALINA HA	469 SOUTH 5TH STREET, SALINA, KS 67402–	$200,000.00
SENECA HA	504 EDWARDS STREET, SENECA, KS 66538–	$80,000.00
ST. FRANCIS HA	200 N. ASH, ST. FRANCIS, KS 67756–	$17,500.00
WAMEGO HA	1201 CRYSLER DR., WAMEGO, KS 66547–	$112,000.00
WASHINGTON HA	350 WASHINGTON ST., WASHINGTON, KS 66963–	$107,000.00
HA OF BARBOURVILLE	P. O. BOX 69, BARBOURVILLE, KY 40906–	$250,000.00
HA OF BARDSTOWN	513 WEST BROADWAY, BARDSTOWN, KY 40004	$140,000.00
HA OF BEATTYVILLE	227 BOONE AVENUE, #31, BEATTYVILLE, KY 41311	$150,000.00
HA OF CADIZ	P.O. BOX 830, CADIZ, KY 42211–0830	$110,000.00
HA OF CARROLLTON	P.O. BOX 305, CARROLLTON, KY 41008	$505,000.00
HA OF CATLETTSBURG	210 24TH ST., CATLETTSBURG, KY 41129	$900,000.00
HA OF COLUMBIA	P.O. BOX 205/120 CARRIE BOLIN, COLUMBIA, KY 42728	$300,000.00
HA OF CORBIN	1336 MADISON STREET, CORBIN, KY 40702	$600,000.00
HA OF CUMBERLAND	178 RUSSELL DRIVE, CUMBERLAND, KY 40823	$520,000.00
HA OF LYON CTY	P.O. BOX 190/425 LINDEN AVENUE, EDDYVILLE, KY 42038	$200,000.00
HA OF FALMOUTH	412 BEECH STREET, FALMOUTH, KY 41040	$119,340.00
HA OF FLEMINGSBURG	142 CIRCLE DRIVE, FLEMINGSBURG, KY 41041	$25,000.00
HA FRANKFT	590 WALTER TODD DRIVE, FRANKFORT, KY 40601–0000	$779,215.00
HA OF FRANKLIN	1301 CRESTMORE DRIVE, FRANKLIN, KY 42134	$527,000.00
HA OF FULTON	200 N. HIGHLAND DR., FULTON, KY 42041	$325,000.00
HA OF GREENVILLE	613 REYNOLDS DRIVE, GREENVILLE, KY 42345	$285,000.00
HA OF TODD CTY	P.O. BOX 69, GUTHRIE, KY 42234	$100,000.00
HA OF HARLAN	P.O. BOX 855, HARLAN, KY 40831	$365,000.00
HA OF HODGENVILLE	501 MIAMI COURT, HODGENVILLE, KY 42748	$200,000.00
HA OF STANTON	P.O. BOX 132, IRVINE, KY 40336	$200,000.00
HA OF IRVINE	200 WALLACE COURT, IRVINE, KY 40336	$756,000.00
HA OF IRVINGTON	BOX 399/HILLVIEW HOMES, IRVINGTON, KY 40146	$366,000.00
HA OF LANCASTER	P.O. BOX 207/109 KINNAIRD AVENUE, LANCASTER, KY 40444	$230,000.00
HA LEBANON	100 SUNSET TERRACE, LEBANON, KY 40033	$1,062,000.00
HA OF LONDON	100 SCOTT STREET, LONDON, KY 40741	$800,000.00
HA LAWRENCE	ROUTE 6, RAY WILLIAMS VILLA, #200, LOUISA, KY 41230–0000	$100,000.00
HA OF JEFFERSON CTY	801 VINE STREET, LOUISVILLE, KY 40204	$288,000.00
HA MADISONVILLE	211 PRIDE AVENUE, MADISONVILLE, KY 42431–0000	$700,000.00
HA OF MARTIN	P.O. BOX 806, MARTIN, KY 41649	$100,000.00
HA MAYFIELD	P.O. BOX 474/312 BROOKSIDE DRIVE, MAYFIELD, KY 42066–0000	$400,000.00
HA OF MORGANTOWN	P. O. BOX 628/300 KENT MANOR DRIVE, MORGANTOWN, KY 42261	$550,000.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
HA OF MURRAY	716 NASH DRIVE, MURRAY, KY 42071	$248,000.00
HA OF PARIS	P.O. BOX 468, PARIS, KY 40361	$358,000.00
HA OF PINEVILLE	911 ALABAMA AVENUE, PINEVILLE, KY 40977	$200,000.00
HA FLOYD CTY.	36 BLAINE HALL STREET, APT. 37, PRESTONSBURG, KY 41653–	$200,000.00
HA OF PRINCETON	100 HILLVIEW COURT, PRINCETON, KY 42445	$50,000.00
HA OF RADCLIFF	P. O. BOX 755, RADCLIFF, KY 40160	$100,000.00
HA OF RUSSELLVILLE	940 HICKS STREET, RUSSELLVILLE, KY 42276	235,000.00
H A SOMERSET	P.O. BOX 449, SOMERSET, KY 42502	$445,000.00
HA OF STANFORD	100 LACY STREET STANFORD, KY 40484	276,000.00
HA OF WILLIAMSBURG	600 BRUSH ARBOR APARTMENTS, WILLIAMSBURG, KY 40769	400,000.00
HA OF THE TOWN OF ARCADIA	P.O. BOX 210, ARCADIA, LA 71001–0210	1,263,336.00
HA OF THE TOWN OF BASILE	P.O. BOX 820, BASILE, LA 70515–0820	107,290.00
HA OF ST. CHARLES PARISH	P O BOX 448, BOUTTE, LA 70039–0000	277,961.00
HA OF THE PARISH OF CALDWELL	729 ALVIN STREET, COLUMBIA, LA 71418–0000	50,904.00
HA OF THE TOWN OF COTTONPORT	426 JACOB DRIVE, COTTONPORT, LA 71327	514,320.00
HA OF THE CITY OF DENHAM SPRINGS.	P O BOX 910, DENHAM SPRINGS, LA 70727–0910	339,000.00
HA OF THE CITY OF EUNICE	P.O. BOX 224, EUNICE, LA 70535–0224	387,680.00
HA OF FERRIDAY	3001 HIGHWAY 15, FERRIDAY, LA 71334	296,202.00
HA OF GRANT PARISH	P O BOX 10, GEORGETOWN, LA 71432–0000	45,500.00
HA OF THE TOWN OF GRAMBLING	P O BOX 626, GRAMBLING, LA 71245–0000	580,405.00
HA OF SOUTH LANDRY	P.O. DRAWER E, GRAND COTEAU, LA 70541	389,860.00
HA OF HOMER	P. O. BOX 547, HOMER, LA 71040–0547	1,118,929.00
HA OF JENA	P.O. BOX 36, JENA, LA 71342–0036	101,003.00
HA OF THE TOWN OF LAKE ARTHUR	P.O. DRAWER R, LAKE ARTHUR, LA 70549	419,772.00
HA OF VERNON PARISH	P O BOX 1247, LEESVILLE, LA 71496–1247	77,500.00
HA OF THE TOWN OF LOGANSPORT	P.O. BOX 470, LOGANSPORT, LA 71049–0470	143,464.00
HA OF THE TOWN OF MAMOU	1016 MAPLE AVENUE, MAMOU, LA 70554–0000	495,181.00
HA OF THE TOWN OF MANSFIELD	600 SCHLEY STREET, MANSFIELD, LA 71052,	1,092,302.00
HA OF THE TOWN OF MARKSVILLE	100 NORTH HILLSIDE D, MARKSVILLE, LA 71351,	581,090.00
HA OF THE TOWN OF PATTERSON	P.O. BOX 329, PATTERSON, LA 70392–0329	213,225.00
HA OF THE TOWN OF RAYVILLE	P.O. BOX 780, RAYVILLE, LA 71269–0780	951,546.00
HA OF THE CITY OF ST. MARTINVILLE.	P.O. BOX 913, ST MARTINVILLE, LA 70582–0913	343,880.00
HA OF THE CITY OF SULPHUR	P O BOX 271, SULPHUR, LA 70664–0271	764,500.00
HA OF VILLE PLATTE	724 NORTH THOMPSON, VILLE PLATTE, LA 70586–	550,933.00
HA OF WINNFIELD	P.O. BOX 1413, WINNFIELD, LA 71483–1413	923,263.00
HA OF THE TOWN OF WINNSBORO	P.O. BOX 267, WINNSBORO, LA 71295–0267	37,800.00
BEVERLY HA	137 (REAR) BRIDGE STREET, BEVERLY, MA 01915–0503	348,500.00
CLINTON HA	58 FITCH ROAD, CLINTON, MA 01510–1899,	226,000.00
DANVERS HA	14 STONE STREET, DANVERS, MA 01923–1899	440,000.00
DEDHAM HA	163 DEDHAM BOULEVARD, DEDHAM, MA 02026–0000	161,200.00
FALMOUTH HA	115 SCRANTON AVENUE, FALMOUTH, MA 02540–3598	259,225.00
FITCHBURG HA	50 DAY STREET, FITCHBURG, MA 01420–0000	380,000.00
FRAMINGHAM HA	1 JOHN J. BRADY DRIVE, FRAMINGHAM, MA 01701–2300	423,000.00
GLOUCESTER HA	99 PROSPECT STREET, GLOUCESTER, MA 01931–1599	155,000.00
HUDSON HA	8 BRIGHAM CIRCLE, HUDSON, MA 01749–0221	216,000.00
BARNSTABLE HA	146 SOUTH STREET, HYANNIS, MA 02601–0000	187,030.00
MEDWAY HA	MAHAN CIRCLE, MEDWAY, MA 02053–2010	127,500.00
METHUEN HA	24 MYSTIC STREET, METHUEN, MA 01844–2468	310,000.00
NEEDHAM HA	28 CAPTAIN ROBERT COOK DR, NEEDHAM, MA 02194–0000	157,500.00
NEWBURYPORT HA	25 TEMPLE STREET, NEWBURYPORT, MA 01950–0000	42,220.00
NEWTON HA	82 LINCOLN STREET, NEWTON HIGHLANDS, MA 02161–0000	789,000.00
NORTH ANDOVER HA	ONE MOREKESKI MEADOWS, NORTH ANDOVER, MA 01845–0373	175,000.00
PEMBROKE HA	KILCOMMONS DRIVE, PEMBROKE, MA 02359–2624	269,457.00
PITTSFIELD HA	65 COLUMBUS AVENUE, PITTSFIELD, MA 01201–0000	390,000.00
REVERE HA	70 COOLEDGE STREET, REVERE, MA 02151–0000	552,428.00
SAUGUS HSNG. AUTHORITY	19 TALBOT STREET, SAUGUS, MA 01906–0000	305,000.00
SHREWSBURY HA	36 NORTH QUINSIGAMOND AV, SHREWSBURY, MA 01545–0000	170,000.00
WAKEFIELD HA	26 CRESCENT STREET, WAKEFIELD, MA 01880–0000	148,000.00
WEBSTER HA	10 GOLDEN HEIGHTS, WEBSTER, MA 01570–0000	492,500.00
WEYMOUTH HA	402 ESSEX STREET, WEYMOUTH, MA 02188–000	210,000.00
WINCHENDON HA	108 IPSWICH DRIVE, WINCHENDON, MA 01475–0000	548,000.00
HA OF CAMBRIDGE	700 WEAVER AVE., CAMBRIDGE, MD 21613–2198	256,400.00
QUEEN ANNE'S CTY HA	P.O. BOX 327, CENTREVILLE, MD 21617–0000	37,000.00
HA OF ALLEGANY CTY	701 FURNACE STREET, CUMBERLAND, MD 21529–0250	122,490.00
HA OF THE TOWN OF EASTON	900 DOVERBROOK, EASTON, MD 21601	143,600.00
ELKTON HA	150 EAST MAIN STREET, ELKTON, MD 21921–0000	169,000.00
HA OF FROSTBURG	MESHACH FROST VILLAGE, FROSTBURG, MD 21532–	130,000.00
GLENARDEN HA	8639 GLENARDEN PARKWAY, GLENARDEN, MD 20801	128,359.00
WASHINGTON CTY. HA	33 WEST WASHINGTON STREET, HAGERSTOWN, MD 21740–0000	154,346.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
HAVRE DE GRACE HA	101 STANSBURY COURT, HAVRE DE GRACE, MD 21078–0000	62,220.00
CALVERT CTY. HA	P.O. BOX 2509, PRINCE FREDERICK, MD 20678–0000	115,000.00
HA OF THE CITY OF ROCKVILLE	14 MOORE DRIVE, ROCKVILLE, MD 20850–0000	381,040.00
ST. MICHAELS HA	P.O. BOX 296, ST. MICHAELS, MD 21663–0000	93,800.00
AUBURN HA	P O BOX 3037, AUBURN, ME 04212–0000	153,300.00
MOUNT DESERT HA	15 EAGLE LAKE ROAD, BAR HARBOR, ME 04609–0000	98,000.00
BAR HARBOR HA	15 EAGLE LAKE ROAD, BAR HARBOR, ME 04609–0000	225,000.00
BATH HA	80 CONGRESS AVE., BATH, ME 04530–0000	56,800.00
BREWER HA	ONE COLONIAL CIRCLE, BREWER, ME 04412–0000	121,000.00
BRUNSWICK HA	12 STONE STREET, BRUNSWICK, ME 04011–2725	154,000.00
ELLSWORTH HA	WATER STREET, ELLSWORTH, ME 04605–0000	101,000.00
OLD TOWN HA	165 SOUTH MAIN STREET, OLD TOWN, ME 04468–0404	243,100.00
PRESQUE ISLE HA	58 BIRCH STREET, PRESQUE ISLE, ME 04769–0356	138,500.00
SANFORD HA	29 YALE STREET, SANFORD TOWN, ME 04073–0000	209,000.00
SOUTHWEST HARBOR HA	80 MOUNT DESERT STREET, SOUTHWEST HARBOR, ME 04609–0000	110,000.00
TREMONT HA	TREMONT HOUSING AUTHORITY, TREMONT, ME 04609–0028	27,000.00
WESTBROOK HA	30 LIZA HARMON DRIVE, WESTBROOK, ME 04092–4766	9,500.00
WESTBROOK HA	30 LIZA HARMON DRIVE, WESTBROOK, ME 04092–4766	221,095.00
ALBION HGS COMM	507 WEST BROADWELL P.O. BOX 62, ALBION, MI 49224–0000	123,800.00
ALPENA HSNG. COMM	2340 S. FOURTH ST., ALPENA, MI 49707–3027	467,500.00
BARAGA HSNG. COMM	416 MICHIGAN AVENUE, BARAGA, MI 49908–0000	270,000.00
BELDING HSNG. COMM	41 BELHAVEN, BELDING, MI 48809–0000	1,030,000.00
BESSEMER HSNG. COMM	P. O. BOX 46, BESSEMER, MI 49911–0033	155,000.00
BOYNE CITY HSG CM	829 SOUTH PARK STREET, BOYNE CITY, MI 49712–0000	483,000.00
BRONSON HSNG. COMM	P. O. BOX 33, BRONSON, MI 49028,	298,400.00
CADILLAC HSNG. COMM	111 SIMON STREET, CADILLAC, MI 49601–0000	552,700.00
CHARLEVOIX HSNG. COMM	210 W GARFIELD ST, CHARLEVOIX, MI 49720	449,000.00
DOWAGIAC HSNG. COMM	100 CHESTNUT ST., DOWAGIAC, MI 49047–0000	64,000.00
DUNDEE HSNG. COMM	501 RAWSON ROAD, DUNDEE, MI 48131–1073	233,891.00
ECORSE HSNG. COMM	266 HYACINTH STREET, ECORSE, MI 48229–	371,000.00
ESCANABA HSNG. COMM	110 S FIFTH ST, ESCANABA, MI 49829	292,000.00
BAY CTY. HSNG. COMM	798 NORTH PINE ST., ESSEXVILLE, MI 48732–2134	816,000.00
FERNDALE HSNG. COMM	415 WITHINGTON, FERNDALE, MI 48220–0000	1,059,000.00
ROYAL OAK TOWNSHIP HSNG. COMM.	21312 WYOMING AVE, FERNDALE, MI 48220–2125	608,000.00
GLADSTONE HSNG. COMM	217 DAKOTA AVENUE, GLADSTONE, MI 49837	42,000.00
GLADWIN CITY HSNG. COMM	215 SOUTH ANTLER, GLADWIN, MI 48624–2051	353,200.00
GREENVILLE HSNG. COMM	308 EAST OAK STREET, GREENVILLE, MI 48838	674,000.00
HILLSDALE HSNG. COMM	45 N WEST ST, HILLSDALE, MI 49242	291,400.00
IRONWOOD HSNG. COMM	515 EAST VAUGHN ST, IRONWOOD, MI 49938	423,400.00
ISHPEMING HSNG. COMM	111 BLUFF ST, ISHPEMING, MI 49849	25,000.00
KINGSFORD HSNG. COMM	1025 WOODWARD AVE, KINGSFORD, MI 49801	402,000.00
LIVONIA HSNG. COMM	19300 PURLINGBROOK, LIVONIA, MI 48152–1902	466,000.00
MENOMINEE HSNG. COMM	1801 8TH AVENUE, MENOMINEE, MI 49859–0414	461,000.00
MUNISING HS CM 200 CITY PARK DR	MUNISING, MI 49862–1131	381,900.00
NEGAUNEE HSNG. COMM	98 CROIX STREET, NEGAUNEE, MI 49866	640,000.00
NEW HAVEN HSNG. COMM	30100 JOHN RIVERS DR, NEW HAVEN, MI 48048	75,100.00
NILES HSNG. COMM	251 CASS STREET, NILES, MI 49120	600,054.00
PLYMOUTH HSNG. COMM	1160 SHERIDAN, PLYMOUTH, MI 48170–0000	100,000.00
ROCKFORD HSG COMM	59 SOUTH MAIN ST., ROCKFORD, MI 49341–0000	450,600.00
ROMULUS HSNG. COMM	34200 BEVERLY ROAD, ROMULUS, MI 48174–4454	238,000.00
STERLING HEIGHTS HSNG. COMM	40555 UTICA ROAD, STERLING HEIGHTS, MI 48311–8009	600,000.00
WAYNE HSNG. COMM	4001 SOUTH WAYNE ROAD, WAYNE, MI 48184–0000	255,000.00
ALBERT LEA HRA	221 EAST CLARK STREET, ALBERT LEA, MN 56007–2421	75,000.00
DOUGLAS CTY. HRA	715 ELM STREET, SUITE 1060, ALEXANDRIA, MN 56308–0000	18,680.00
HRA OF BEMIDJI	619 AMERICA AVENUE NW, BEMIDJI, MN 56601–0000	417,000.00
ITASCA CTY. HRA	P.O. BOX 355, CALUMET, MN 55716–0355	576,000.00
HRA OF CAMBRIDGE	121 SOUTH FERN STREET, CAMBRIDGE, MN 55008–1454,	232,000.00
HRA OF CROSBY	300 THIRD AVENUE NE, CROSBY, MN 56441-	310,000.00
EDHA OF EAST GRAND FORKS	P.O. BOX 439, EAST GRAND FORKS, MN 56721–0439	158,495.00
CLAY CTY. HRA	116 CENTER AVENUE, EASTDILWORTH, MN 56529–0099	150,000.00
HRA OF ELY	114 NORTH 8TH AVENUE, #111, ELY, MN 55731–	372,000.00
HRA OF FAIRMONT	500 HOME STREET, FAIRMONT, , MN 56031–	771,000.00
HRA OF HUTCHINSON	133 THIRD AVENUE SW, HUTCHINSON, MN 55350–2469	1,018,000.00
HRA OF LAKE BENTON	106 WEST BLUFF ST., #30, LAKE BENTON, MN 56149–1203	334,164.00
HRA OF LONG PRAIRIE	601 CENTRAL AVENUE, LONG PRAIRIE, MN 56347–	1,000,000.00
BLUE EARTH CTY. HRA	P.O. BOX 3368, MANKATO, MN 56002–3368	591,000.00
MANKATO EDA	P.O. BOX 3368, MANKATO, MN 56002–3368	932,000.00
HRA OF CITY OF MELROSE	16 EAST 1ST STREET SOUTH, MELROSE, MN 56352–	675,000.00
HRA OF MONTEVIDEO	501 NORTH FIRST STREET, MONTEVIDEO, MN 56265–1426	1,000,000.00
HRA OF MORRIS	100 SOUTH COLUMBIA AVENUE, MORRIS, MN 56267–0438	165,000.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
HRA OF ST. JAMES	415 ARMSTRONG BOULEVARD NORTH, ST. JAMES, MN 56081–1271	100,000.00
HA OF ST LOUIS PARK	5005 MINNETONKA BLVD., ST. LOUIS PARK, MN 55416–1785	385,000.00
SOUTHEAST MN MULTI-CTY. HRA	134 EAST SECOND STREET, WABASHA, MN 55981–0000	579,000.00
HRA OF WARREN	411 NORTH FOURTH STREET, WARREN, MN 56762–1315	474,000.00
HRA OF WORTHINGTON	819 TENTH STREET, WORTHINGTON, MN 56187–2758	995,000.00
LANAGAN HA	P.O. BOX 396, ANDERSON, MO 64831–0396	31,500.00
ANDERSON HA	P.O. BOX 396, ANDERSON, MO 64831–0396	81,000.00
HA OF THE CITY OF BOONVILLE	506 POWELL COURT, BOONVILLE, MO 65233–0000	118,350.00
BROOKFIELD HA	61 JOYCE PLACE, BROOKFIELD, MO 64628–	15,000.00
BRUNSWICK HA	510 NORTH ADAMS, BRUNSWICK, MO 65236–	200,000.00
CARROLLTON HA	107 N. MONROE, CARROLLTON, MO 64633–1351	315,000.00
CHILLICOTHE HA	320 PARK LANE, CHILLICOTHE, MO 64601–	115,000.00
CLINTON HA	7 BRADSHAW DR., CLINTON, MO 64735–	390,000.00
HA OF THE CITY OF DEXTER	1 JENNINGS LANE, DEXTER, MO 63841–	86,500.00
HA OF THE CITY OF GIDEON	135 HAVEN ST., GIDEON, MO 63848–	175,100.00
HA OF THE CITY OF HAYTI	212 N. 4TH ST., HAYTI, MO 63851–	559,025.00
HIGGINSVILLE HA	419 FAIRGROUND AVE., HIGGINSVILLE, MO 64037–	140,000.00
LEE'S SUMMIT HA	111 SOUTH GRAND, LEE'S SUMMIT, MO 64063–	77,000.00
MARCELINE HA	229 WEST HAUSER, MARCELINE, MO 64658–	401,000.00
MARSHALL HA	275 SOUTH REDMAN, MARSHALL, MO 65340–	200,000.00
MARYVILLE HA	DAVISON SQUARE, MARYVILLE, MO 64468–0000	220,000.00
MOUND CITY HA	801 EVANS CIRCLE DRIVE, MOUND CITY, MO 64470–	133,500.00
HA OF THE CITY OF MOUNTAIN GROVE.	301 WEST FIRST STREET, MOUNTAIN GROVE, MO 65711–0000	44,780.00
NEOSHO HA	321 SOUTH HAMILTON ST., NEOSHO, MO 64850–	209,000.00
NEVADA HA	1117 N. WEST STREET, NEVADA, MO 64772–	220,000.00
NOEL HA	624 JOHNSON DRIVE, NOEL, MO 64854–0305	52,200.00
OSCEOLA HA	102 GOODRICH DR., OSCEOLA, MO 64776–	232,000.00
PLATTSBURG HA	107 BROADWAY, PLATTSBURG, MO 64477–0371	198,400.00
HA OF THE CITY OF POTOSI	103 W. CITADEL POTOSI, MO 63664–	126,685.00
HA OF THE CITY OF ROLLA	1440 FORUM DRIVE, ROLLA, MO 65401–2557	132,690.00
SEDALIA HA	400 ROBINSON COURT, SEDALIA, MO 65301–	550,000.00
SMITHVILLE HA	161 COUNTY ROAD F, SMITHVILLE, MO 64089–	160,000.00
HA OF THE CITY OF HILLSDALE	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121–	105,900.00
HA OF THE CITY OF PAGEDALE	8865 NATURAL BRIDGE, ST. LOUIS, MO 63121–	269,900.00
TARKIO HA	218 SOUTH MAPLE ST., TARKIO, MO 64491–	43,000.00
HA OF THE CITY OF V&ALIA	1001 SOUTH MAPLE, VANDALIA, MO 63382–2403	36,000.00
HA OF THE CITY OF WELLSTON	1584 OGDEN AVE., WELLSTON, MO 63133–2413	1,609,550.00
THE HA OF THE CITY OF ABERDEEN	P.O. BOX 69, ABERDEEN, MS 39730	1,000,000.00
THE HA OF THE CITY OF BALDWYN	P.O. BOX 307, BALDWYN, MS 38824–0307	437,021.00
THE HA OF THE CITY OF WALNUT	P.O. BOX 1329, CORINTH, MS 38835–1329	600,000.00
THE HA OF THE CITY OF FOREST	518 FOURTH AVENUE NORTH, FOREST, MS 39074–	73,528.00
THE HA OF THE CITY OF HOLLY	P.O. BOX 550, HOLLY SPRINGS, MS 38635	18,000.00
THE HA OF THE CITY OF ITTA BENA	P.O. BOX 682, ITTA BENA, MS 38941	47,410.00
MISSISSIPPI REG. HA NO. VI	P.O. DRAWER 8746, JACKSON, MS 39284–8746	80,000.00
THE HA OF THE CITY OF LUMBERTON.	P.O. BOX 192, LUMBERTON, MS 39455	96,505.00
THE HA OF THE CITY OF MOUND BAYOU.	P.O. BOX 565, MOUND BAYOU, MS 38762–0565	624,767.00
THE HA OF THE CITY OF WAVELAND	P.O. BOX 90, WAVELAND, MS 39576	1,062,979.00
SPRINGSTHE HA OF THE CITY OF WEST POINT.	P.O. BOX 158, WEST POINT, MS 39773	800,000.00
THE HA OF THE CITY OF WINONA	P.O. BOX 127, WINONA, MS 38967–0127	199,550.00
MISSOULA HA	1319 E. BROADWAY, MISSOULA, MT 59802–0000	274,393.00
HA ALBEMARLE	P.O. DRAWER 1367, ALBEMARLE, NC 28002	101,100.00
ANDREWS HA	101–C WHITAKER ST., ANDREWS, NC 28901	246,000.00
HA ASHEBORO	P.O. BOX 609, ASHEBORO, NC 27204–0609	100,000.00
COMM. DEV.TOWN OF AYDEN, DEPT. OF HSNG..	P.O. BOX 482, AYDEN, NC 28513	200,500.00
HA OF THE TOWN OF BEAUFT	716 MULBERRY ST., BEAUFORT, NC 28516	250,000.00
BELMONT HA	P.O. BOX 984, BELMONT, NC 28012	147,750.00
BENSON HA	P.O. BOX 26, BENSON, NC 27504	205,995.00
HA BLADENBORO	P.O. BOX 339, BLADENBORO, NC 28320	165,000.00
CLARKTON HA	P.O. BOX 339, BLADENBORO, NC 28320	160,000.00
HA NORTHWESTERN REG.	P.O. BOX 2510, BOONE, NC 28607–2510	200,000.00
CITY OF CONCORD	P.O. BOX 308, CONCORD, NC 28025–0000	189,300.00
DUNN HA	P.O. BOX 1028, DUNN, NC 28334	224,950.00
TOWN OF EDENTON, DEPT. OF HSNG..	P.O. BOX 28, EDENTON, NC 27932	164,500.00
ELIZABETHTOWN HA	P.O. BOX 716, ELIZABETHTOWN, NC 28337	331,235.00
FAIRMONT HA	P.O. BOX 661, FAIRMONT, NC 28340	159,028.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
FARMVILLE HA	P.O. BOX 282, FARMVILLE, NC 27828	200,000.00
FOREST CITY HA	A204 SPRUCE ST., FOREST CITY, NC 28043	230,415.00
HAMLET HA	P.O. BOX 1188, HAMLET, NC 28345	177,500.00
HERTFORD HA	104 WHITE STREET, HERTFORD, NC 27944	235,000.00
LENOIR HA	P.O. BOX 1526, LENOIR, NC 28645	192,400.00
MADISON HA	P.O. BOX 9, MADISON, NC 27025	114,000.00
MARS HILL HA	P.O. BOX 186, MARS HILL, NC 28754	236,000.00
MARSHALL HA	P.O. BOX 176, MARSHALL, NC 28753	187,100.00
MAXTON HA	P.O. BOX 126, MAXTON, NC 28364	253,200.00
HA MONROE	P.O. BOX 805, MONROE, NC 28110–0000	248,200.00
MOORESVILLE HA	P.O. BOX 1087, MOORESVILLE, NC 28115	63,300.00
MOUNT GILEAD HA	P.O. BOX 158, MOUNT GILEAD, NC 27306	150,000.00
CITY OF MOUNT HOLLY, DEPT. OF HSNG..	P.O. BOX 465, MOUNT HOLLY, NC 28120	143,775.00
HSNG. PROGRAMS OF THE TOWN OF MURPHY.	P.O. BOX 357, MURPHY, NC 28906	330,100.00
NORTH WILKESBORO DEPT. OF HSNG. &.	P.O. BOX 1373, NORTH WILKESBORO, NC 28659	150,000.00
PEMBROKE HA	P.O. DRAWER 910, PEMBROKE, NC 28372	195,890.00
THE NEW RANDLEMAN HA	606 SOUTH MAIN ST., RANDLEMAN, NC 27317	188,000.00
HA REIDSVILLE	928 JEFFREY COURT, REIDSVILLE, NC 27320–0509	143,900.00
AHOSKIE HA	P.O. BOX 1195, ROANOKE RAPIDS, NC 27870	132,000.00
ROBERSONVILLE HA	P.O. BOX 637, ROBERSONVILLE, NC 27871	200,000.00
HA ROCKINGHAM	P.O. BOX 160, ROCKINGHAM, NC 28379–0000	243,400.00
ROXBORO HA	P.O. BOX 996, ROXBORO, NC 27573	203,000.00
SELMA HA	711 LIZZIE ST., SELMA, NC 27576	200,000.00
SOUTHERN PINES HA	801 S. MECHANIC ST., SOUTHERN PINES, NC 28387	241,000.00
SPRUCE PINE HA	P.O. BOX 645, SPRUCE PINE, NC 28777	209,725.00
PRINCEVILLE HA	51 PIONEER COURT, TARBORO, NC 27886	167,050.00
REDEV. COMM TARBORO	P.O. BOX 1144, TARBORO, NC 27886–0000	226,775.00
TROY HA	201 STANLEY ST., TROY, NC 27371	255,200.00
VALDESE HA	P.O. BOX 310, VALDESE, NC 28690	200,000.00
WHITEVILLE HA	504 BURKHEAD ST., WHITEVILLE, NC 28472	347,320.00
RAMSEY CTY. HA	BOX 691, DEVILS LAKE, ND 58301–0000	78,280.00
AINSWORTH HA	P.O. BOX 153, AINSWORTH, NE 69210–0153	89,000.00
ALBION HA	827 W. COLUMBIA, ALBION, NE 68620–1575	52,500.00
ALLIANCE HA	300 SOUTH POTASH #27, ALLIANCE, NE 69301–0000	21,500.00
ALMA HA	P.O. BOX 1036, ALMA, NE 68920–1036	25,900.00
AURORA HA	1505 P ST., #1003, AURORA, NE 68818–1366	108,000.00
BURWELL HA	P.O. BOX 490, BURWELL, NE 68823–0490	43,000.00
CAMBRIDGE HA	P.O. BOX 484, CAMBRIDGE, NE 69022–0484	108,000.00
CLARKSON HA	P.O. BOX 377, CLARKSON, NE 68629–0377	37,700.00
COZAD HA	421 WEST 9TH STREET, COZAD, NE 69130–0000	18,000.00
EMERSON HA	207 E. FIFTH ST., EMERSON, NE 68733–3608	60,000.00
FAIRMONT HA	P.O. BOX 158, FAIRMONT, NE 68354–0158	283,500.00
FRIEND HA	1027 SECOND ST., FRIEND, NE 68359–1145	83,050.00
SCOTTS BLUFF HA	89A WOODLEY PARK ROAD, GERING, NE 69341–0000	224,163.00
GIBBON HA	P.O. BOX 39, GIBBON, NE 68840–0039	216,012.00
GOTHENBURG HAY	810 20TH STREET, GOTHENBURG, NE 69138–0035	49,500.00
KEARNEY HA	2715 AVENUE I, KEARNEY, NE 68847–3769	151,700.00
NEBRASKA CITY HA	200 NORTH THIRD STREET, NEBRASKA CITY, NE 68410–2553	198,600.00
NELSON HA	P.O. BOX 288, NELSON, NE 68961–0288	68,000.00
NEWMAN GROVE HA	P.O. BOX 100, NEWMAN GROVE, NE 68758–0100	63,800.00
NIOBRARA HA	P.O. BOX 198, NIOBRARA, NE 68760–0198	49,500.00
DOUGLAS CTY. HA	5404 NORTH 107TH PLAZA, OMAHA, NE 68134–1100	221,657.00
ORD HA	PARKVIEW VILLAGE, ORD, NE 68862	322,726.00
PAWNEE CITY HA	418 11TH ST., PAWNEE CITY, NE 68420–	24,500.00
PLATTSMOUTH HA	801 WASHINGTON AVE., PLATTSMOUTH, NE 68048–1255	20,500.00
RAVENNA HA	1011 GRAND AVE., RAVENNA, NE 68869–1015	71,300.00
RED CLOUD HA	P.O. BOX 247, RED CLOUD, NE 68970–0247	93,000.00
ST. PAUL HA	P.O. BOX 86, ST. PAUL, NE 68873–0086	7,700.00
STANTON HA	P.O. BOX 658, STANTON, NE 68779–0658	51,500.00
SUTHERLAND HA	P.O. BOX 247, SUTHERLAND, NE 69165–0247	32,000.00
SYRACUSE HA	P.O. BOX 388, SYRACUSE, NE 68446–0388	107,500.00
TECUMSEH HA	BOX 30, TECUMSEH, NE 68450–	132,150.00
VERDIGRE HA	P.O. BOX 10, VERDIGRE, NE 68783–0010	66,500.00
WILBER HA	P.O. BOX 577, WILBER, NE 68465–0577	18,485.00
WOOD RIVER HA	P.O. BOX 337, WOOD RIVER, NE 68883–0337	68,000.00
YORK HA	215 E 6TH, YORK, NE 68467–0000	145,000.00
EXETER HA	277 WATER STREET, EXETER, NH 03833–1719	165,500.00
KEENE HA	105 CASTLE STREET, KEENE, NH 03431–3334	310,259.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
NEWMARKET HA	34 GORDON AVENUE, NEWMARKET, NH 03857–0000	175,000.00
ROCHESTER HA	WELLSWEEP ACRES, ROCHESTER, NH 03867–2357	253,000.00
SOMERSWORTH HA	9 BARTLETT AVENUE, SOMERSWORTH, NH 03878–0031	177,000.00
SOMERSWORTH HA	9 BARTLETT AVENUE, SOMERSWORTH, NH 03878–0031	235,000.00
LEBANON HA	31 RIVERSIDE CIRCLE, WEST LEBANON, NH 03784–5475	143,000.00
BEVERLY HA	100 MAGNOLIA ST., BEVERLY, NJ 08010–1158	939,257.00
BOONTON HA	125 CHESTNUT STREET, BOONTON, NJ 07005–3761	450,000.00
BURLINGTON HA	800 WALNUT STREET, BURLINGTON, NJ 08016	65,000.00
COLLINGSWOOD HA	30 WASHINGTON AVE., COLLINGSWOOD, NJ 08108–1545	500,000.00
BOROUGH OF EDGEWATER HA	300 UNDERCLIFF AVENUE, EDGEWATER, NJ 07002–0000	100,000.00
EDISON HA	BUILDING #1—WILLARD DUNHAM DRIVE, EDISON NJ 08837–3570	713,344.00
FLORENCE HA	620 W. THIRD & EYRE ST., FLORENCE, NJ 08518–1122	458,500.00
FT LEE HA	1403 TERESA DRIVE, FORT LEE, NJ 07024–2102	56,000.00
GLASSBORO HA	737 LINCOLN BLVD PO BOX 563, GLASSBORO, NJ 08028–0563	500,000.00
GLOUCESTER CITY HA	101 MARKET ST., GLOUCESTER CITY, NJ 08030–2047	132,335.00
HIGHLAND PARK HA	242 SOUTH SIXTH AVENUE, HIGHLAND PARK, NJ 08904–2824	195,500.00
HIGHLANDS HA	215 SHORE DR., HIGHLANDS, NJ 07732–2122	245,820.00
HIGHTSTOWN HA	131 ROGERS AVE., HIGHTSTOWN, NJ 08520–3725	276,850.00
KEANSBURG HA	25 HANCOCK STREET, KEANSBURG, NJ 07734–1456	448,000.00
LINDEN HA	1601 DILL AVE., LINDEN, NJ 07036–1723	355,000.00
MIDDLETOWN HA	2 OAKDALE DRIVE—TOMASO PLAZA, MIDDLETOWN, NJ 07748–1618	97,595.00
BUENA HA	600 CENTRAL AVE., MINOTOLA, NJ 08341	208,000.00
MORRIS CTY. HA	99 KETCH ROAD, MORRISTOWN, NJ 07960–0000	241,000.00
NEWTON HA	32 LIBERTY ST., NEWTON, NJ 07860–1723	188,175.00
PENNS GROVE HA	BUILDING #1—PENN TOWERS—SOUTH BROAD ST., PENNS GROVE, NJ 08069–1327.	186,153.00
PRINCETON HA	50 CLAY ST., PRINCETON, NJ 08542–3108	225,000.00
RED BANK HA	P.O. BOX 2158 EVERGREEN TERRACE, RED BANK, NJ 07701–5234	151,100.00
WEEHAWKEN HA	525 GREGORY AVENUE, WEEHAWKEN, NJ 07087–5713	190,000.00
WILDWOOD HA	P.O. BOX 1379, WILDWOOD, NJ 08260–6135	133,400.00
HA OF THE CITY OF ALAMOGORDO	P.O. BOX 336, ALAMOGORDO, NM 88310–	294,465.00
HA OF THE CITY OF ARTESIA	P.O. BOX 1326, ARTESIA, NM 88210–	348,650.00
HA OF THE TOWN OF BAYARD	P.O. BOX 768, BAYARD, NM 88023–	214,500.00
HA OF THE VILLAGE OF CHAMA	P.O. BOX 695, CHAMA, NM 87520–0695	41,000.00
HA OF THE VILLAGE OF CIMARRON	P.O. BOX 355, CIMARRON, NM 87714–0355	105,270.00
HA OF THE VILLAGE OF CUBA	P.O. BOX 2230, CUBA, NM 87013–	39,204.00
HA OF THE CTY. OF RIO ARRIBA	P.O. BOX 310, ESPANOLA, NM 87532–	74,580.00
HA OF THE CITY OF GRANTS	P.O. BOX 357, GRANTS, NM 87020	106,100.00
HA OF THE CITY OF LORDSBURG	1001 AVENIDA DEL SOL, LORDSBURG, NM 88045	71,000.00
HA OF THE CITY OF LOVINGTON	P.O. BOX 785, LOVINGTON, NM 88260–0785	95,700.00
HA OF THE VILLAGE OF SANTA CLARA.	P.O. BOX 275, SANTA CLARA, NM 88026–	59,490.00
HA OF THE CTY. OF SANTA FE	52 CAMINO DE JACOBO, SANTA FE, NM 87501–	220,000.00
REGION V HA	P.O. BOX 3015, SILVER CITY, NM 88062–	62,200.00
HA OF THE TOWN OF SPRINGER	P.O. BOX 207, SPRINGER, NM 87747–	335,720.00
HA OF THE CTY. OF TAOS	BOX 4239, TAOS, NM 87571	110,000.00
HA OF THE CTY. OF TAOS	BOX 4239, TAOS, NM 87571	708,214.00
HA OF THE TOWN OF TAOS	BOX 5201, TAOS, NM 87571	289,850.00
HA OF THE CITY OF TRUTH OR CONSEQUENCES.	108 SOUTH CEDAR STREET, TRUTH OR CONSEQUENCES, NM 87901	798,710.00
ALBANY HA	4 LINCOLN SQUARE, ALBANY, NY 12202–1638	260,300.00
HA OF BEACON	ONE FORRESTAL HEIGHTS, BEACON, NY 12508–3701	317,400.00
WEST CARTHAGE HA	63 MADISON ST., CARTHAGE, NY 13619–1161	232,336.00
CATSKILL HA	P.O. BOX 362, CATSKILL, NY 12414–0362	317,140.00
DUNKIRK HA	15 N. MAIN ST., DUNKIRK, NY 14048–1731	1,119,690.00
HA OF ELLENVILLE	10 EASTWOOD AVE., ELLENVILLE, NY 12428–1228	198,808.00
GLENS FALLS HA	STICHMAN TOWERS, GLENS FALLS, NY 12801–4515	490,600.00
VILLAGE OF GREAT NECK HA	700 MIDDLE NECK RD., GREAT NECK, NY 11023–1242	172,800.00
HA OF NORTH HEMPSTEAD	POND HILL RD., GREAT NECK, NY 11020–1599	204,000.00
HERKIMER HA	315 N. PROSPECT ST., HERKIMER, NY 13350–1952	385,350.00
HORNELL HA	87 EAST WASHINGTON ST. HORNELL, NY 14843–1643	182,775.00
HUDSON HA	41 NORTH SECOND ST., HUDSON, NY 12534–2415	908,510.00
TOWN OF HUNTINGTON HA	1–A LOWNDES AVENUE, HUNTINGTON STATION, NY 11746–1223	120,000.00
JAMESTOWN HA	110 WEST THIRD ST., JAMESTOWN, NY 14701–5199	798,540.00
KINGSTON HA	132 RONDOUT DR., KINGSTON, NY 12401–5513	157,900.00
MECHANICVILLE HA	HARRIS AVE., MECHANICVILLE, NY 12118–2210	64,800.00
VILLAGE OF KIRYAS JOEL HA	51 FOREST ROAD, MONROE, NY 10950–0566	84,000.00
HA OF MONTICELLO	76 EVERGREEN DR., MONTICELLO, NY 12701–1630	178,900.00
MOUNT KISCO HA	200 CARPENTER AVE., MOUNT KISCO, NY 10549–1602	212,470.00
HA OF NEWBURGH	40 WALSH RD., NEWBURGH, NY 12550–3601	568,000.00
PORT JERVIS HA	39 PENNSYLVANIA AVE., PORT JERVIS, NY 12771–2132	157,000.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
ROCKVILLE CENTRE HA	160 NORTH CENTRE AVE., ROCKVILLE CENTRE, NY 11570–3979	98,000.00
NORTH TARRYTOWN HA	126 VALLEY ST., SLEEPY HOLLOW, NY 10591–2826	146,020.00
VILLAGE OF SPRING VALLEY HA	76 GESNER DR., SPRING VALLEY, NY 10977–3998	279,000.00
TOWN OF RAMAPO HA	PONDVIEW DRIVE, SUFFERN, NY 10901–6599	128,000.00
TARRYTOWN MUNICIPAL HA	50 WHITE ST., TARRYTOWN, NY 10591–3621	169,100.00
TUCKAHOE HA	4 UNION PL., TUCKAHOE, NY 10707–4236	592,900.00
TUPPER LAKE HA	IVY TERRACE, TUPPER LAKE, NY 12986–1419	679,350.00
HA OF GREENBURGH	9 MAPLE ST., WHITE PLAINS, NY 10603–2623	619,262.00
WOODRIDGE HA	P.O. BOX 322, WOODRIDGE, NY 12789–0322	133,503.00
ATHENS MET HA	490 RICHLAND AVENUE, ATHENS, OH 45701–0000	220,000.00
CLERMONT MET.HA.	P.O. BOX 151–65 S. MARKET STREET, BATAVIA, OH 45103–0000	366,594.00
LOGAN CTY. MHA	105W HIGH ST, BELLEFONTAINE, OH 43311–0000	240,000.00
HARRISON METRO HA	P.O. BOX 146, CADIZ, OH 43907–0000	163,000.00
NOBLE METRO HA	P.O. BOX 744, CAMBRIDGE, OH 43725–0000	191,545.00
CAMBRIDGE METRO HSG. AUTH.	P.O. BOX 744, CAMBRIDGE, OH 43725–0744	210,000.00
GEAUGA METRO HA	385 CENTER ST., CHARDON, OH 44024–0000	604,750.00
PICKAWAY METRO HA.	176 RUSTIC DRIVE, CIRCLEVILLE, OH 43113–0000	235,000.00
COSHOCTON MET.HA	P.O. BOX #721, COSHOCTON, OH 43812–0000	260,000.00
PERRY CTY. METRO. HSG. AUTHORITY.	SENIOR CITIZENS BUILDING, CROOKSVILLE, OH 43731–0000	240,000.00
SANDUSKY METRO HA	1358 MOSSER DRIVE, FREMONT, OH 43420–0000	186,641.00
BROWN METRO HA	200 S GREEN STREET, GEORGETOWN, OH 45121–0000	138,760.00
FAIRFIELD MHA	1506 AMHERST PL, LANCASTER, OH 43130–0000	240,000.00
WARREN MET.HA	P.O. BOX 63, LEBANON, OH 45036–0000	158,213.00
ALLEN MHA 160001003A/C#	600 SOUTH MAIN ST., LIMA, OH 45804–0000	240,000.00
HOCKING MET HA	50 SOUTH HIGH STREET, LOGAN, OH 43138–0000	220,000.00
LONDON METRO HA	179 S. MAIN STREET, LONDON, OH 43140	220,000.00
ADAMS MET.HA	900 CEMETERY ST, MANCHESTER, OH 45144–0000	219,800.00
LICKING METRO HA	P.O. BOX 1029, MANSFIELD, OH 44901–0000	250,000.00
MORGAN MET HA	4512 NORTH STATE ROUTE #376 NW, MCCONNELSVILLE, OH 43756–0000	270,000.00
MEDINA METRO HA	860 WALTER RD., MEDINA, OH 44256–0000	241,000.00
LAKE METRO HA	189 FIRST STREET, PAINESVILLE, OH 44077–0000	360,500.00
PIKE METROPLITAN HA	2626 SHYVILLE ROAD, PIKETON, OH, 45661–0000	250,000.00
MIAMI MET. HA	1695 TROY-SIDNEY ROAD, TROY, OH, 45373–0000	329,519.00
JACKSON CTY. HA	P.O. BOX #619, WELLSTON, OH, 45692–0000	250,000.00
CLINTON METRO HA	478 THORNE AVENUE, WILMINGTON, OH, 45177–0000	202,280.00
WAYNE METRO HA	200 S MARKET ST, WOOSTER, OH, 44691–0000	96,000.00
HA OF THE CITY OF ANADARKO	615 E. TEXAS ST., ANADARKO, OK, 73005–	350,000.00
HA OF THE TOWN OF ANTLERS	105 NW 3RD ST., ANTLERS, OK, 74523–	127,560.00
HA OF THE TOWN OF APACHE	P.O. BOX 337, APACHE, OK, 73006–	33,530.00
HA OF THE CITY OF ATOKA	P.O. BOX 1050, ATOKA, OK, 74525–	303,115.00
HA OF THE CITY OF BEGGS	P.O. BOX 569, BEGGS, OK, 74421–	100,000.00
HA OF THE TOWN OF CACHE	P.O. BOX 582, CACHE, OK, 73527–	50,000.00
HA OF THE TOWN OF CHEYENNE	P.O. BOX 327, CHEYENNE, OK, 73628–	50,000.00
HA OF THE CITY OF COALGATE	P.O. BOX 469, COALGATE, OK, 54538–	468,083.00
DEL CITY HA	4613 TINKER DIAGONAL, DEL CITY, OK, 73115–	150,000.00
HA OF THE CITY OF DRUMRIGHT	P.O. BOX 1242, DRUMRIGHT, OK, 74030–	65,550.00
FT. GIBSON HA	P.O. BOX 426, FORT GIBSON, OK, 74434–	106,110.00
HA OF THE CITY OF HARTSHORNE	615 WICHITA AVE., HARTSHORNE, OK, 74547–	87,800.00
HA OF THE CITY OF HAILEYVILLE	615 WICHITA AVE., HARTSHORNE, OK, 74547–	86,785.00
HA OF THE CITY OF HOBART	329 S. LINCOLN ST., HOBART, OK, 73651–	324,820.00
HA OF THE CITY OF HOLDENVILLE	301 CRESTVIEW, HOLDENVILLE, OK, 74848–	244,617.00
HUGO HA	P.O. BOX 727, HUGO, OK, 74743–	146,250.00
HA OF THE CITY OF IDABEL	P.O. BOX 838, IDABEL, OK, 74745–0838	1,091,441.00
HA OF THE CITY OF KONAWA	P.O. BOX 186, KONAWA, OK, 74849–	50,000.00
HA OF THE CITY OF KREBS	P.O. BOX 1439, KREBS, OK, 74554–	76,532.00
HA OF THE CADDO ELECTRIC COOPERATIVE.	RT. 1, BOX 3C, LOOKEBA, OK, 73053–	12,250.00
MIAMI HA	P.O. BOX 848, MIAMI, OK, 74355–	151,460.00
NORMAN HA	700 NORTH BERRY RD, NORMAN, OK, 73069–	255,599.00
HA OF THE CITY OF OILTON	P.O. BOX 729, OILTON, OK, 74052–	394,860.00
HA OF THE CITY OF PAULS VALLEY	P.O. BOX 874, PAULS VALLEY, OK, 73075–	56,600.00
HA OF THE TOWN OF ROOSEVELT	P.O. BOX 177, ROOSEVELT, OK, 73564–	80,000.00
HA OF THE TOWN OF RYAN	P.O. BOX 147, RYAN, OK, 73565–	329,045.00
SEMINOLE HA	P.O. BOX 1253, SEMINOLE, OK, 74818–	176,263.00
HA OF THE CITY OF STIGLER	200 SE B ST., STIGLER, OK, 74462–	425,316.00
HA OF THE CITY OF STILLWATER	807 S. LOWRY, STILLWATER , OK, 74074–	188,582.00
HA OF THE TOWN OF TEMPLE	P.O. BOX 307, TEMPLE, OK, 73568–	116,150.00
HA OF THE KIAMICHI ELECTRIC COOPERATIVE.	HC 64BOX 4060, KUSKAHOMA, OK, 74502–	859,912.00
HA OF THE CITY OF WALTERS	P.O. BOX 452, WALTERS, OK, 73572–	32,500.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
HA OF THE CITY OF WAURIKA	P.O. BOX 307, WAURIKA, OK, 73573–	25,000.00
HA OF THE CITY OF WYNNEWOOD	806 E. COLBERT ST., WYNNEWOOD, OK, 73098–	53,400.00
HA OF JACKSON CTY	2231 TABLE ROCK ROAD, MEDFORD, OR, 97501–	288,080.00
H.A. OF LINCOLN CTY	P.O. BOX 1470, NEWPORT, OR, 97365–	460,000.00
CENTRAL ORE REG HA	2445 S.W. CANAL BOULEVARD, REDMOND, OR, 97756–	700,000.00
CENTRE CTY. HA	602 E. HOWARD STREET, BELLEFONTE, PA, 16823–0000	127,102.00
BRADFORD CITY HA	2 BUSHNELL STREET, BRADFORD, PA, 16701–0000	1,023,450.00
CUMBERLAND CTY. HA	114 NORTH HANOVER STREET, CARLISLE, PA, 17013–2445	142,000.00
CLEARFIELD CTY. HA	222 LEAVY AVENUE, CLEARFIELD, PA, 16830–0000	178,490.00
CLEARFIELD CTY. HA	222 LEAVY AVENUE, CLEARFIELD, PA, 16830–0000	305,635.00
CONNELLSVILLE HA	315 N. ARCH STREET, CONNELLSVILLE, PA, 15425–9208	223,800.00
CARBON CTY. HA	215 SOUTH THIRD STREET, LEHIGHTON, PA, 18235–0000	214,700.00
SUSQUEHANNA CTY. HAORIT	61 CHURCH STREET, MONTROSE, PA, 18801–1204	153,000.00
NORTHAMPTON CTY. HA	P.O. BOX 252–15 S. WOOD ST., NAZARETH, PA, 18064–0000	190,000.00
WYOMING CTY. HA	P.O. BOX 350, NICHOLSON, PA, 18446–0350	162,058.00
OIL CITY HA	MORAN TOWERS, 110 MORAN STREET, OIL CITY, PA, 16301–0000	203,180.00
BERKS CTY. HA	1803 BUTTER LANE, READING, PA, 19606–0000	373,266.00
SHAMOKIN HA	1 EAST INDEPENDENCE STREET, SHAMOKIN, PA, 17872–5861	407,865.00
WARREN CTY. HA	108 OAK STREET, WARREN, PA, 16365–0000	854,648.00
WILLIAMSPORT HA	505 CENTER STREET, WILLIAMSPORT, PA, 17701–0000	313,000.00
COVENTRY HA	14 MANCHESTER CIRCLE, COVENTRY, RI, 02816–0000	60,000.00
CUMBERLAND HA	ONE MENDON ROAD, CUMBERLAND, RI, 02864–5327	140,000.00
EAST GREENWICH HA	146 FIRST AVE, EAST GREENWICH, RI, 02818–0000	10,000.00
SMITHFIELD HA	7 CHURCH STREET, GREENVILLE, RI, 02828–0000	25,000.00
BURRILLVILLE HA	ASHTON COURT CHAPEL STREET, HARRISVILLE, RI, 02830–1119	50,000.00
JAMESTOWN HA	P.O. BOX 464, JAMESTOWN, RI, 02835–0464	30,000.00
JOHNSTON HA	8 FORAND CIRCLE, JOHNSTON, RI, 02919–6243	150,000.00
NARRAGANSETT HA	P.0. BOX 38825 FIFTH AVENUE, NARRAGANSETT, RI, 02882–0000	73,642.00
NORTH PROVIDENCE HA	945 CHARLES STREET, NORTH PROVIDENCE, RI, 02904–5654	420,000.00
SOUTH KINGSTON HA	P.O.BOX 6, PEACE DALE, RI, 02883–0000	180,000.00
TIVERTON HA	99 HANCOCK STREET, TIVERTON, RI, 02878–0000	20,000.00
TOWN OF WESTERLY H A	5 CHESTNUT ST, WESTERLY TOWN, RI, 02891–0000	170,000.00
HA OF THE CITY OF ABBEVILLE	P.O. BOX 609, ABBEVILLE, SC, 29620–	205,000.00
HA OF THE CITY OF ANDERSON	1335 E RIVER STREET, ANDERSON, SC, 29624–2908	300,000.00
HA OF THE CITY OF ATLANTIC BEACH.	P.O. BOX 1326,BARNWELL, SC, 29812–1326	75,000.00
HA OF THE CITY OF BENNETTSVILLE	253 FLETCHER ST, BENNETTSVILLE, SC, 29512–3777	250,000.00
HA OF THE CITY OF CHERAW	345 DIZZY GILLESPIE DRIVE, CHERAW, SC, 29520–	250,000.00
HA OF THE CITY OF CHESTER	P.O. BOX 773, CHESTER, SC, 29706–0773	155,000.00
HA OF THE CITY OF CAYCE	1917 HARDEN STREET, COLUMBIA, SC, 29204–1015	51,000.00
HA OF THE CITY OF DARLINGTON	P.O. DRAWER 1440, DARLINGTON, SC, 29532–1440	229,000.00
HA OF THE CITY OF EASLEY	P.O. BOX 1060,EASLEY, SC, 29641–1060	229,167.00
MARLBORO CO HSNG. & REDEV	P.O. DRAWER 969, FLORENCE, SC, 29503–0969	80,000.00
HA OF THE CITY OF MCCOLL	P.O. DRAWER 969, FLORENCE, SC, 29503–0969	45,000.00
AUTHORITYHA OF THE CITY OF FT MILL.	105 BOZEMAN DRIVE, FORT MILL, SC, 29715–2527	195,000.00
HA OF THE CITY OF GREENWOOD	P.O. BOX 973, GREENWOOD, SC, 29646–0973	250,000.00
HA OF THE CITY OF GREER	103 SCHOOL STREET, GREER, SC, 29651–0000	265,000.00
HA OF THE CITY OF HARTSVILLE	P.O. DRAWER 1678, HARTSVILLE, SC, 29551–1678	144,000.00
HA OF THE CITY OF KINGSTREE	1022 FRIERSON HOMES, KINGSTREE, SC, 29556–1017	189,000.00
HA OF THE CITY OF LANCASTER	P.O. BOX 1235, LANCASTER, SC, 29721–1235	187,000.00
HA OF THE CITY OF LAURENS	P.O. BOX 326, LAURENS, SC, 29360–0326	250,000.00
HA OF THE CITY OF MULLINS	P.O. BOX 766, MULLINS, SC, 29574–0766	190,000.00
HA OF THE CITY OF MYRTLE BEACH	P.O. BOX 2468, MYRTLE BEACH, SC, 29578–2468	50,000.00
HA OF THE CITY OF WOODRUFF	P.O. BOX 715, WOODRUFF, SC, 29388–0715	145,000.00
HA OF THE CITY OF YORK	P.O. BOX 687, YORK, SC, 29745–0687	150,000.00
DE SMET HSNG. & REDEV. COMM	408 CALUMET N, DE SMET, SD, 57231–	37,015.00
HOT SPRINGS HSNG. & REDEV. COMM.	201 S. RIVER ST., HOT SPRINGS, SD, 57747	503,675.00
PARKER HSNG. & REDEV. COMM	120 SOUTH MAIN, PARKER, SD, 57053–	336,500.00
MEADE CTY. HSNG. & REDEV. COMM	1220 CEDAR STREET, STURGIS, SD, 57785–	114,074.00
CLINTON HA	825 MCADOO STREET, CLINTON, TN, 37716–3199	26,500.00
SOUTH CARTHAGE HA	P.O. BOX 1923, GALLATIN, TN, 37066–0197	242,535.00
HARTSVILLE HA	P.O. BOX 44, HARTSVILLE, TN, 37074–0044	770,279.00
HOHENWALD HA	323 MILL STREET, HOHENWALD, TN, 38462–1515	853,000.00
HUNTINGDON HA	433 HILLCOURT CIRCLE, HUNTINGDON, TN, 38344–	825,000.00
JEFFERSON CITY HA	942 E. ELLIS STREET, JEFFERSON CITY, TN, 37760–2699	69,900.00
HA JELLICO	P.O. BOX 240,JELLICO, TN, 37762–0000	653,420.00
LENOIR CITY HA	101 OAKWOOD DRIVE, LENOIR CITY, TN,37771–	1,234,311.00
LEWISBURG HA	P.O. BOX1846, LEWISBURG, TN, 37091–1846	500,000.00
LEXINGTON HA	P.O. BOX 559, LEXINGTON, TN, 38351–0559	532,153.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
MT. PLEASANT HA	138 THOMAS CIRCLE, MOUNT PLEASANT, TN, 38474–0000	831,774.00
HA OAK RIDGE	10 VAN HICKS LANE, OAK RIDGE, TN, 37830–0000	615,480.00
OLIVER SPRINGS HA	131 BRITTAIN VILLAGE, OLIVER SPRINGS, TN, 37840–1709	638,363.00
PARIS HA	917 MINOR DRIVE, PARIS, TN, 38242–	997,615.00
PARSONS-DECATURVILLE HA	301 ROSE AVENUE, PARSONS, TN, 38363–	373,083.00
PULASKI HA	2006 ROLLING MEADOWS DRIVE, PULASKI, TN, 38478–0000	652,048.00
SMITHVILLE HA	P.O. BOX 117,SMITHVILLE, TN, 37166–0000	957,000.00
WAVERLY HA	P.O. BOX 766, WAVERLY, TN, 37185–	64,897.00
WOODBURY HA	401 MCFERRIN STREET, WOODBURY, TN, 37190–	760,000.00
HA OF ABILENE	P.O. BOX 60, ABILENE, TX, 79604–0060	732,650.00
ALICE HA	P.O. BOX 1407, ALICE, TX, 78333–0000	500,000.00
HA OF ALTO	RT. 1, BOX 309, ALTO, TX, 75925–	64,000.00
ARANSAS PASS HA	254 N 13TH STREET, ARANSAS PASS, TX, 78336–0000	100,000.00
HA OF ASPERMONT	P.O. BOX 545, ASPERMONT, TX, 79502–0545	281,700.00
TRAVIS CTY. HA	P.O. BOX 1748, AUSTIN, TX, 78767–0000	27,985.00
HA OF BAIRD	P.O. BOX 1028, BAIRD, TX, 79504–1028	984,903.00
HA OF BALLINGER	1401 N. 13TH. ST., BALLINGER, TX 76821–	1,504,856.00
HA OF BALMORHEA	P.O. BOX 305, BALMORHEA, TX 79718–0305	125,382.00
BASTROP HA	P.O. BOX 707, BASTROP, TX 78602–0000	300,000.00
HA OF THE CITY OF BAY CITY	3012 SYCAMORE, BAY CITY, TX 77414–0000	300,000.00
HA OF THE CITY OF BAYTOWN	805 NAZRO STREET, BAYTOWN, TX 77520–0000	55,882.00
BEEVILLE HA	P.O. BOX 427, BEEVILLE, TX 78104–0000	200,000.00
HA OF THE CITY OF BELLVILLE	P.O. BOX 247, BELLVILLE, TX 77418–0247	584,154.00
BRACKETTVILLE HA	P.O. BOX 371, BRACKETTVILLE, TX 78832–0371	150,000.00
HA OF BRADY	P.O. BOX 28, BRADY, TX 76825–0028	1,454,109.00
HA OF THE CITY OF BREMOND	P.O. BOX A, BREMOND, TX 76629	570,000.00
HA OF THE CITY OF CALDWELL	P.O. BOX 596, CALDWELL, TX 77836–0596	360,000.00
HA OF CAMERON	P.O. BOX 549, CAMERON, TX 76520–0549	104,820.00
HA OF THE CITY OF CENTERVILLE	P.O. BOX 746, CENTERVILLE, TX 75833–0055	327,000.00
HA OF CLARENDON	P.O. BOX 945, CLARENDON, TX 79226–0945	1,067,000.00
HA OF CLEVELAND	801 S. FRANKLIN ST., CLEVELAND, TX 77327–	534,800.00
HA OF COOLIDGE	P.O. BOX 23, COOLIDGE, TX 76635–0023	154,777.00
HA OF CORRIGAN	600 S. HOME ST., CORRIGAN, TX 75939–	677,000.00
COTULLA HA	101 KERR STREET, COTULLA, TX 78014–0000	175,000.00
HA OF CROSS PLAINS	P.O. BOX 487, CROSS PLAINS, TX 76443–0487	103,478.00
CUERO HA	P.O. BOX 804, CUERO, TX 77954–0000	275,000.00
HA OF CUMBY	P.O. BOX 707, CUMBY, TX 75433–0707	25,600.00
HA OF DELEON	200 E. NAVARRO, DELEON, TX 76444–1156	129,300.00
HA OF DENISON	P.O. BOX 475, DENISON, TX 75020–0475	1,153,104.00
DONNA HA	P.O. BOX 667, DONNA, TX 78537–0000	250,000.00
HA OF DUBLIN	201 MAY SREET, DUBLIN, TX 76446–2751	844,300.00
EDCOUCH HA	P.O. BOX 92, EDCOUCH, TX 78538–0000	350,000.00
ELSA HA/LA HACIENDA	P.O BOX 98, ELSA, TX 78543–0000	425,000.00
HA OF EL PASO CTY	P.O. BOX 279, FABENS, TX 79838–0279	1,251,130.00
HA OF FRISCO	P.O. BOX 264, FRISCO, TX 75034–0264	329,500.00
HA OF GATESVILLE	P.O. BOX 52, GATESVILLE, TX 76528–0052	55,840.00
HA OF GLADEWATER	P.O. BOX 1009, GLADEWATER, TX 75647–1009	331,050.00
GOLIAD HA	360 N. FORT STREET, GOLIAD, TX 77963–0401	342,513.00
HA OF GRANBURY	503 NORTH CROCKETT, GRANBURY, TX 76048–2134	924,463.00
GRANGER HA	P.O. BOX 728, GRANGER, TX 76530–0728	235,000.00
HA OF GRAPEVINE	131 STARR PL, GRAPEVINE, TX 76051–	13,880.00
GREGORY HA	P.O. BOX 206, GREGORY, TX 78359–0000	300,000.00
HA OF HAMILTON	P.O. BOX 468, HAMILTON, TX 76531–0468	750,000.00
HA OF HENRIETTA	P.O. DRAWER 590, HENRIETTA, TX 76365–0590	823,050.00
HA OF HENRIETTA	P.O. DRAWER 590, HENRIETTA, TX 76365–0590	23,100.00
HA OF HICO	P.O. BOX 249, HICO, TX 76457–0249	27,520.00
HA OF HUGHES SPRINGS	P.O. BOX 717A, AHUGHES SPRINGS, TX 75656–0717	10,000.00
INGLESIDE HA	P.O. DRAWER Z, INGLESIDE, TX 78362	150,000.00
HA OF JEFFERSON	RT. 5., BOX 50, JEFFERSON, TX 75657–	130,300.00
KARNES CITY HA	P.O. BOX 276, KARNES CITY, TX 78118–0276	100,000.00
KENEDY HA	P.O. BOX 627, KENEDY, TX 78119–0000	250,000.00
HA OF KILLEEN	P.O. BOX 125, KILLEEN, TX 76541–0125	672,730.00
KINGSVILLE HA	1000 W CORRAL, KINGSVILLE, TX 78363–0000	400,000.00
HA OF KIRBYVILLE	310 W. LEVERT ST., KIRBYVLLE, TX 75956–	636,500.00
LA JOYA HA	P.O. BOX 1409, LA JOYA, TX 78560–0000	80,000.00
HA OF LOMETA	P.O. DRAWER 220, LOMETA, TX 76853–0220	45,779.00
HA OF LORAINE	P.O. BOX 28, LORAINE, TX 79532–0028	121,500.00
HA OF LOTT	P.O. BOX 336 LOTT, TX 76656–0336	162,000.00
LULING HA	P.O. BOX 229, LULING, TX 78648–0229	132,000.00
HA OF MABANK	P.O. BOX 1026, MABANK, TX 75147–1026	68,403.00
HA OF THE CITY OF MADISONVILLE	601 S. MADISON ST, MADISONVILLE, TX 77864–	450,000.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
MARBLE FALLS HSG. AUTHORITY	P.O. BOX 668, MARBLE FALLS, TX 78654–0668	335,000.00
HA OF MARLIN	P.O. BOX 39, MARLIN, TX 76661–0039	137,045.00
MATHIS HA	300 W FULTON, MATHIS, TX 78368–0000	400,000.00
HA OF MONAHANS	209 S. DWIGHT ST., MONAHANS, TX 79756–	1,135,300.00
HA OF MOUNT PLEASANT	P.O. BOX 1051, MOUNT PLEASANT, TX 75455–1051	798,000.00
HA OF MOUNT VERNON	P.O. BOX 639, MOUNT VERNON, TX 75457–0639	93,500.00
HA OF NACOGDOCHES	715 SUMMIT ST., NACOGDOCHES, TX 75961–	52,530.00
HA OF CITY OF NAVASOTA	P.O. BOX 967, NAVASOTA, TX 77868–0000	50,000.00
HA OF NEW BOSTON	P.O. BOX 806, NEW BOSTON, TX 75570–0806	624,000.00
NIXON HA	P.O. BOX 447, NIXON, TX 78140–0000	180,000.00
HA OF ODESSA	P.O. DRAWER 154, ODESSA, TX 79760–0154	92,000.00
HA OF OMAHA	P.O. BOX 667, OMAHA, TX 75571–0667	256,500.00
HA OF PADUCAH	P.O. BOX 698, PADUCAH, TX 79248–0698	81,000.00
PEARSALL HA	501 WEST MEDINA ST, PEARSALL, TX 78061–0000	435,000.00
HA OF PECOS	P.O. BOX 1499, PECOS, TX 79772–1499	1,361,430.00
HA OF PITTSBURG	P.O. BOX 435, PITTSBURG, TX 75686–0435	282,120.00
PLEASANTON HA	402 W ADAMS STREET, PLEASANTON, TX 78064–0000	400,000.00
PORT LAVACA HA	627 WEST GEORGE #174, PORT LAVACA, TX 77979–0000	80,000.00
HA OF ROCKWALL	100 LAKE MEADOWS DR., ROCKWALL, TX 75087–	736,793.00
ROUND ROCK HA	P.O. BOX 781, ROUND ROCK, TX 78680–0781	550,000.00
SCHULENBURG HA	P.O. BOX 207, SCHULENBURG, TX 78956–0207	263,000.00
HA OF SEYMOUR	205 E. IDAHO, SEYMOUR, TX 76380–1765	598,000.00
SINTON HA	P.O. BOX 1302, SINTON, TX 78387–0000	300,000.00
HA OF SPEARMAN	P.O. BOX 607, SPEARMAN, TX 79081–0607	309,470.00
STOCKDALE HA	P.O. BOX 65, STOCKDALE, TX 78160–0065	260,000.00
HA OF STRAWN	P.O. BOX 579, STRAWN, TX 76475–0579	381,750.00
TAFT HA	223 AVENUE, C, TAFT, TX 78390	350,000.00
THREE RIVERS HA	P.O. BOX 306, THREE RIVERS, TX 78071–0306	250,000.00
HA OF VAN ALSTYNE	P.O. BOX 668, VAN ALSTYNE, TX 75495–0668	84,000.00
HA OF VERNON	P.O. BOX 1780, 0VERNON, TX 76385–1780	448,000.00
HA OF ORANGE CTY.	205 VIDOR DR., VIDOR, TX 77662–	306,691.00
WAELDER HA	P.O. BOX 38, WAELDER, TX 78959–0038	270,000.00
WESLACO HA	P.O. BOX 95, WESLACO, TX 78596–0095	340,000.00
HA OF WOODVILLE	1114 ALBERT DR., WOODVILLE, TX 75979–	248,200.00
HA OF WORTHAM	P.O. BOX 265, WORTHAM, TX 76693–0356	144,236.00
YOAKUM HA	P.O. BOX 250, YOAKUM, TX 77995–0250	275,000.00
YORKTOWN HA	ROUTE 5 BOX H–1, YORKTOWN, TX 78164–0645	210,000.00
DAVIS CTY. HA	P.O. BOX 328, FARMINGTON, UT 84025–0000	617,167.00
HA OF CARBON CTY	251 S 1600 E #2647, PRICE, UT 84501–0000	173,518.00
UTAH CTY. HA	240 EAST CENTER, PROVO, UT 84606	245,039.00
ST. GEORGE HA	975 N. 1725 W. #101, ST. GEORGE, UT 84770–0000	57,155.00
SCOTT CTY. REDEV. & H/A	P.O. BOX 266 DUFFIELD, VA 24244–0000	25,000.00
FRANKLIN REDEV. & H/A	601 CAMPBELL AVENUE, FRANKLIN, VA 23851	364,000.00
MARION REDEV. & HA	237 MILLER AVENUE, MARION, VA 24354	265,000.00
STAUNTON REDEV. & HA	P.O. BOX 1369, STAUNTON, VA 24401	50,000.00
WAYNESBORO REDEV. & H/A	1700 NEW HOPE ROAD, WAYNESBORO, VA 22980–2566	33,000.00
WAYNESBORO REDEVE. & H/A	P.O. BOX 411, WILLIAMSBURG, VA.	
WYTHEVILLE REDEV. & HA	P.O. BOX 62, WYTHEVILLE, VA 24382–0062	200,000.00
BENNINGTON HA	10 WILLOW ROAD, BENNINGTON, VT 05201–0000	150,000.00
BENNINGTON HA	10 WILLOW ROAD, BENNINGTON, VT 05201–0000	121,000.00
RUTLAND HA	TEMPLEWOOD COURT, RUTLAND, VT 05701–3533	896,366.00
SPRINGFIELD HA	80 MAIN STREET, SPRINGFIELD, VT 05156–2907	180,000.00
HA CITY OF ANACORTES	719 ''Q'' AVENUE, ANACORTES, WA 98221–4128	1,199,210.00
HA OF ASOTIN CTY	1212 FAIR STREET, CLARKSTON, WA 99403–2229	774,000.00
HA OF GRANT CTY	1139 LARSON BOULEVARD, MOSES LAKE, WA 98837–3308	883,000.00
HA CITY OF SEDRO WOOLLEY	15455 65TH AVENUE SOUTH, SEATTLE, WA 98188–2583	201,000.00
HA CITY OF SPOKANE	WEST 55 MISSION STREET, SPOKANE, WA 99201–2344	343,000.00
HA CITY OF WALLA WALLA	501 CAYUSE ST., WALLA WALLA, WA 99362–	65,000.00
HA CITY OF YAKIMA	P.O. BOX 2910, YAKIMA, WA 98907–	376,000.00
ALTOONA HA	2404 SPOONER AVENUE, ALTOONA, WI 54720–1362	267,838.00
AMERY HA	228 NORTH KELLER, AMERY, WI 54001–0000	343,690.00
APPLETON HA	525 NORTH ONEIDA, STR, APPLETON, WI 54911–4749	660,000.00
ASHLAND HA	319 CHAPPLE AVENUE, ASHLAND, WI 54806–0000	489,500.00
BARABOO CDA	227 FIRST AVENUE, BARABOO, WI 53913–2466	348,135.00
BELOIT HA	100 STATE ST, BELOIT, WI 53511–0000	602,917.00
BRILLION HA	214 S. PARKWAY DRIVE, BRILLION, WI 54110–0040	221,040.00
FREDERIC HA	104 THIRD AVENUE SOU, FREDERIC, WI 54837–8901	27,300.00
GRANTSBURG HA	213 WEST BURNETT AVE, GRANTSBURG, WI 54840–7809	99,450.00
HURLEY HA	410 THIRD AVENUE SOU HURLEY, WI 54534	618,600.00
KAUKAUNA HA	125 WEST 10TH STREET, KAUKAUNA, WI 54130–0000	95,770.00
MARINETTE HA	1520 LUDINGTON STREET, MARINETTE, WI 54143–1329	268,315.00
MARSHFIELD CDA	601 S. CEDAR, MARSHFIELD, WI 54449–0000	500,000.00
MENOMONIE HA	1202 10TH STREET, MENOMONIE, WI 54751–0296	385,600.00
DANE CTY. HA	2001 W. BROADWAY, SUITE 1, MONONA, WI 53713–3707	669,751.00

RECIPIENTS OF FISCAL YEAR 1998 COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AWARDS—Continued

Applicant name	Address	Amount funded
OCONTO HA	407 ARBUTUS AVENUE, OCONTO, WI 54153–1600	175,445.00
REEDSVILLE HA	431 MADISON STREET, REEDSVILLE, WI 54230	291,720.00
RHINELANDER HA	411 W. PHILLIP ST, RHINELANDER, WI 54501–0000	51,440.00
RICHLAND CENTER HA	701 WEST SEMINARY STREET, RICHLAND CENTER, WI 53581–2169	196,400.00
RIVER FALLS HA	625 NORTH MAIN STREET, RIVER FALLS, WI 54022–0000	380,671.00
VIROQUA HA	200 BIGLEY PLAZA, VIROQUA, WI 54665–1567	134,200.00
WASHBURN HA	420 EAST THIRD STREET, WASHBURN, WI 54891–0000	139,825.00
WATERTOWN HA	201 NORTH WATER STREET, WATERTOWN, WI 53094–7683	371,306.00
WAUSAU CDA	550 EAST THOMAS STREET, WAUSAU, WI 54403–0000	55,000.00
BURNETT CTY. HA	P.O. BOX 41, WEBSTER, WI 54893–0000	254,700.00
WISCONSIN RAPIDS HA	2521 TENTH STREET SOUTH, WISCONSIN RAPIDS, WI 54494–6392	98,700.00
HA OF RALEIGH CTY	P.O. BOX BD, BECKLEY, WV 25802–2852	200,716.00
HA OF THE CITY OF MCMECHEN	2200 MARSHALL STREET, BENWOOD, WV 26031	21,600.00
HA OF THE CITY OF BENWOOD	2200 MARSHALL STREET, BENWOOD, WV 26031–0000	101,000.00
HA OF BOONE CTY	BLACK DIAMOND ARBORS, DANVILLE, WV 25053–0000	93,200.00
HA OF THE CITY OF DUNBAR	900 DUTCH HOLLOW ROAD, DUNBAR, WV 25064–	317,000.00
HA OF THE CITY OF ELKINS	STODDARD AVENUE, ELKINS, WV 26241	397,600.00
HA OF THE CITY OF FAIRMONT	517 FAIRMONT AVENUE, FAIRMONT, WV 26554–	203,000.00
HA OF THE CITY OF GRAFTON	131 EAST MAIN STREET, GRAFTON, WV 26345–1365	140,000.00
HA OF THE CITY OF KEYSER	440 VIRGINIA STREET, KEYSER, WV 26726–0000	159,600.00
HA OF THE CITY OF MOUNT HOPE	9B MIDTOWN TERRACE, MOUNT HOPE, WV 25880–	94,500.00
HA OF THE CITY OF PARKERSBURG	1901 CAMERON AVENUE, PARKERSBURG, WV 26101–9316	37,700.00
HA OF THE CITY OF PIEDMONT 51 JONES STREET, PIEDMONT, WV 26750–.	295,000.00.	
HA OF THE CTY. OF JACKSON	TANGLEWOOD VILLA, RIPLEY, WV 25271–1357	87,500.00
HA OF THE CITY OF ROMNEY	100 VALLEY VIEW DRIVE, ROMNEY, WV 26757–	171,300.00
HA OF THE CITY OF SOUTH CHARLESTON.	520 GOSHORN STREET, SOUTH CHARLESTON, WV 25309	197,200.00
HA OF THE CITY OF SPENCER	601 MARKET STREET, SPENCER, WV 25276–	505,100.00
HA OF THE CITY OF ST. ALBANS	650 SIXTH STREET, ST. ALBANS, WV 25177–	216,200.00
HA OF THE CITY OF WEIRTON	525 COVE ROAD, WEIRTON, WV 26062–	85,000.00
HA OF MINGO CTY	P.O. BOX 2239, WILLIAMSON, WV 25661–0000	42,100.00
HA OF THE CITY OF WILLIAMSON	P.O. BOX 1758, WILLIAMSON, WV 25661–1758	620,000.00
HANNA HA	P.O. BOX 208, HANNA, WY 82327	207,817.00
ROCK SPRINGS HA	233 C STREET, ROCK SPRINGS, WY 82901–0000	702,212.00

[FR Doc. 99–18065 Filed 7–15–99; 8:45 am]
BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–28]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1226; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon

as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *DOT:* Mr. Rugene Spruill, Principal, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC 20590; (202) 366–4246; *GSA;* Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; *NAVY:* Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: July 8, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report For 7/16/99

Suitable/Available Properties

Buildings (by State)

Maine

Bldg. 4
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930005
Status: Excess
Comment: 16,644 sq. ft., presence of asbestos/lead paint, most recent use—headquarters building, off-site use only

Bldg. 8
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930006
Status: Excess
Comment: 7413 sq. ft., presence of asbestos/lead paint, most recent use—public works building, off-site use only

Bldg. 12
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930007
Status: Excess
Comment: 25,354 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 41
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930008
Status: Excess
Comment: 10,526 sq. ft., presence of asbestos/lead paint, most recent use—security building, off-site use only

Bldg. 224
Naval Air Station
Brunswick Co: ME 04011–
Landholding Agency: Navy
Property Number: 77199930009
Status: Excess
Comment: 8000 sq. ft., presence of asbestos/lead paint, most recent use—thrift shop, off-site use only

Minnesota

Army Reserve Center
620 Turill St.
Le Sueur Co: MN 56058–
Landholding Agency: GSA
Property Number: 54199920007
Status: Excess
Comment: 4316 sq. ft., possible asbestos/lead paint, most recent use—educational and support facilities
GSA Number: 1–D–MN–568

New Jersey

Barnegat Recreation Facility
Corner 7th St/Longbeach Blvd
Barnegat Light Co: NJ 08006–
Landholding Agency: GSA
Property Number: 54199930001
Status: Surplus
Comment: 2700 sq. ft. cottage on 0.69 acres, presence of asbestos/lead paint, eligible for Historic Register, floodplain, endangered species in area
GSA Number: 1–U–NJ–0641

Texas

Fairfield Federal Building
E. Main & Keechi St.
Fairfield Co: Freestone TX 75840–1556
Landholding Agency: GSA
Property Number: 54199920006
Status: Excess
Comment: 10,314 sq. ft., needs repair, most recent use—post office/Fed. Bldg
GSA Number: 7–G–TX–1051

Unsuitable Properties

Buildings (by State)

California

Bldgs. 20106, 20195
Naval Air Weapons Station
China Lake Co: CA 93555–
Landholding Agency: Navy
Property Number: 77199930001
Status: Excess
Reasons: Secured Area; Extensive deterioration

Guam

Structures 312, 1792
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930002
Status: Excess
Reasons: Secured Area

Structures 2020, 2021
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930003
Status: Excess
Reasons: Secured Area

Bldg. 3171
COMNAVMARIANAS
Waterfront Annex Co: GU 96540–
Landholding Agency: Navy
Property Number: 77199930004
Status: Excess
Reasons: Secured Area; Extensive deterioration

Mississippi

Bldg. 7
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930010
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 75
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930011
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 179
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy

Property Number: 77199930012
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Structure 262
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930013
Status: Unutilized
Reasons: Secured Area

Bldg. 279
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930014
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 326
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930015
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 412
Construction Battalion Center
Gulfport Co: Harrison MS 39501–
Landholding Agency: Navy
Property Number: 77199930016
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

New Jersey

Bldgs. 220, 234, 236
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 77199930017
Status: Unutilized
Reason: Extensive deterioration

Pennsylvania

Bldg. 152
Naval Air Station Willow Grove
Willow Grove Co: Montgomery PA 19113–
Landholding Agency: Navy
Property Number: 77199930018
Status: Excess
Reason: Extensive deterioration

Bldg. 185
Willow Grove Co: Montgomery PA 19113–
Grove
Willow Grove Co: Montgomery, PA 19113–
Landholding Agency: Navy
Property Number: 77199930019
Status: Excess
Reason: Extensive deterioration

Rhode Island

Bldg. 52
Gould Island, Naval Station
Newport Co: RI 00000–
Landholding Agency: Navy
Property Number: 77199930020
Status: Excess
Reasons: Not accessible by road; Extensive deterioration

Washington

Bldg. 210A
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930021
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 511
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930022
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 527
Naval Station Bremerton
Bremerton Co: WA 98314–
Landholding Agency: Navy
Property Number: 77199930023
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area

Quarters 8, 10, 12, 14
USCG Station Cape Disappointment
Ilwaco Co: Pacific WA 98624–
Landholding Agency: DOT
Property Number: 87199930001
Status: Unutilized
Reason: Extensive deterioration

[FR Doc. 99–17790 Filed 7–15–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Habitat-Based Recovery Criteria for the Grizzly Bear (*Ursus arctos horribilis*) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability for public review of draft habitat-based recovery criteria for the grizzly bear (*Ursus arctos horribilis*) in the Yellowstone Ecosystem. Final habitat-based recovery criteria will be appended to the Grizzly Bear Recovery Plan. We solicit review and comment from the public on this draft information.

DATES: Comments on the draft habitat-based recovery criteria must be received on or before September 14, 1999 to ensure that they will be received in time for our consideration prior to finalization of the criteria.

ADDRESSES: Persons wishing to review the draft habitat-based recovery criteria may obtain a copy by contacting the Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall, Room 309, University of Montana, Missoula, Montana 59812. Written comments and materials regarding this information should be sent to the Recovery Coordinator at the address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator (see **ADDRESSES** above), at telephone (406) 243–4903.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service's endangered species program. To help guide the recovery effort, we prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recovery levels for reclassifying or delisting the species, and estimate time and cost for implementing the recovery measures needed.

The grizzly bear was listed under the Endangered Species Act of 1973 (Act) as amended as a threatened species in the 48 conterminous States on July 28, 1995 (40 FR 31734). Threats to grizzly bear populations come primarily from habitat modification caused by human activities and from direct bear/human conflicts resulting from recreational and resource use activities, highway and railroad corridors, and illegal mortality.

In May 1994 The Fund For Animals, Inc., and 22 other organizations and individuals filed suit in the U.S. District Court for the District of Columbia over the adequacy of the Plan approved in 1993. Later in May 1994 the National Audubon Society and 19 other organizations and individuals also filed suit in the same court. The two cases were eventually consolidated. In September 1995 the court issued an opinion. The motions for summary judgment of both the plaintiffs and the defendants were granted in part and denied in part. The court remanded five issues that might affect grizzly bear recovery for our reconsideration. Those issues were: disease and parasites; livestock interactions and mortality; the effects of genetic isolation; population monitoring methods; and our reliance

on Canada for recovery of the grizzly bear.

On September 10, 1997, we published a Notice of Availability (62 FR 47677, Sept. 10, 1997) for the draft supplemental information on the five remanded issues. We provided our final finding on the issues to the court on May 15, 1999, and a notice of availability of that document will be published in the **Federal Register** in the near future.

Under the provisions of the Act we approved the revised Grizzly Bear Recovery Plan on September 10, 1993. Task 423 in the 1993 Grizzly Bear Recovery Plan (USFWS 1993) states: ''Establish a threshold of minimal habitat values to be maintained within each Cumulative Effects Analysis Unit in order to ensure that sufficient habitat is available to support a viable population.'' This task, developing habitat-based recovery criteria, is specific to each ecosystem, as the habitat necessary to support a viable grizzly bear population will vary between ecosystems due to differences in foods, vegetation, habitat, and human activities.

As part of a 1997 court settlement on the Recovery Plan, all parties agreed that:

1. Prior to our release of the draft habitat-based recovery criteria for the grizzly bear in Yellowstone, plaintiffs could submit comments to us and such comments would be considered as part of the administrative record. We would convene a workshop during the public comment period on the draft habitat-based recovery criteria where all interested parties could present their ideas on the habitat needs for grizzly bear recovery and discuss proposals for habitat-based recovery criteria. This workshop was held in Bozeman, Montana, on June 17, 1997.

2. The information and views presented at the workshop, together with all other information submitted to us during the public comment period on the draft habitat criteria would be considered by us before the habitat-based recovery criteria are finalized. When we finalize the habitat-based recovery criteria, we will address significant public comments in writing, including those significant public comments offered at the workshop.

We received 1,167 comments at or in response to the grizzly bear habitat workshop. Of these, 132 were letters, 3 were form letters, 923 were postcards with preprinted form comments, 44 were postcards with preprinted form comments and written comments, and 65 were written remarks delivered at the workshop. Major issues identified in the comments included: using science and data to the best extent possible, using cumulative effects modeling, maintaining habitat security, identifying important seasonal foods and ensuring their monitoring and availability, the role of private lands and impacts of private land development, road densities and access management, maintaining roadless habitat and habitat security in such areas, ensuring effective road closures, minimizing human development and activities that result in human-bear conflicts, and minimizing actions that result in nuisance bears. The comments were carefully considered, reviewed, and discussed by a team of specialists from the Fish and Wildlife Service, Geological Survey, Forest Service, Park Service, the Idaho Department of Fish and Game, the Montana Department of Fish, Wildlife and Parks, and the Wyoming Game and Fish Department. This group of agency specialists developed these draft habitat criteria using the information and ideas in the public comments from the workshop, as well as the best available scientific information on the grizzly bear habitat and population in the Yellowstone ecosystem.

Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal land management agencies also will take these comments into account in the course of implementing approved recovery plans.

We now seek public comment on the draft habitat-based recovery criteria for the Yellowstone ecosystem to both address Task 423 in the Grizzly Bear Recovery Plan and the lawsuit settlement agreement.

Public Comments Solicited

We solicit written comments on the information described above. All comments received by the date specified in the DATES section above will be considered prior to finalization of the habitat-based recovery criteria. Appropriate portions of these criteria will be appended to, and become part of, the Plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 9, 1999.

Terry T. Terrell,

Deputy Regional Director, Denver, Colorado.

[FR Doc. 99–18137 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Supplemental Information Regarding the Recovery Plan for the Grizzly Bear (*Ursus arctos horribilis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of our finding on supplemental information relative to the recovery plan for the grizzly bear (*Ursus arctos horribilis*). Portions of the information will be added to the Grizzly Bear Recovery Plan after appropriate public notice and comment.

ADDRESSES: Persons wishing to receive a copy of the supplemental information finding may obtain a copy by contacting the Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall, Room 309, University of Montana, Missoula, Montana 59812. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator (see **ADDRESSES** above), at telephone (406) 243–4903.

SUPPLEMENTARY INFORMATION:

Background

The primary goal of our endangered species program is to restore endangered or threatened animals or plants to the point where they are secure, self-sustaining members of their ecosystem. To help guide the recovery effort, we prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The grizzly bear was listed under the Act as a threatened species in the 48 conterminous States on July 28, 1995 (40 FR 31734). Threats to grizzly bear populations come primarily from habitat modification caused by human activities and from direct bear/human conflicts resulting from recreational and resource use activities, highway and railroad corridors, and illegal mortality.

Under the provisions of the Endangered Species Act of 1973 (Act) as amended (16 U.S.C. 1531 *et seq.*), we approved the revised Grizzly Bear Recovery Plan on September 10, 1993.

In May 1994 The Fund For Animals, Inc., and 22 other organizations and individuals filed suit in the U.S. District Court for the District of Columbia over the adequacy of the Plan approved in 1993. Later in May 1994 the National Audubon Society and 19 other organizations and individuals also filed suit in the same court. The two cases were eventually consolidated. In September 1995 the court issued an opinion. The motions for summary judgment of both the plaintiffs and the defendants were granted in part and denied in part. The court ordered us to reconsider certain portions of the Plan, and to provide supplemental information. The court remanded five issues that might affect grizzly bear recovery for our reconsideration. Those issues were: disease and parasites; livestock interactions and mortality; the effects of genetic isolation; population monitoring methods; and our reliance on Canada for recovery of the grizzly bear.

On September 10, 1997, we published a Notice of Availability (62 FR 47677, Sept. 10, 1997) for the draft supplemental information on the five remanded issues. We provided our final finding on the issues to the court on May 15, 1999, and this notice announces that the document is available for public distribution.

We are also in the process of developing draft grizzly bear habitat-based recovery criteria, which are being made available for public review and comment under a separate notice of availability.

Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will provide a public comment period prior to approval of each new amendment to the recovery plan. We and other Federal land management agencies also will take these comments into account in the course of implementing approved recovery plans.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 9, 1999.

Terry T. Terrell,

Deputy Regional Director, Denver, Colorado.

[FR Doc. 99–18138 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Midway Atoll National Wildlife Refuge Historic Preservation Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service has issued the Midway Atoll National Wildlife Refuge Historic Preservation Plan as part of its responsibilities for the long-term management of historic properties on Midway Atoll. This plan defines a program to integrate historic preservation planning with the wildlife conservation mission of the Service. By this notice, the public is informed that the plan is available and that copies may be obtained on request to the Service.

ADDRESSES: Written requests for copies should be addressed to: U.S.A. Fish and Wildlife Service—Pacific Islands Ecoregion, Box 50088, Honolulu, HI 96850.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith, Pacific Islands Manager, telephone (808) 541–2749.

SUPPLEMENTARY INFORMATION: Midway's historically important buildings and structures are primarily associated with World War II. Nine structures specifically associated with the June 1942 Battle of Midway were designated as National Historic Landmarks in 1986. Archaeological and architectural studies conducted in 1993 and 1994 identified and evaluated buildings, structures, and objects on the atoll's two main islands and determined that an additional 69 properties were eligible to the National Register of Historic Places.

The Base Realignment and Closure Act of 1990, Pub. L. 101–510, as amended, led to the closure of Midway's Naval Air Facility on October 1, 1993 and transfer of the property to the Service on October 31, 1996. Transition from a Naval Air Facility to a wildlife refuge necessitated a reduction in personnel and operational facilities. Therefore, identifying excess property was accomplished by the U.S. Navy and the Service in consultation with the Advisory Council on Historic Preservation (Council), the Hawaii State Historic Preservation Officer, and interested parties. Treatment of Midway's 78 historic properties during the Base Closure and transfer led to a Programmatic Agreement in 1996. One of the stipulations in the agreement was for the Service to prepare a Historic Preservation Plan for the long-term management of historic properties.

Midway and Midway's Historic Preservation Plan are unique in several respects: first, the plan focuses on treatment of properties that have been previously identified and evaluated; second, some treatment options for Midway were determined by the Programmatic Agreement and implemented, with adverse effects mitigated by completion of documentation for all historic properties; third, the mission statement and primary goals of Midway Atoll National Wildlife Refuge include preservation of historic resources. This Historic Preservation Plan focuses on long-term management conditions and goals for preserving and stabilizing historic properties, and recommends procedures for treating new discoveries, caring for museum collections, and implementing a public outreach program that includes historic preservation.

Dated: July 9, 1999.

Thomas Dwyer,

Acting Regional Director, Pacific Region.

[FR Doc. 99–18158 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[FES–99–18]

Notice of Availability of Final Environmental Impact Statement

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the Colorado Sodium Products Development Project (Project), located in Rio Blanco County and Garfield County, Colorado. Written comments and recommendations on this Final EIS should be received on or before September 13, 1999.

ADDRESSES: Address all comments concerning this EIS to Mr. Larry Shults, Natural Resources Specialist, U.S. Bureau of Land Management, White River Field Office, 73544 Highway 64, Meeker, CO 81641.

FOR FURTHER INFORMATION CONTACT: Larry Shults, (970) 878–3601.

SUPPLEMENTARY INFORMATION: American Soda, L.L.P. (American Soda) intends to construct and operate a commercial nahcolite solution mining operation in the northcentral portion of the Piceance Creek Basin in Rio Blanco County, Colorado. Nahcolite is naturally

occurring sodium bicarbonate that is found in association with oil shale deposits. After the nahcolite is removed from the ground, it would be processed into a sodium carbonate solution and transported by a 44-mile pipeline south to a processing operation to be located at an existing industrial site in the Parachute Valley in Garfield County, Colorado. There it would be further processed to commercial grade sodium carbonate, sodium bicarbonate, and other sodium products which would then be shipped from the processing facility via a 4-mile long dedicated rail spur to an interstate rail connection near the town of Parachute.

John J. Mehlhoff,

Resource Area Manager, White River Field Office.

[FR Doc. 99–17857 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–220–09–1060–00–24 1A]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of meeting.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The advisory board will meet Monday, August 16, 1999, from 8 a.m. to 5 p.m. local time, and on Tuesday, August 17, 1999, from 8 a.m. to 12 noon local time.

Submit written comments pertaining to the advisory board meeting no later than close of business August 24, 1999.

ADDRESSES: The Advisory Board will meet at the Nightengale Building, Room 5, Westminster College, 1840 South 1300 East, Salt Lake City, Utah.

Send written comments pertaining to the advisory board meeting to Bureau of Land Management, WO–610, Mail Stop 406 LS, 1849 C Street, NW, Washington, DC 20240. See **SUPPLEMENTARY INFORMATION** section for electronic access and filing address.

FOR FURTHER INFORMATION CONTACT: Mary Knapp, Wild Horse and Burro Public Affairs Specialist, (202) 452–5176. Individuals who use a telecommunications device for the deaf (TDD) may reach Ms. Knapp at any time by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Meeting

Under the authority of 43 CFR part 1784, the Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief, Forest Service, on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands. The tentative agenda for the meeting is:

Monday, August 16, 1999

Old Business/April 1999 Recommendations

—Approval of January and April, 1999 minutes;
—Ely field trip;
—Establishing aml;
—Scenarios for attaining AMLs (appropriate management levels);
—Prioritization of herd management areas;
—Forage allocation;
—Strategic plan amendment time frame;
—Public comment.

Tuesday, August 17, 1999

New Business

—2000–2001 WH&B Advisory Board;
—1999 End of Year Congressional Report;
—Funding process for 2000 & 2001;
—Advisory Board recommendations;
—Agenda for November 1999 Meeting;
—Adjournment

The meeting sites are accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the meeting, such as interpreting service, assistive listening device, or materials in an alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal advisory committee management regulations (41 CFR 101–6.1015(b)), require BLM to publish in the **Federal Register** notice of a meeting 15 days prior to the meeting date.

II. Field Trip

There will be an optional field trip to BLM's Salt Lake City Holding Facility Tuesday afternoon, August 17, 1999 after adjournment of the meeting. BLM will provide Transportation for Advisory Board members and BLM staff. The public will have to provide its own transportation.

III. Public Comment Procedures

Members of the public may make oral statements to the advisory board on August 16, 1999, at the appropriate point in the agenda. This is anticipated to occur at 3:45 p.m. local time. Persons wishing to make statements should register with the BLM by noon on August 16, 1999, at the meeting location. Depending on the number of speakers, the advisory board may limit the length of presentations. At previous meetings, presentations have been limited to three minutes in length. Speakers should address specific wild horse and burro-related topics listed on the agenda. Speakers must submit a written copy of their statement to the address listed in the **ADDRESSES** section or bring a written copy to the meeting.

Participation in the advisory board meeting is not a prerequisite for submittal of written comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments, but those most useful and likely to influence decisions on management and protection of wild horses and burros are those that are either supported by quantitative information or studies or those that include citations to and analysis of applicable laws and regulations. Except for comments provided in electronic format, speakers should submit two copies of their written comments where feasible. The BLM will not necessarily consider comments received after the time indicated under the **DATES** section or at locations other than that listed in the **ADDRESSES** section.

In the event there is a request under the Freedom of Information Act (FOIA) for a copy of your comments, we intend to make them available in their entirety, including your name and address (or your e-mail address if you file electronically). However, if you do not want us to release your name and address (or e-mail address) in response to a FOIA request, you must state this prominently at the beginning of your comment. We will honor your wish to the extent allowed by law. BLM will release all submissions from organizations or businesses, and from individuals identifying as representatives or officials or organizations or businesses, in their entirety, including names and address (or e-mail addresses).

Electronic Access and Filing Address

Speakers may transmit comments electronically via the Internet to: Mary__Knapp@blm.gov or mknapp@wo.blm.gov. Please include the identifer ''WH&B'' in the subject of your message and your name and address in the body of your message.

Henri R. Bisson,

Assistant Director, Renewable Resources and Planning.

[FR Doc. 99–18219 Filed 7–15–99; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Western Gulf of Mexico, Oil and Gas Lease Sale 174

AGENCY: Minerals Management Service, Interior.

ACTION: Final Notice of Sale 174.

On August 25, 1999, the Minerals Management Service (MMS) will open and publicly announce bids received for blocks offered in Sale 174, Western Gulf of Mexico, pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR Part 256). Bidders can obtain a ''Final Notice of Sale 174 Package'' containing this Notice of Sale and several supporting and essential documents referenced herein, from the MMS Gulf of Mexico Region's Public Information Unit, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2519 or (800) 200–GULF, or via the MMS Gulf of Mexico Region's Internet site at http://www.gomr.mms.gov. The MMS also maintains a 24-hour Fax-on-Demand Service at (202) 219–1703. The ''Final Notice of Sale 174 Package'' contains information essential to bidders, and bidders are charged with the knowledge of the documents contained in the package.

Location and Time

Public bid reading will begin at 9 a.m., Wednesday, August 25, 1999, at the Hyatt Regency Conference Center (Cabildo Rooms), 500 Poydras Plaza, New Orleans, Louisiana. All times referred to in this document are local New Orleans time.

Filing of Bids

Bidders must submit sealed bids to the Regional Director (RD), MMS Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, during normal business hours (8 a.m. to 4 p.m.) prior to the Bid Submission Deadline at 10 a.m., Tuesday, August 24, 1999. If the bids are mailed, mark on the envelope containing all the sealed bids the following:

Attention: Mr. John Rodi

Contains Sealed Bids for Sale 174

If the RD receives bids later than the time and date specified above, he will return the bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, August 24, 1999. In the event of widespread flooding or other natural disaster, the MMS Gulf of Mexico Regional Office may extend the bid submission deadline. Bidders may call (504) 736–0537 for information about the possible extension of the bid submission deadline due to such an event.

Areas Offered for Leasing

The MMS is offering for leasing all the blocks and partial blocks listed in the document ''List of Blocks Available for Leasing, Sale 174'' included in the Sale Notice Package. All of these blocks are shown on the following Leasing Maps and Official Protraction Diagrams (which may be purchased from the MMS Gulf of Mexico Regional Office Public Information Unit).

Outer Continental Shelf Leasing Maps—Texas, Nos. 1 through 8 (latest revisions are dated March 15, 1999). This is a set of 16 maps which sells for $18.00.

Outer Continental Shelf Official Protraction Diagrams (these diagrams sell for $2.00 each):

NG 14–3 Corpus Christi (rev. 01/27/76)
NG 14–6 Port Isabel (rev. 09/09/98)
NG 15–1 East Breaks (rev. 01/27/76)
NG 15–2 Garden Banks (rev. 03/15/99)
NG 15–4 Alaminos Canyon (rev. 04/27/89)
NG 15–5 Keathley Canyon (rev. 09/09/98)
NG 15–8 (No Name) (rev. 04/27/89)

Acreage of all blocks is shown on these Leasing Maps and Official Protraction Diagrams. The available Federal acreage of all whole and partial blocks in this sale is shown in the document ''List of Blocks Available for Leasing, Sale 174'' included in the Sale Notice Package. Some of these blocks may be partially leased, or transected by administrative lines such as the Federal/State jurisdictional line, or partially included in the Flower Garden Banks National Marine Sanctuary (in accordance with the President's June 1998 withdrawal directive, portions of blocks lying within National Marine Sanctuaries are no longer available for leasing). Information on the unleased portions of such blocks, including the exact acreage, is found in the document titled ''Western Gulf of Mexico Lease Sale 174—Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease,'' included in the Sale Notice Package.

Areas not Available for Leasing

The following blocks in the Western Gulf of Mexico Planning Area are not available for leasing:

blocks currently under lease; and

the following unleased blocks or partial blocks:

High Island Area Block 170, and Galveston Area, South Addition, Block A–125 (which are currently under appeal); and

High Island Area, East Addition, South Extension, Blocks A–375 and A–398 (at the Flower Garden Banks), and the portions of other blocks within the boundary of the Flower Garden Banks National Marine Sanctuary: portions of High Island Area, East Addition, South Extension, Block A–401; High Island Area, South Addition, Block A–513; and Garden Banks Area Block 135; and

Mustang Island Area Blocks 793, 799, and 816 (blocks located off Corpus Christi which have been identified by the Navy as needed for testing equipment and training mine warfare personnel; and

The following blocks which are beyond the United States Exclusive Economic Zone and have been temporarily deferred from leasing by the Department of the Interior due to ongoing negotiations with the Government of Mexico:

Keathley Canyon (area NG 15–05)	Area NG 15–08
Blocks:	Blocks:
722 through 724	11 through 34.
764 through 770	56 through 81.
807 through 816	102 through 128.
849 through 861	148 through 173.
892 through 907	194 through 217.
934 through 953	239 through 261.
978 through 999	284 through 305.
	336 through 349.

Leasing Terms and Conditions

Primary lease terms, minimum bids, annual rental rates, royalty rates, and royalty suspension areas are shown on

the map ''Lease Terms and Economic Conditions, Sale 174, Final'' for leases resulting from this sale:

Primary lease terms: 5 years for blocks in water depths of less than 400 meters; 8 years for blocks in water depths of 400 to 799 meters; and 10 years for blocks in water depths of 800 meters or deeper;

Minimum bids: $25 per acre or fraction thereof for blocks in water depths of less than 800 meters and $37.50 per acre or fraction thereof for blocks in water depths of 800 meters or deeper;

Annual rental rates: $5 per acre or fraction thereof for blocks in water depths of less than 200 meters and $7.50 per acre or fraction thereof for blocks in water depths of 200 meters or deeper, until initial production is obtained;

Royalty rates: 16⅔percent royalty rate for blocks in water depths of less than 400 meters and a 12½ percent royalty rate for blocks in waters depths of 400 meters or deeper, except during periods of royalty suspension;

Royalty Suspension Areas: Royalty suspension *may* apply for blocks in water depths of 200 meters or deeper; see the map for specific areas. See 30 CFR 203 for the final rule specifying royalty suspension terms.

The map titled ''Stipulations and Deferred Blocks, Sale 174, Final'' depicts the blocks where the Topographic Features, Military Areas, and Naval Mine Warfare Area stipulations apply. The texts of the lease stipulations are contained in the document ''Lease Stipulations for Oil and Gas Lease Sale 174, Final'' included in the Sale Notice Package. Also shown on this map are the deferred blocks noted above.

Rounding

The following procedure must be used to calculate minimum bid, rental, and minimum royalty on blocks with fractional acreage: Round up to the next whole acre and multiply by the applicable dollar amount to determine the correct minimum bid, rental, or minimum royalty.

Note: For the minimum bid only, if the calculation results in a decimal figure, round up to the next whole dollar amount (see next paragraph). The minimum bid calculation, including all rounding, is shown in the document ''List of Blocks Available for Leasing, Sale 174'' included in the Sale Notice Package.

Method of Bidding

For each block bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled ''Sealed Bid for Oil and Gas Lease Sale 174, not to be opened until 9 a.m., Wednesday, August 25, 1999.'' The total amount bid must be in a whole dollar amount; any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document ''Bid Form and Envelope'' contained in the Sale Notice Package.

The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 64 FR 14751, on March 26, 1999 (revised at 64 FR 19193 on April 19, 1999). Bidders must execute all documents in conformance with signatory authorizations on file in the MMS Gulf of Mexico Regional Office. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, e.g., 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders. Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the ⅕th bonus on all high bids. A statement to this effect must be included on each bid (see the document ''Bid Form and Envelope'' contained in the Sale Notice Package).

Bid Deposit

Bidders will have the option of submitting the ⅕ cash bonus by cashier's check, bank draft, or certified check with the bid, or by using electronic funds transfer (EFT) procedures. Detailed instructions for submitting the ⅕ bonus payment by EFT are contained in the document ''Instructions for Making EFT ⅕ Bonus Payments'' included in the Sale Notice Package. Any payments will be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

Note: Bidders submitting the ⅕ bonus payment by cashier's check, bank draft, or certified check with their bid(s) must make the check payable to the order of the United States Department of the Interior—Minerals Management Service. For identification purposes, the following information must appear on the check or draft: company name, GOM Company Number, and the area and block bid on (abbreviation acceptable).

Withdrawal of Blocks

The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

Acceptance, Rejection, or Return of Bids

The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block will be awarded to any bidder, unless the bidder has complied with all requirements of this Notice, including the documents contained in the associated Sale Notice Package and applicable regulations; the bid is the highest valid bid; and the amount of the bid has been determined to be adequate by the authorized officer. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance. To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, high bids will be evaluated in accordance with MMS bid adequacy procedures. A copy of the current procedures, ''Modifications to the Bid Adequacy Procedures'' (64 FR 37560), is available from the MMS Gulf of Mexico Regional Office Public Information Unit.

Successful Bidders

The MMS will require each person who has submitted a bid accepted by the authorized officer to execute copies of the lease (Form MMS–2005 (March 1986) as amended), pay the balance of the cash bonus bid along with the first year's annual rental for each lease issued by EFT in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended. Each person involved as a bidder in a successful high bid must have on file, in the MMS Gulf of Mexico Regional Office Adjudication Unit, a currently valid certification that the person is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should

review the requirements of 43 CFR, Part 12, Subpart D. A copy of the certification form is contained in the Sale Notice Package.

Equal Opportunity

The certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS–2033 (June 1985), and the Affirmative Action Representation Form, Form MMS–2032 (June 1985) must be on file in the MMS Gulf of Mexico Regional Office prior to lease award.

Information to Lessees

The Sale Notice Package contains a document titled ''Information to Lessees.'' These Information to Lessees items provide information on various matters of interest to potential bidders.

WC Rosenbusch,

Director, Minerals Management Service.

Dated: July 12, 1999.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 99–18155 Filed 7–15–99; 8:45 am]

BILLING CODE BILLING CODE: 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, DOI.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the Peabody Museum of Archaeology and Ethnology which meets the definition of ''unassociated funerary object'' under Section 2 of the Act.

The one cultural item is an iron spoon.

In 1869, this spoon was excavated from a burial by George Hachenberg of the United States Army on behalf of the U.S. Army Medical Museum. In 1876, this iron spoon was gifted to the Peabody Museum of Archaeology and Ethnology by the U.S. Army Medical Museum.

Primary accession and catalog documents for this iron spoon, currently on file at the Smithsonian, indicate this cultural item was removed from a Brule Indian grave located 15 miles up the east bank of the Missouri River from Fort Randall Dakota Territory in present-day South Dakota. Catalog records indicate the human remains with whom this cultural item was associated are in the possession of the Smithsonian Institution. Brule Sicangu Sioux oral traditions and historical documents indicate the Fort Randall area was part of the Brule Sicangu Sioux traditional territory during the time of this burial in the mid-19th century. The attribution of such a specific cultural affiliation to the human remains by the collector, as well as the presence of an iron object indicate the interment post-dates sustained contact between indigenous groups and Europeans beginning in the 18th century. Based on this evidence, the age of this cultural item and the occupation of the area by the Brule Sicangu Sioux coincide. The Brule Sicangu Sioux are represented by the Lower Brule Sioux Tribe of the Lower Brule Reservation and the Rosebud Sioux Tribe of the Rosebud Indian Reservation. Because the human remains associated with this cultural item are in the possession of the Smithsonian Institution, which operates under its own repatriation statute, this cultural item is considered an unassociated funerary object.

Based on the above mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), this one cultural item is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between this item and the Lower Brule Sioux Tribe of the Lower Brule Reservation and the Rosebud Sioux Tribe of the Rosebud Indian Reservation.

This notice has been sent to officials of the Lower Brule Sioux Tribe of the Lower Brule Reservation and the Rosebud Sioux Tribe of the Rosebud Indian Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Barbara Issac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Ave., Cambridge, MA 022138; telephone (617) 495-2254 before August 16, 1999. Repatriation of these objects to the Lower Brule Sioux Tribe of the Lower Brule Reservation and the Rosebud Sioux Tribe of the Rosebud Indian Reservation may begin after that date if no additional claimants come forward.

Dated: July 9, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–18124 Filed 7–15–99 ; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains in the Possession of the Southwest Museum, Los Angeles, CA

AGENCY: National Park Service, DOI.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the Southwest Museum, Los Angeles, CA.

A detailed assessment of the human remains was made by Southwest Museum professional staff in consultation with representatives of the Organized Village of Kasaan.

In 1919, human remains representing one individual were recovered from ''an old Indian graveyard'' at Old Kasaan, AK by Dr. M.A. Winningham while on a hunting and fishing trip in Alaska. No known individuals were identified. No associated funerary objects are present.

In 1946, Dr. Winningham gave these human remains to L.S. Keeton, and were housed at the L.S. Keeton Museum in Edmonds, WA. In 1985, these human remains were donated to the Southwest Museum by Mr. and Mrs. Ivan Curtis (L.S. Keeton was the maternal grandfather of Mr. Curtis). Ethnographic sources indicate Kasaan village existed at the time of European contact and was abandoned in 1902, when its inhabitants were persuaded by the Kasaan Bay Mining Company to move to the vicinity of the mining operation, which led to the establishment of the present-day Kasaan.

Based on the above mentioned information, officials of the Southwest Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual

of Native American ancestry. Officials of the Southwest Museum have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Organized Village of Kasaan.

This notice has been sent to officials of the Organized Village of Kasaan. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Duane King, Southwest Museum, P.O. Box 41558, Los Angeles, CA 90041-0558; telephone: (323) 221-2164, before August 16, 1999. Repatriation of the human remains to the Organized Village of Kasaan may begin after that date if no additional claimants come forward.

Dated: July 9, 1999.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 99–18125 Filed 7–15–99 ; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

Certain Bearings From China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom [1]

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determination to conduct full five-year reviews concerning the antidumping duty orders on certain bearings from China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on certain bearings from China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B); a schedule for the reviews will be established and announced at a later date.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 FR 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: July 2, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202–205–3172), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On July 2, 1999, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission, in consultation with the Department of Commerce, grouped these reviews because they involve similar domestic like products. See 19 U.S.C. 1675(c)(5)(D); 63 FR 29372, 29374 (May 29, 1998).

With regard to all subject bearings from China, Germany, Hungary, Italy, Japan, Romania, Singapore, and the United Kingdom, ball and spherical plain bearings from France, and ball bearings from Sweden, the Commission found that both the domestic interested party group responses [2] and the respondent interested party group responses [3] to its notice of institution [4] were adequate and voted to conduct full reviews.[5]

With regard to cylindrical roller bearings from France and Sweden, the Commission found that the domestic interested party group responses were adequate and the respondent interested party group responses were inadequate. The Commission also found that other circumstances warranted conducting full reviews.[6] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 12, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18152 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–265, 267 and 268 (Review) and Investigations Nos. 731–TA–297–299, 304 and 305 (Review)]

Certain Cooking Ware From China, Korea, Mexico, and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the countervailing duty and antidumping duty orders on porcelain-on-steel and top-of-the-stove cooking ware from China, Korea, Mexico, and Taiwan.

[1] The countries and investigation numbers for tapered roller bearings are as follows: China is 731–TA–344 (Review); Hungary is 731–TA–341 (Review); Japan is AA1921–143 (Review) for 4 inches and under and 731–TA–343 (Review) for over 4 inches; and Romania is 731–TA–345 (Review). The countries and investigation numbers for ball, cylindrical roller, and spherical plain bearings are as follows: France is 731–TA–392–A–C (Review); Germany is 731–TA–391–A–C (Review); and Japan is 731–TA–394–A–C (Review). The countries and investigation numbers for ball and cylindrical roller bearings are as follows: Italy is 731–TA–393–A–B (Review); Sweden is 731–TA–397–A–B (Review); and the United Kingdom is 731–TA–399–A–B (Review). The countries and investigation numbers for ball bearings are as follows: Romania is 731–TA–395 (Review) and Singapore is 731–TA–396 (Review).

[2] Commissioner Crawford dissenting with respect to spherical plain bearings from France, Germany, and Japan.

[3] Chairman Bragg dissenting with respect to tapered roller bearings and ball bearings from Romania; Commissioner Crawford dissenting with respect to spherical plain bearings from Germany, ball bearings from France and Germany, and cylindrical roller bearings from Germany, Italy, Japan, and the United Kingdom.

[4] The notice of institution for all of the subject reviews was published in the **Federal Register** on Apr. 1, 1999 (64 FR 15783).

[5] Commissioner Crawford dissenting with respect to cylindrical roller bearings from Germany, Italy, Japan, and the United Kingdom, and with respect to spherical plain bearings from France, Germany, and Japan.

[6] Commissioner Crawford dissenting.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty and antidumping duty orders on porcelain-on-steel cooking ware from China, Mexico, and Taiwan and on top-of-the-stove stainless steel cooking ware from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1999, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (64 F.R. 27295, May 19, 1999). A record of the Commissioners' votes and the Commission's statement on adequacy are available from the Office of the Secretary and at the Commission's web site.

Participation in the Reviews and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the reviews will be placed in the nonpublic record on November 15, 1999, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on December 14, 1999, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 6, 1999. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on December 9, 1999, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is December 3, 1999. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is January 4, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before January 4, 2000. On January 26, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before January 28, 1999, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination

The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. § 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 7, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18147 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Certain Fresh Cut Flowers From Chile, Ecuador, Mexico, and Peru [1]

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the countervailing duty orders on standard carnations from Chile and pompon chrysanthemums from Peru and antidumping duty orders on standard carnations from Chile and standard carnations, standard chrysanthemums and pompon chrysanthemums from Ecuador and Mexico.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty orders on standard carnations from Chile and pompon chrysanthemums from Peru and antidumping duty orders on standard carnations from Chile and standard carnations, standard chrysanthemums and pompon chrysanthemums from Ecuador and Mexico would be likely to lead to continuation or recurrence of material injury. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: July 9, 1999.

FOR FURTHER INFORMATION CONTACT: Dong Jun Na (202–708–4724), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On June 3, 1999, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (64 F.R. 31609, June 11, 1999). A record of the Commissioners' votes and the Commission's statement on adequacy are available from the Office of the Secretary and at the Commission's web site.

Participation in the Reviews and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the reviews will be placed in the nonpublic record on November 8, 1999, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on November 30, 1999, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 22, 1999. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on November 24, 1999, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written Submissions

Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is November 18, 1999. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is December 9, 1999; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before December 9, 1999. On January 10, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before January 20, 2000, but such final comments must not contain new factual information and must otherwise comply

[1] The investigation numbers are as follows: Chile is 701–TA–276 (Review) and 731–TA–328 (Review), Ecuador is 731–TA–331 (Review), Mexico is 731–TA–333 (Review), and Peru is 303–TA–18 (Review).

with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination

The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. § 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 12, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18151 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–286 (Review) and 731–TA–365 (Review)]

Industrial Phosphoric Acid From Israel and Belgium

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the countervailing duty order and antidumping duty order on industrial phosphoric acid from Israel and Belgium.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty order and/or revocation of the antidumping duty order on industrial phosphoric acid from Israel and Belgium would be likely to lead to continuation or recurrence of material injury. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 F.R. 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: July 1, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202–205–3172), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On June 3, 1999, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (64 F.R. 31610, June 11, 1999) . A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's web site.

Participation in the Reviews and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report

The prehearing staff report in the reviews will be placed in the nonpublic record on December 20, 1999, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on January 11, 2000, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before January 3, 2000. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on January 6, 2000, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing .

Written Submissions

Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is December 30, 1999. Parties may also file written testimony in connection with their presentation at the hearing, as

provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is January 21, 2000; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before January 21, 2000. On February 15, 2000, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before February 17, 2000, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 8, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18150 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–377 (Review)]

Internal Combustion Industrial Forklift Trucks From Japan

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determination to conduct a full five-year review concerning the antidumping duty order on internal combustion industrial forklift trucks from Japan.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty order on internal combustion industrial forklift trucks from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B); a schedule for the review will be established and announced at a later date.

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 FR 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: July 2, 1999.

FOR FURTHER INFORMATION CONTACT: Bonnie Noreen (202–205–3167), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On July 2, 1999, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Act. The Commission found that both domestic and respondent interested party group responses to its notice of institution (64 FR 15786, April 1, 1999) were adequate. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: July 12, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18153 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Investigation No. 731–TA–384 (Review)

Nitrile Rubber From Japan

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on nitrile rubber from Japan.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on nitrile rubber from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207). Recent amendments to the Rules of Practice and Procedure pertinent to five-year reviews, including the text of subpart F of part 207, are published at 63 FR 30599, June 5, 1998, and may be downloaded from the Commission's World Wide Web site at http://www.usitc.gov/rules.htm.

EFFECTIVE DATE: July 2, 1999.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by

accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

On July 2, 1999, the Commission determined that both the domestic interested party group response and respondent interested party group response to its notice of institution (64 F.R. 15788, April 1, 1999) of the subject five-year review were inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff Report

A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on August 9, 1999, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written Submissions

As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before August 12, 1999, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by August 12, 1999. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination

The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. § 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: July 8, 1999.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18149 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–339 (Review) and 731–TA–340–A through 340–I (Review)]

Solid Urea From Armenia, Belarus, Estonia, Lithuania, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: On June 3, 1999, the Commission established a schedule for the conduct of the expedited five-year reviews of the subject investigations (64 FR 31610, June 11, 1999). Subsequently, the Department of Commerce extended the date for its final results in the expedited reviews from June 29, 1999 to August 30, 1999 (64 FR 36333, July 6, 1999). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the investigations is as follows: the staff report will be placed in the public record on September 28, 1999; the deadline for interested party comments (which may not contain new factual information) is October 1, 1999; and the deadline for brief written statements (which shall not contain new factual information) pertinent to the reviews by any person that is neither a party to the five-year reviews nor an interested party is October 1, 1999.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: July 8, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18148 Filed 7–16–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–401 (Preliminary) and 731–TA–852–855 (Preliminary)]

Certain Structural Steel Beams From Germany, Japan, Korea, and Spain

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty and antidumping investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase countervailing duty investigation No. 701–TA–401 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the Republic of Korea of

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

[2] The Commission, with Chairman Bragg and Commissioners Crawford and Askey dissenting, has found the response submitted by Zeon Chemicals L.P. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

certain structural steel beams,[1] principally provided for in subheadings 7216.32.00 and 7216.33.00 of the Harmonized Tariff Schedule of the United States (HTS),[2] that are alleged to be subsidized by the Government of the Republic of Korea.

The Commission also gives notice of the institution of investigations and commencement of preliminary phase antidumping investigations Nos. 731–TA–852–855 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Germany, Japan, the Republic of Korea, and Spain of certain structural steel beams,[1] principally provided for in subheadings 7216.32.00 and 7216.33.00 of the HTS,2 that are alleged to be sold in the United States at less than fair value.

Unless the Department of Commerce extends the time for initiation pursuant to section 702(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B)) or pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach preliminary determinations in these investigations in 45 days, or in this case by August 23, 1999. The Commission's views are due at the Department of Commerce within five business days thereafter, or by August 30, 1999.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: July 7, 1999.

FOR FURTHER INFORMATION CONTACT: Pamela Luskin (202–205–3189), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to petitions filed on July 7, 1999, by counsel on behalf of Northwestern Steel & Wire Co., Sterling, IL; Nucor-Yamato Steel Co., Blytheville, AR; TXI-Chaparral Steel Co., Midlothian, TX; and The United Steelworkers of America AFL–CIO, Pittsburgh, PA.

Participation in the Investigations and Public Service List

Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty and antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on July 28, 1999, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Pamela Luskin (202–205–3189) not later than July 26, 1999, to arrange for their appearance. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before August 2, 1999, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

[1] The imported products subject to these investigations consist of certain structural steel beams, which for purposes of these investigations consist of rolled doubly-symmetric steel shapes having at least one dimension of their cross-section of at least 80 millimeters (3.15 inches) or more, not of stainless steel but otherwise regardless of metallurgical classification (e.g., carbon steel, alloy steel, or high-strength-low-alloy steel). These products include, but are not limited to, wide-flange beams, H-piles, standard I-beams, and M-sections. Excluded from the imported products subject to these investigations are (1) structural steel beams greater than 181.44 kilograms (400 pounds) per linear foot or with a section height over 101.6 centimeters (40 inches); (2) structural steel beams specially manufactured for use in forklift truck masts that consist of forklift mast section I-beams, quality C1027M, with a flange of no more than 12.7 centimeters (5 inches) and a length of a maximum of 6.5 meters (21.33 feet), which have been produced according to a specific drawing or blueprint for use as forklift mast sections in the manufacture of forklift trucks; and (3) structural steel beams processed sufficiently in a North American Free Trade Agreement (NAFTA) or non-NAFTA country, which if processed in a NAFTA country, would be deemed ''goods originating in the territory of a NAFTA party'' after processing.

[2] Imports may also enter under HTS subheadings 7216.50.00, 7216.99.00, 7228.70.30, or 7228.70.60.

Issued: July 12, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–18154 Filed 7–15–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1212F]

RIN 1121–ZB46

Fiscal Year 1999 Missing and Exploited Children's Program Plan

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Announcement of Fiscal Year 1999 Missing and Exploited Children's Program Plan.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is issuing its Missing and Exploited Children's Program Final Program Plan for Fiscal Year 1999.

DATES: Not applicable.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Ronald C. Laney, Director, Missing and Exploited Children's Program, 202–616–3637. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: On March 8, 1999 at 64 FR 11366, OJJDP published the Fiscal Year 1999 Missing and Exploited Children's Program Proposed Program Plan and Announcement of Discretionary Competitive Grant and requested public comments. Three individuals wrote to comment on the Proposed Plan. Two of them expressed support for the plan, specifically mentioning the proposal to prevent computer-related sexual exploitation of children. The third writer provided comments on two specific topics. These comments and the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) responses are summarized below.

Comment: The writer asked that funds ''be earmarked for research into the number of child support payors who abduct children because visitation is being refused.''

Response: All fiscal year 1999 Missing and Exploited Children's Program (MECP) research funds are needed to support the ongoing National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children and the Federal Bureau of Investigation's Child Abduction and Serial Killer Unit (CASKU) research project. However, the writer's suggestion will be included for consideration in future MECP research planning.

Comment: The writer objected to funding for CASKU, indicating that an ''independent research project in academia would provide much more scientific data.''

Response: Because it involves interviews of convicted sex offenders and the need to make appraisals regarding the truthfulness of those being interviewed, this project requires unrestricted access to law enforcement records not normally available to academia. CASKU has such access and will be able to build on previous research efforts through this project.

Based on consideration of these three public comments, OJJDP has determined that the Proposed Program Plan does not need to be modified in any way. Accordingly, the Proposed Plan as published on March 8, 1999 at 64 FR 11366 is now the Final Program Plan for Fiscal Year 1999.

Dated: July 9, 1999.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 99–18159 Filed 7–15–99; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 8, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ({202} 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

Agency: Occupational Safety and Health Administration.

Title: Permit-Required Confined Space (29 CFR 1910.146).

OMB Number: 1218–0203.

Frequency: Varies (on occasion, annually, or daily).

Affected Public: Business or other for-profit; not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Number of Respondents: 2,700,000.

Estimated Time Per Respondent: From 5 minutes (.08) to 16 hours.

Total Burden Hours: 1,634,663.

Total Annualized capital/startup costs: $0.

Total annual costs (operation/maintaining systems or purchasing services): $0.

Description: The collections of information are needed by employers and employees involved in the entry of permit-required confined spaces to prevent injuries and death from exposure to the hazards associated with such entries. The standard was promulgated under the authority in section 6(b) of the Occupational Safety and Health Act of 1970.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–18171 Filed 7–15–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 9, 1999.

The Department of Labor (DOL) has submitted the following public

information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ({202} 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

Agency: Bureau of Labor Statistics.

Title: Veterans Supplement to the CPS.

OMB Number: 1220–0102.

Frequency: Biennially.

Affected Public: Individuals or households.

Number of Respondents: 12,000.

Estimated Time Per Respondent: 1 minute.

Total Burden Hours: 200 hours.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: The veterans supplement provides information on the number and characteristics of disabled veterans who served in the Vietnam War Theater, and recently separated veterans, including their employment status. The supplement also provides data on veterans' participation in various employment and training programs. Data are necessary to evaluate veterans programs and to meet a legislative mandate for a labor market study.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–18172 Filed 7–15–99; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Act,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Massachusetts
MA990001 (Mar. 12, 1999)
MA990002 (Mar. 12, 1999)
MA990003 (Mar. 12, 1999)
MA990006 (Mar. 12, 1999)
MA990007 (Mar. 12, 1999)
MA990009 (Mar. 12, 1999)
MA990017 (Mar. 12, 1999)
MA990018 (Mar. 12, 1999)
MA990019 (Mar. 12, 1999)
MA990021 (Mar. 12, 1999)

Volume II

None

Volume III

None

Volume IV

None

Volume V

Iowa
IA990003 (Mar. 12, 1999)
IA990004 (Mar. 12, 1999)
IA990005 (Mar. 12, 1999)
IA990010 (Mar. 12, 1999)
IA990012 (Mar. 12, 1999)
IA990013 (Mar. 12, 1999)
IA990014 (Mar. 12, 1999)
IA990015 (Mar. 12, 1999)
IA990016 (Mar. 12, 1999)
IA990017 (Mar. 12, 1999)
IA990019 (Mar. 12, 1999)
IA990024 (Mar. 12, 1999)
IA990029 (Mar. 12, 1999)
IA990038 (Mar. 12, 1999)
IA990070 (Mar. 12, 1999)
IA990071 (Mar. 12, 1999)
IA990072 (Mar. 12, 1999)
IA990078 (Mar. 12, 1999)
IA990079 (Mar. 12, 1999)
IA990080 (Mar. 12, 1999)
Nebraska
NE990001 (Mar. 12, 1999)
NE990003 (Mar. 12, 1999)
NE990005 (Mar. 12, 1999)
NE990007 (Mar. 12, 1999)
NE990009 (Mar. 12, 1999)
NE990010 (Mar. 12, 1999)
NE990011 (Mar. 12, 1999)
NE990019 (Mar. 12, 1999)
NE990025 (Mar. 12, 1999)
NE990038 (Mar. 12, 1999)
NE990044 (Mar. 12, 1999)

Volume VI

Alaska
AK990001 (Mar. 12, 1999)
Oregon
OR990001 (Mar. 12, 1999)
OR990017 (Mar. 12, 1999)
Washington
WA990026 (Mar. 12, 1999)

Volume VII

California
CA990029 (Mar. 12, 1999)
Hawaii
HI990001 (Mar. 12, 1999)
Nevada
NV990001 (Mar. 12, 1999)
NV990003 (Mar. 12, 1999)
NV990004 (Mar. 12, 1999)
NV990005 (Mar. 12, 1999)
NV990006 (Mar. 12, 1999)
NV990007 (Mar. 12, 1999)
NV990009 (Mar. 12, 1999)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 9th day of July 1999.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–17913 Filed 7–15–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 99–26; Exemption Application No. D–10702, et al.]

Grant of Individual Exemptions; Hanson Operating Company, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Hanson Operating Company, Inc., Defined Benefit Pension Plan (the Plan), Located in Roswell, New Mexico

[Prohibited Transaction Exemption 99–26; Exemption Application No. D–10702]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plan of certain closely-held stock (the Stock) to Douglas L. McBride and Basil R. Willis, parties in interest with respect to the Plan, provided that the following conditions are satisfied: (a) The sale is a one-time transaction for cash; (b) the Plan pays no commissions nor other expenses relating to the sale; and (c) the Plan receives an amount that is no less than the fair market value of the Stock as of

the date of the sale, as determined by a qualified, independent appraiser.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 22, 1999 at 64 FR 19815.

Written Comments

The Department received no written comments or requests for a public hearing with respect to the notice of proposed exemption (the Notice). However, the applicants informed the Department that they inadvertently failed to inform interested persons of the deadline for making written comments or requests for a public hearing with respect to the Notice, which was provided by personal delivery. The applicants state that, therefore, an additional memorandum extending the comment period to June 20, 1999 was circulated by personal delivery to all interested persons.

The Department believes that the required procedure for notifying interested persons was satisfied. Accordingly, based upon the information contained in the entire record, the Department has determined to grant the exemption as proposed.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Western Petroleum Company Profit Sharing Plan (the Plan), Located in Eden Prairie, Minnesota

[Prohibited Transaction Exemption 99–27; Exemption Application No. D–10743]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the individual account (the Account) of James W. Emison in the Plan of certain closely-held stock (the Stock) to Mr. Emison, a party in interest with respect to the Plan, provided that the following conditions are satisfied: (a) the sale is a one-time transaction for cash; (b) the Account pays no commissions nor other expenses relating to the sale; and (c) the Account receives an amount that is no less than the fair market value of the Stock as of the date of the sale, as determined by a qualified, independent appraiser.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on May 27, 1999 at 64 FR 28836.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Gaetano Lombardo Individual Retirement Account (the IRA), Located in St. Louis, Missouri

[Prohibited Transaction Exemption 99–28; Exemption Application No. D–10749]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the the Code, shall not apply to the proposed sale by the IRA of 26,306 shares of stock (the Stock) of Courtesy Manufacturing Company (Courtsey) to Courtesy, a disqualified person with respect to the IRA, provided that the following conditions are satisfied: (1) The sale of Stock by the IRA is a one-time transaction for cash; (2) no commissions or other expenses are paid by the IRA in connection with the sale; and (3) the IRA receives the greater of: (a) The fair market value of the Stock as determined by a qualified independent appraiser as of October 31, 1998, or (b) the fair market value of the Stock as of the time of the sale. [1]

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on June 3, 1999.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

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

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits, Administration, Department of Labor.

[FR Doc. 99–18122 Filed 7–15–99; 8:45 am]

BILLING CODE 4510–29–M

[1] Pursuant to 29 CFR 2510.3–2(d), the IRA is not within the jurisdiction of Title I of the Act. However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Agency Information Collection Activities: Proposed Collection; Comment Request: Analysis of the Veterans Automated Resume Referral System

AGENCY: Veterans' Employment and Training Service, DOL.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on the proposed 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.

Currently the Veterans' Employment and Training Service (VETS) is soliciting comments concerning the proposed information collection request for the Analysis of the Veterans Automated Resume Referral System.

DATES: Written comments must be submitted by September 14, 1999.

ADDRESSES: Comments are to be submitted to the Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Ave., NW, Washington, DC 20210, telephone (202) 693–4719. Written comments limited to 10 pages of fewer may also be transmitted by facsimile to (202) 693–4755.

FOR FURTHER INFORMATION CONTACT: Stanley Seidel, Chief, Employment and Training Programs, Veterans' Employment and Training Service, U.S. Department of Labor, Room S–1316, 200 Constitution Ave., NW, Washington, DC 20210, telephone: (202) 693–4719.

Copies of the referenced information collection request are available for inspection and copying through VETS and will be mailed to persons who request copies by telephoning Stanley Seidel at (202) 693–4719.

SUPPLEMENTARY INFORMATION:

I. Background

The State Employment Service Agencies (SESA's) and employers are increasing their use of the America's Job Bank (AJB) and America's Talent Bank (ATB). VETS wants to ensure that our Nation's veterans continue to receive priority in the Employment Service referral process.

In an effort to ensure that veterans do receive priority consideration in the referral process, VETS and the Employment and Training Administration have agreed to a pilot project. The pilot began on January 4, 1999 and will run through September 1999. Four States, North Carolina, Florida, Kansas, and Washington (State) have been selected to participate in the pilot.

The pilot will address veterans' priority of referral on the ATB. When a job order is placed on the AJB, the ATB system will automatically search for any qualified veterans resume and send it to the employer. Upon completion of the pilot, an evaluation will be conducted to measure the effectiveness of both projects to determine if they have demonstrated veterans priority in the referral process.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;
- 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, included through the use of appropriate automated, electronic, mechanical, or other technology collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

III. Current Actions

This notice requests the Office of Management and Budget approval of the Paperwork requirements for the Analysis of the Veterans Automated Resume Referral System.

Type of Review: Regular Submission (new).

Agency: Veterans' Employment and Training Service.

Title: The Analysis of the Veterans Automated Resume Referral System.

OMB Number: New.

Affected Public: Individuals or households.

Total Respondents: 919.

Average Time per Response: 15 minutes.

Total Annualized Capital/startup costs: $0.

Total Initial Annual Costs: (operating/maintaining systems or purchasing services) $33,730.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request. Comments will become a matter of public record.

Dated: July 8, 1999.

Espiridion "AL" Borrego,

Assistant Secretary for Veterans' Employment and Training Service.

[FR Doc. 99–18173 Filed 7–15–99; 8:45 am]

BILLING CODE 4510–79–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules for Electronic Copies Previously Covered by General Records Schedule 20; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services—Washington, DC.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal.

This request for comments pertains solely to schedules for electronic copies of records created using word processing and electronic mail where the recordkeeping copies are already scheduled. (Electronic copies are records created using word processing or electronic mail software that remain in storage on the computer system after the recordkeeping copies are produced.)

These records were previously approved for disposal under General Records Schedule 20, Items 13 and 14. Pursuant to NARA Bulletin 99–04, agencies must submit schedules for the electronic copies associated with program records and administrative records not covered by the General Records Schedules. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a). To facilitate review of these schedules, their availability for comment is announced in **Federal Register** notices separate from those used for other records disposition schedules.

DATES: Requests for copies must be received in writing on or before August 30, 1999. On request, NARA will send a copy of the schedule. NARA staff usually prepare appraisal

memorandums concerning a proposed schedule. These, too, may be requested. Requesters will be given 30 days to submit comments.

Some schedules submitted in accordance with NARA Bulletin 99–04 group records by program, function, or organizational element. These schedules do not include descriptions at the file series level, but, instead, provide citations to previously approved schedules or agency records disposition manuals (see **SUPPLEMENTARY INFORMATION** section of this notice). To facilitate review of such disposition requests, previously approved schedules or manuals that are cited may be requested in addition to schedules for the electronic copies. NARA will provide the first 100 pages at no cost. NARA may charge $.20 per page for additional copies. These materials also may be examined at no cost at the National Archives at College Park (8601 Adelphi Road, College Park, MD).

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports and/or copies of previously approved schedules or manuals should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs the records to conduct its business. Routine administrative records common to most agencies are approved for disposal in the General Records Schedules (GRS), which are disposition schedules issued by NARA that apply Government-wide.

In the past, NARA approved the disposal of electronic copies of records created using electronic mail and word processing via General Records Schedule 20, Items 13 (word processing documents) and 14 (electronic mail). However, NARA has determined that a different approach to the disposition of electronic copies is needed. In 1998, the Archivist of the United States established an interagency Electronic Records Work Group to address this issue and pursuant to its recommendations, decided that agencies must submit schedules for the electronic copies of program records and administrative records not covered by the GRS. On March 25, 1999, the Archivist issued NARA Bulletin 99–04, which tells agencies what they must do to schedule electronic copies associated with previously scheduled program records and certain administrative records that were previously scheduled under GRS 20, Items 13 and 14.

Schedules submitted in accordance with NARA Bulletin 99–04 only cover the electronic copies associated with previously scheduled series. Agencies that wish to schedule hitherto unscheduled series must submit separate SF 115s that cover both recordkeeping copies and electronic copies used to create them.

In developing SF 115s for the electronic copies of scheduled records, agencies may use either of two scheduling models. They may add an appropriate disposition for the electronic copies formerly covered by GRS 20, Items 13 and 14, to every item in their manuals or records schedules where the recordkeeping copy has been created with a word processing or electronic mail application. This approach is described as Model 1 in Bulletin 99–04. Alternatively, agencies may group records by program, function, or organizational component and propose disposition instructions for the electronic copies associated with each grouping. This approach is described as Model 2 in the Bulletin. Schedules that follow Model 2 do not describe records at the series level.

For each schedule covered by this notice the following information is provided: Name of the Federal agency and any subdivisions requesting disposition authority; the organizational unit(s) accumulating the records or a statement that the schedule has agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency; the control number assigned to each schedule; the total number of schedule items; the number of temporary items (the record series proposed for destruction); a brief description of the temporary electronic copies; and citations to previously approved SF 115s or printed disposition manuals that scheduled the recordkeeping copies associated with the electronic copies covered by the pending schedule. If a cited manual or schedule is available from the Government Printing Office or has been posted to a publicly available Web site, this too is noted.

Further information about the disposition process is available on request.

Schedules Pending

1. Department of Labor, Office of the Secretary of Labor (N9–174–99–1, 12 items, 12 temporary items). Electronic copies of records created using electronic mail and word processing accumulated by the Office of Public Affairs. Included are electronic copies associated with such records as news releases, publications, transcripts of speeches and testimony, briefing books, biographies, schedules, and correspondence. This schedule follows Model 1 as described in the Supplementary Information section of this notice. Recordkeeping copies of these files are included in Disposition Jobs N1–174–94–2 and N1–174–96–6.

2. Tennessee Valley Authority, Agency-wide (N9–142–99–1, 1 item, 1 temporary item). Electronic copies of records created using electronic mail and word processing that relate to transportation, budget and finance, library services, copier management, and other administrative services. Included are electronic copies of records pertaining to such subjects as the operation and maintenance of aircraft and motor vehicles, flight schedules, the leasing or purchase of copy machines, fuel inventories, vanpool operations, and budget preparation. This schedule follows Model 2 as described in the Supplementary Information section of this notice. Recordkeeping copies of these files are included in the Administrative Services chapter of the TVA Comprehensive Records Schedule.

Dated: July 12, 1999.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 99–18178 Filed 7–15–99; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–34610–ML; ASLBP No. 99–768–02–ML]

Atomic Safety and Licensing Board Panel; Hearing

July 12, 1999.

Before Administrative Judges: Charles Bechhoefer, Presiding Officer; Dr. Linda W. Little, Special Assistant.

In the matter of the Department of the Army, Aberdeen Proving Ground, Maryland; Denial of Materials License for M22/GID–3 Automatic Chemical Agent Detector/Alarm.

Notice is hereby given that, by Memorandum and Order dated July 12, 1999, the Presiding Officer in this proceeding has granted the June 4, 1999 request for a hearing of the Department of the Army (Army or Applicant). On May 17, 1999, the Nuclear Regulatory Commission Staff denied Army's application for registration and licensing of the model M22/GID–3 Automatic Chemical Agent Detector/Alarm for distribution pursuant to 10 CFR 32.26. The hearing will involve Army's appeal from this Staff ruling.

This proceeding will be conducted under the Commission's Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings, set forth in 10 CFR Part 2, Subpart L. Further details appear in the July 12, 1999 Memorandum and Order referenced above. Documents relating to this proceeding are available for public inspection and copying at the Commission's Public Document Room, Gelman Building, 2120 L St. NW, Washington, DC 20555.

The Army and the NRC Staff are parties to this proceeding. As requested by the Staff, the hearing is being deferred to accommodate ongoing settlement negotiations. If settlement is not achieved, a contested proceeding will be conducted.

In accordance with 10 CFR 2.1205(j), and notwithstanding the ongoing settlement negotiations, any person whose interest may be affected by this proceeding may within 30 days of publication of this Notice file a petition for leave to intervene. Such petition must identify (1) the interest of the petitioner in the proceeding, (2) how that interest may be affected by the results of the proceeding, with particular reference to the factors set out in 10 CFR 2.1205(h) (and, in particular, whether the petitioner's specified areas of concern are germane to the subject matter of the proceeding), (3) the petitioner's area of concern about the licensing activity that is the subject matter of the proceeding, and (4) the circumstances establishing that the request is timely (in accord with the standards set forth in this Notice).

Each petition must be submitted to the Office of the Secretary, Rulemaking and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies should be served upon the Presiding Officer, the Special Assistant, the Assistant General Counsel for Hearings and Enforcement, and the Applicant, through its project manager, Col. Stephen V. Rooves, NBC Defense Systems, U.S. Army Soldier and Biological Chemical Command, 5232 Fleming Road, Aberdeen Proving Ground, MD 21010–5423, and the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Pursuant to 10 CFR 2.1205(k)(2), any party (including the NRC Staff) may file an answer to a petition to intervene within 10 days of service of such petition.

As provided by 10 CFR 2.1211(b), within 30 days of publication of this Notice, the representative of an interested State, county, municipality, or an agency thereof, may request an opportunity to participate in this proceeding. The request for an opportunity to participate must state with reasonable specificity the requestor's areas of concern about the licensing activity involved in this proceeding. Upon receipt of a properly filed request, the Presiding Officer will afford the representative a reasonable opportunity to make written and oral presentations in accordance with 10 CFR 2.1233 and 2.1235, without requiring the representative to take a position with respect to the issues.

In addition, pursuant to 10 CFR 2.1211(a), any member of the public who is not a party to the proceeding may make a limited appearance in order to state his or her views on the issues involved in this proceeding. Although these statements are not evidence and do not become part of the decisional record, the Presiding Officer may ask the Staff to consider in its licensing review information concerning matters raised in such limited appearance statements and not directly covered by issues identified by the parties. Limited appearances are usually in writing although, if the Presiding Officer conducts an oral argument or in-person prehearing conference, the Presiding Officer may hear oral statements. Written statements, and requests to make oral statements, should be submitted to the Office of the Secretary, Rulemaking and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of statements and requests should also be forwarded to the Presiding Officer.

Dated: July 12, 1999, Rockville, MD.

Charles Bechhoefer,

Presiding Officer, Administrative Judge.

[FR Doc. 99–18160 Filed 7–15–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Company; Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by the Public Service Electric and Gas Company (the licensee) for an amendment to Facility Operating License Nos. DPR–70 and DPR–75 issued to the licensee for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on September 9, 1998 (63 FR 48264).

The purpose of the licensee's amendment request was to revise Technical Specification 3/4.7.6, ''Control Room Emergency Air Conditioning System.'' Specifically, the licensee requested that the acceptance criteria for the control room envelope be revised to maintain a ⅛-inch positive pressure with respect to the outside atmosphere, the work control center and control room equipment rooms, and a ½₀-inch water gauge positive pressure with respect to the relay rooms and the auxiliary building.

The NRC staff has concluded that the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated July 9, 1999.

By August 16, 1999, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1998, as supplemented on February 22, 1999, and (2) the Commission's letter to the licensee dated July 9, 1999.

These documents are 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 Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 9th day of July 1999.

S. Singh Bajwa,

Acting Director, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–18162 Filed 7–15–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–354]

Public Service Electric and Gas Company; Hope Creek Generating Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–57, issued to Public Service Electric and Gas Company (the licensee), for operation of the Hope Creek Generating Station (HCGS), located in Salem County, New Jersey.

Environmental Assessment

Identification of the Proposed Action

The proposed action would correct typographical and editorial errors in the HCGS Technical Specifications (TSs) in accordance with the licensee's application for amendment dated May 24, 1999, as supplemented June 21, 1999.

The Need for the Proposed Action

The proposed action would provide clarity and administrative correctness to the TSs.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the changes to the TSs are administrative in nature. The proposed action does not affect the assessment of environmental impacts described in the ''Final Environmental Statement related to the operation of Hope Creek Generating Station'' (NUREG–1074).

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 alterative 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 the HCGS.

Agencies and Persons Consulted

In accordance with its stated policy, on June 8,1999, the staff consulted with the New Jersey State official, Mr. Richard Pinney of the New Jersey Department of Environmental Protection, 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 May 24, 1999, as supplemented by letter dated June 21, 1999, which are 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 Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 8th day of July 1999.

For the Nuclear Regulatory Commission.

Richard B. Ennis,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–18163 Filed 7–15–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Design and Assessment Issues in Safety-Critical Digital Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of seminar.

SUMMARY: The NRC has committed through its Strategic Plan to incorporate risk insights, conduct anticipatory research on issues of potential regulatory and safety significance, engage in cooperative research agreements, and provide timely information to our stakeholders. As part of this commitment, a seminar has been established to present on-going anticipatory research in the safety assessment of digital systems. This research is conducted through a cooperative agreement between academia and the government. The goal of this seminar is to inform our stakeholders of current research activities and to solicit their perspectives and interest in safety assessment of digital systems.

DATE: August 5, 1999—The seminar will begin at 8:00 a.m. and end at 5:00 p.m.

LOCATION: Thornton Hall, Room 316, University of Virginia, Charlottesville, VA 22903.

CONTACT:

Registration—Francine Randolph, Phone: (301) 415–6798, E-mail: *fxr1@nrc.gov*

General—John Calvert, Phone: (301) 415–6323, E-mail: *jac4@nrc.gov*

Terry Jackson, Phone: (301) 415–6486, E-mail: *twj@nrc.gov*

ATTENDANCE: This seminar is free and open to the general public. All individuals planning to attend should pre-register with Ms. Francine Randolph by telephone or e-mail and provide their name, affiliation, phone number, and e-mail address.

PROGRAM: This seminar presents a survey of safety assessment practices found in nuclear, aviation, medical, railway, and other applications where the correct operation of a digital system is crucial to system safety. It also presents new research results related to digital design and safety assessment. The seminar is partitioned into two half-day sessions. The morning session examines the design of safety-critical digital systems, and the afternoon session addresses the assessment of safety-critical systems. Both sessions demonstrate techniques by illustrating their application to real industrial systems.

I. Issues in the Design of Safety-Critical Systems

- Important terminology and concepts.
- Industry approaches and applications of safety-critical systems.
- Design methodologies and processes for safety-critical systems.
- Impact of commercial-off-the-shelf (COTS) hardware and software on safety-critical system design.
- Design principles for safety-critical systems.
- A safety-critical digital design methodology, architecture, application, and implementation.

II. Issues in the Assessment of Safety-Critical Systems

- Safety assessment methodologies and processes for digital systems.
- Probabilistic modeling techniques for digital systems.
- Critical digital system parameters that impact safety.
- Fault coverage modeling and estimation.
- Impact of fault coverage on digital system safety.
- Example assessment of an industrial safety-critical digital system.

For the Nuclear Regulatory Commission.

Dated in Rockville, Maryland this 12th day of July 1999.

John W. Craig,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research

[FR Doc. 99–18161 Filed 7–15–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Interim OPM Criteria for IRS Broadbanding System

AGENCY: Office of Personnel Management.

ACTION: Notice with request for comments.

SUMMARY: This notice publicizes interim criteria for broadbanding systems for the Internal Revenue Service (IRS). The Internal Revenue Service Restructuring and Reform Act of 1998 authorizes the Secretary of the Treasury to establish one or more broadbanding systems covering all or any portion of the IRS workforce under the General Schedule (GS). Title 5, United States Code, directs the Office of Personnel Management (OPM) to prescribe criteria for IRS broadbanding systems and specifies certain principles that such criteria must follow, at a minimum.

DATES: Submit comments on or before August 16, 1999.

ADDRESSES: Send written comments to Gregory Zygiel, U.S. Office of Personnel Management, 1900 E Street, NW. Room 7305, Washington, DC 20415–8320, or submit comments electronically to totalcomp@opm.gov.

FOR FURTHER INFORMATION CONTACT: Gregory Zygiel, 202–606–8047.

SUPPLEMENTARY INFORMATION: The Internal Revenue Service Restructuring and Reform Act of 1998 (Pub. L. 105–206) authorizes the Secretary of the Treasury to establish one or more broadbanding systems covering all or any portion of the IRS workforce under the General Schedule (GS). 5 U.S.C. 9509(b) directs OPM to prescribe criteria for IRS broadbanding systems and specifies certain principles that such criteria must follow, at a minimum. The criteria were developed after conferring with the Department of the Treasury, the Internal Revenue Service, and the National Treasury Employees Union. They are designed to incorporate the lessons learned from previous experience with broadbanding under personnel demonstration projects.

5 U.S.C. 9509(b)(3) requires that employees covered by IRS broadbanding systems will remain subject to the laws and regulations covering General Schedule employees (e.g., locality payments, the aggregate limitation on pay, premium pay, and recruitment and relocation bonuses and retention allowances), except as otherwise provided in the criteria.

The publication of these criteria permits IRS to implement broadbanding systems under this authority. Before implementing any broadbanding system under this authority, IRS must develop written plans, policies, and implementing procedures that address each relevant criterion, including descriptions of broadbanding structure(s), classification criteria, positions covered, the method of pay progression within a band, pay-setting policies, policies for paying supervisors or management officials, and policies for converting positions into broadbanding systems. Any public comments may assist OPM in working with IRS as it develops such plans, policies, and procedures.

Dated: July 9, 1999.

Office of Personnel Management.

Janice R. Lachance,

Director.

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I. Authority

Section 9509 of title 5, United States Code, as added by the Internal Revenue Service (IRS) Restructuring and Reform Act of 1998 (Public Law 105–206), provides the Secretary of the Treasury with the authority to establish one or more broadbanding systems covering all or any portion of the IRS workforce under the General Schedule (GS). Section 9509(b) directs the Office of Personnel Management (OPM) to prescribe criteria for IRS broadbanding systems and specifies certain principles that such criteria must follow, at a minimum.

II. Applicability

Section 9509(a) defines a ''broad-banded system'' as a system for grouping positions for pay, job evaluation, and other purposes that is different from the General Schedule pay and classification system established under chapter 51 and subchapter III of chapter 53 of title 5, United States Code. Employees covered by IRS broadbanding systems are not covered by subchapter III of chapter 53 or by those provisions of chapter 51 that define General Schedule grades. However, selected provisions from those parts of law are used in applying parallel features to employees in IRS

broadbanding systems, as provided in these criteria.

As required by 5 U.S.C. 9509(b)(3), employees covered by IRS broadbanding systems are to be treated as if they are General Schedule employees for the purpose of applying other laws and regulations governing General Schedule employees, except as otherwise provided in these criteria. Applicable laws and regulations include, but are not limited to: 5 U.S.C. 5304, authorizing locality-based comparability payments; 5 U.S.C. 5307, establishing a limitation on aggregate pay; 5 U.S.C. chapter 55, subchapter V, authorizing various forms of premium pay; and 5 U.S.C. 5753 and 5754, authorizing recruitment and relocation bonuses and retention allowances.

Note: Many title 5 provisions apply to Federal employees on a more general basis and do not base coverage on whether an employee is covered by the General Schedule system (e.g., severance pay, leave, retirement, and insurance).

Employees in IRS broadbanding systems are not covered by the special salary rate program established under 5 U.S.C. 5305. However, IRS broadbanding systems may use a parallel authority to establish staffing supplements, which are linked to established special salary rates, as described in Appendix A.

These criteria apply only to broadbanding systems that cover General Schedule positions. 5 U.S.C. 9509(b)(1)(B) authorizes the Secretary of the Treasury, with the prior approval of the Director of OPM, to include in a broadbanding system positions that otherwise would be subject to subchapter IV of chapter 53 (prevailing rate systems) or 5 U.S.C. 5376 (senior-level positions). Including such positions would require OPM's separate review and approval of a specific plan for that purpose. The criteria presented here are not intended to apply to broadbanding systems that include such positions.

III. Broadbanding System Plan

Before implementing any broadbanding system under this authority, IRS must develop a written plan that includes policies and implementing procedures to address each criterion that is relevant to the broadbanding system, including descriptions of broadbanding structure(s), positions covered, classification criteria, the method of pay progression within a band, policies for setting and adjusting pay, policies for paying supervisors or managerial employees, and policies for converting positions into broadbanding systems.

IV. Definitions

Under these criteria—

Band means a pay level or work level within a career path containing one or more General Schedule grades and related ranges of pay.

Broadbanding system means a system for grouping positions for pay, job evaluation, and other purposes that is different from the General Schedule system established under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, as a result of combining the grades and related ranges of pay for one or more occupational series.

Career path means a grouping of one or more occupational series into broad occupational families or career tracks for job evaluation, pay, or other purposes. A career path may contain one or more bands.

Employee means an individual who would otherwise be covered by chapter 51 and subchapter III of chapter 53 of title 5, United States Code, if not covered by a broadbanding system.

Supervisor and *managerial employee* have the meaning given those terms in OPM's General Schedule Supervisory Grade Evaluation Guide.

V. Broadbanding Criteria

Criteria are provided below under the applicable principles listed in 5 U.S.C. 9509(b)(3)(A)–(F) (labeled A–F) and an additional principle (labeled G).

A. Ensure That the Structure of Any Broadbanding System Maintains the Principle of Equal Pay for Substantially Equal Work

IRS broadbanding systems must—

1. Link to the General Schedule.

2. Assign occupations to career paths based on the nature of work performed, the qualifications required, the normal career and pay progression, and other characteristics of those occupations.

3. Combine General Schedule grades into bands following the criteria in B. The range of difficulty and responsibility of each band must be the same as the range of difficulty and responsibility of the band's constituent grades (i.e., consistent with the grade level criteria in standards published by OPM in accordance with 5 U.S.C. 5105) and must represent the normal range of work performed in the organization.

4. Place positions into bands within career paths in accordance with—

a. Classification standards published by OPM under 5 U.S.C. 5105; or

b. Any agency guidance which places a position within its correct band and career path (but which need not be sufficient to determine a position's correct General Schedule grade).

5. Not include law enforcement officers covered by special salary rates under section 403 of the Federal Employees Pay Comparability Act of 1990 in the same band as non-law enforcement officers when the maximum grade in the band is any one of grades 3 through 10.

6. Use established General Schedule rates of pay (including any applicable locality rates or special salary rates) for premium pay purposes under subchapter V of chapter 55 of title 5, United States Code, and 5 CFR part 550, subpart A (i.e., for the purpose of determining the maximum hourly overtime rate and the biweekly premium pay limitation).

B. Establish the Minimum and Maximum Number of Grades That May Be Combined Into Bands

A band under an IRS broadbanding system may contain—

1. A minimum of one General Schedule grade.

2. A maximum of—

a. Eight General Schedule grades when grades 13, 14, and 15 are not included in the band;

b. Five General Schedule grades when grade 13 is included, but neither grade 14 nor 15 is included in the band;

c. Three General Schedule grades when grade 14 is included, but grade 15 is not included in the band; and

d. Two General Schedule grades when grade 15 is included in the band.

C. Establish the Requirements for Setting the Minimum and Maximum Rates of Pay in a Band

1. The minimum rate of basic pay for each band must equal the minimum rate of basic pay payable under 5 U.S.C. 5332 for the lowest General Schedule grade in that band. The maximum rate of basic pay for each band must equal the maximum rate of basic pay payable under 5 U.S.C. 5332 for the highest General Schedule grade in that band.

a. Notwithstanding C1, preceding, the maximum rates of basic pay for bands covering law enforcement officers must equal the maximum special salary rates for grades 3 through 10 established under section 403 of the Federal Employees Pay Comparability Act of 1990, where applicable.

b. The minimum and maximum rates of basic pay that define each band must be adjusted at the same time and in the same manner as adjustments are made in the corresponding minimum and maximum General Schedule rates of basic pay under 5 U.S.C. 5303 or similar provision of law.

2. The maximum rate of basic pay for any band may not exceed the maximum rate of basic pay for grade 15.

3. Employees in IRS broadbanding systems are not covered by the special salary rate authority in 5 U.S.C. 5305. However, IRS broadbanding systems may provide for the use of staffing supplements instead of special salary rates under Appendix A of these criteria. If special salary rates are not replaced with staffing supplements, special rate employees must be converted into a broadbanding system under the procedures established in Appendix B of these criteria.

4. Only employees receiving retained rates of pay under subchapter VI of chapter 53 of title 5, United States Code, as applied in the broadbanding system, or in an approved staffing supplement category may receive rates of pay that exceed the locality-adjusted band maximum rates.

D. Establish the Requirements for Adjusting the Pay of an Employee Within a Band

1. IRS broadbanding systems must include—

a. Policies for adjusting the pay of an employee within a band, including—

(1) Adjustments made in accordance with paragraphs D2a and D3a; and

(2) Increases based on individual factors such as an employee's performance, skills, or competencies and/or time at pay level, except that such increases may not be based solely on time at pay level. Increases that advance an employee's relative position in a band (i.e., exceed the adjustments made in accordance with paragraphs D2a and D3a) may be paid only to employees whose performance meets or exceeds retention standards.

b. Policies concerning which level of management will make pay adjustment decisions for employees.

c. Principles for managing pay progression and payroll costs associated with basic pay adjustments. IRS must provide funding for salary increases under its broadbanding systems. Because broadbanding systems provide more choices on how to distribute pay to employees, it is necessary to have an overall budget to manage the costs associated with such choices. At a minimum, the salary increase budget must include funds equal to the amounts that would be required for individual pay adjustments made at the time of schedule adjustments under 5 U.S.C. 5303 (or similar provision of law) and locality-based comparability payments under 5 U.S.C. 5304 (or similar provision of law). A salary increase budget must meet salary cost objectives and be consistent with policies and procedures for adjusting pay under a broadbanding system that are established to ensure equal pay for work of equal value.

2. IRS broadbanding systems must provide for—

a. Making adjustments in the rates of basic pay for all employees who are not supervisors or managerial employees equivalent to the annual adjustments provided to General Schedule employees under 5 CFR 531.205. Employees on pay retention must be granted 50 percent of the increase in the maximum rate of basic pay for their band.

b. The payment of locality-based comparability payments for employees covered by 5 U.S.C. 5304 and 5 CFR part 531, subpart F, and special geographic adjustments for law enforcement officers covered by section 404 of the Federal Employees Pay Comparability Act of 1990 and 5 CFR part 531, subpart C. (See Appendix A for information on possible staffing supplements.)

3. IRS pay adjustment policies may provide for—

a. Determining the circumstances under which adjustments in rates of basic pay may be granted to supervisors or managerial employees up to the equivalent of the annual adjustments provided to General Schedule employees under 5 CFR 531.205. However, an employee's rate of basic pay may not fall below the minimum rate of his or her band as a result of receiving less than the full adjustment.

b. Reducing an employee's rate of basic pay within a band, but only for unacceptable performance, misconduct, or loss of supervisory status (if such loss results in reversal of a within-band adjustment granted at the time of placement in a supervisory position). Any reductions based on unacceptable performance or misconduct are adverse actions under 5 U.S.C. 7512.

c. Control points within bands. Control points are dollar points within bands that limit or restrict pay-setting or the movement of employees through the rate range of the band. If control points are used, IRS broadbanding systems must include policies on the number of control points within bands and how they are derived (e.g., as a percentage of the rate range) and applied (i.e., the circumstances under which an employee's rate of pay may be set or adjusted at, above, or below a control point).

E. Establish the Requirements for Setting the Pay of a Supervisory Employee Whose Position Is in a Broad Band or Who Supervises Employees Whose Positions Are in Broad Bands

1. IRS broadbanding systems may provide for a separate broadbanding system or career path for supervisors and managerial employees.

2. A supervisor's or managerial employee's rate of pay may not be based on the salaries of the employees he or she supervises or manages.

F. Establish the Requirements and Methodologies for Setting the Pay of an Employee Upon Conversion to a Broadbanding System, Initial Appointment, Change of Position or Type of Appointment (Including Promotion, Demotion, Transfer, Reassignment, Reinstatement, Placement in Another Broad Band, or Movement to a Different Geographic Location), and Movement Between a Broadbanding System and Another Pay System

1. Conversion into a broadbanding system. IRS broadbanding systems must include policies for determining the career path, band, and pay rate for employees upon conversion into the system consistent with the provisions in Appendix B. IRS broadbanding systems may also include policies for making prorated within-grade increase or career-ladder promotion payments to employees as an adjustment in basic pay or a lump-sum payment upon conversion from the General Schedule to a broadbanding system consistent with the provisions in Appendix B.

2. Pay-setting policies. IRS broadbanding systems must include policies for determining an employee's career path, band, and rate of basic pay upon initial appointment, promotion, demotion, transfer, reassignment, or placement in a different band or career path. The methods used to set pay must be consistent with the principle of equal pay for substantially equal work.

a. Pay must be set at least at the minimum rate and must not exceed the maximum rate of basic pay of the band to which assigned (unless pay retention applies).

b. Policies must specify the conditions under which pay may be set above the minimum rate of the band and the amount of any minimum or maximum pay increase upon promotion. The time-in-grade provisions in 5 CFR 300.601–605 do not apply to employees under a broadbanding system.

c. Upon movement to a different geographic area, locality-based

comparability payments and special pay adjustments for law enforcement officers must be redetermined and paid in accordance with 5 CFR part 531, subparts F and C, respectively. Staffing supplements must also be redetermined consistent with the provisions in Appendix A.

d. Movement of an employee to a band with a lower maximum rate of basic pay than the employee's former band is equivalent to a reduction in grade for the purpose of chapters 43 and 75 of title 5, United States Code.

3. Conversion to the General Schedule. Agencies must use the procedures in Appendix C of these criteria for determining an employee's GS equivalent grade and pay rate upon conversion from a broadbanding system to the General Schedule.

G. Conform Related Provisions of Law and Regulations to Broadbanding Systems

1. For provisions of chapter 51 that apply to the determination of General Schedule grades, other than sections 5104 and 5105, the term ''grade'' is deemed to mean ''band within a career path.

2. The provisions in these criteria related to grade and pay retention are based on the current grade and pay retention authority in subchapter VI of title 5, United States Code, and 5 CFR part 536. When applying the grade and pay retention provisions, users must substitute ''band'' for ''grade''. Under 5 U.S.C. 9509(c), the Secretary of the Treasury may provide for variations from the grade and pay retention authority for employees who are covered by broadbanding systems with prior approval of the Director of OPM and in accordance with a plan for implementing such variations.

3. In applying the severance pay provisions in 5 CFR part 550, subpart G, to employees covered by IRS broadbanding systems, the beginning of the first sentence in paragraph (c)(4) of the definition of ''reasonable offer'' at § 550.703 is deemed to read as follows:

(4) Not lower than two grade or pay levels (or one band level, in the case of a broadbanding system under which the next lower band comprises two or more grades) below the employee's current grade, pay, or band level. * * *

Appendix A—Staffing Supplements

Internal Revenue Service (IRS) broadbanding systems may use staffing supplements instead of the special salary rate authority in 5 U.S.C. 5305 under the following terms and conditions:

A. If an employee is assigned to an occupational series and geographic area covered by a special salary rate under 5 U.S.C. 5305 and is in a band where the maximum adjusted rate for the banded GS grades is a special rate that exceeds the maximum GS locality rate under 5 U.S.C. 5304 (or similar provision of law) for the banded grades, the employee is eligible for a staffing supplement.

B. Conversion. Upon conversion, the employee's broadbanding rate of basic pay is established by dividing the employee's old GS adjusted rate (the higher of the special rate or locality rate) by the staffing factor. The staffing factor is determined by dividing the maximum special rate for the banded grades by the GS unadjusted rate corresponding to that special rate (step 10 of the GS rate for the same grade as the special rate). The employee's staffing supplement is derived by multiplying the employee's broadbanding rate of basic pay by the staffing factor minus one. The employee's final staffing supplement-adjusted rate equals the employee's broadbanding rate of basic pay plus the staffing supplement. This amount will equal the employee's former GS adjusted rate of pay. Since the employee's total pay immediately after conversion into the broadbanding system will be the same as immediately before conversion, adverse action and pay retention provisions do not apply.

C. Formulas. The conversion rules in paragraph B are expressed by the following formulas:

1. Staffing Factor = Maximum special rate for banded grades Unadjusted GS rate corresponding to that special rate

2. Broadbanding Basic Rate = Old GS adjusted rate (special or locality rate) Staffing Factor

3. Staffing Supplement = Broadbanding Basic Rate × (Staffing Factor − 1)

4. Salary at conversion = Broadbanding Basic Rate + Staffing Supplement (sum will equal old GS adjusted rate)

D. If an employee is in a band where the maximum GS adjusted rate for the banded grades is a locality rate, the broadbanding basic rate upon conversion into a broadbanding system is derived by dividing the employee's former GS adjusted rate (the higher of the locality rate or special rate) by the applicable locality pay factor (e.g., 1.0787 in the Washington-Baltimore locality pay area in 1999). The employee's broadbanding locality-adjusted rate will equal the employee's former GS adjusted rate. Adverse action and pay retention provisions do not apply because there is no change in total salary.

E. The staffing supplement is added to the employee's broadbanding basic rate much like locality adjustments are added to basic pay. Any General Schedule or special rate schedule adjustment will require recomputation of the staffing supplement. Employees receiving a staffing supplement remain entitled to an underlying locality rate, which may, over time, supersede the need for a staffing supplement. If OPM discontinues or decreases a special rate schedule on which staffing supplements are based, pay retention rules will be applied, as appropriate. Upon geographic movement, an employee who receives a staffing supplement will have the supplement removed or recomputed to reflect any applicable special rates in the new location, consistent with paragraph C. Any resulting reduction in pay is not an adverse action or a basis for pay retention.

F. The employee's broadbanding basic rate adjusted by the staffing supplement is basic pay for the same purposes as a locality rate under 5 CFR 531.606(b)—i.e., for retirement, life insurance, premium pay, and severance pay purposes, and for advances in pay. The staffing supplement is also basic pay under 5 U.S.C. 5363 and subchapter II of chapter 75 for the limited purpose of determining whether a reduction in basic pay occurs at the point of an employee's conversion into a broadbanding system. The staffing supplement will also be used to compute worker's compensation payments and lump-sum payments for accrued and accumulated annual leave.

G. The Office of Personnel Management may approve staffing supplements for categories of employees within an IRS broadbanding system who are not in approved special rate categories for General Schedule employees, consistent with the provisions in 5 U.S.C. 5305 (a) and (b).

Appendix B—Conversion Into Broadbanding Systems

Internal Revenue Service (IRS) broadbanding systems must include policies for determining the career path, band, and pay rate for employees upon conversion into a broadbanding system under the following terms and conditions:

A. Employees may not suffer a reduction in total pay upon initial conversion to a broadbanding system.

B. If conversion into a broadbanding system is accompanied by a simultaneous geographic move, the employee's General Schedule pay entitlements in the new geographic area must be determined before converting the employee into the broadbanding system.

C. IRS broadbanding systems may include policies for making prorated within-grade increase or career-ladder promotion payments to employees as an adjustment in basic pay or a lump-sum payment upon conversion from the General Schedule to a broadbanding system under the following conditions:

1. The amount of any within-grade increase or career-ladder promotion payment may not be more than the prorated value of the employee's within-grade increase or career-ladder promotion at the time of conversion, based on the number of weeks of creditable service the employee has performed as of the date of initial conversion into the broadbanding system. There is no restriction on when such payments may be made.

2. A prorated within-grade increase or career-ladder promotion payment may be made only to an employee whose performance meets or exceeds retention standards at the time of conversion into a broadbanding system.

3. A within-grade increase payment may not be made to an employee receiving the maximum rate of pay for his or her grade (or band, if made after conversion into a broadbanding system) or a retained rate.

4. For employees receiving special rates before conversion into an IRS broadbanding

system, the pay conversion described in paragraph D must be applied before making any prorated within-grade increase or career-ladder promotion payment.

D. Special salary rate employees. If an IRS broadbanding system uses staffing supplements instead of special rates under 5 U.S.C. 5305, special rate employees must be converted into the system consistent with the provisions in Appendix A. If an IRS broadbanding system eliminates special salary rates, a new locality-adjusted rate of pay must be derived for each employee, as follows:

1. Divide the employee's adjusted rate of basic pay (the higher of the special rate or locality rate or similar adjusted rate) by the locality pay factor for the area (e.g., 1.0787 for the Washington-Baltimore locality pay area in 1999) to determine the new broadbanding rate of basic pay. If the employee's broadbanding rate of basic pay exceeds the maximum rate of basic pay for the employee's band, the employee must be placed on pay retention.

2. Add the full locality adjustment to the employee's broadbanding rate of basic pay, including any retained rate. The locality adjustment is basic pay under 5 U.S.C. 5363 and subchapter II of chapter 75 for the limited purpose of determining whether a reduction in basic pay occurs at the point of an employee's conversion into a broadbanding system.

E. Employees on pay retention. Upon conversion, employees on pay retention must be placed in the band commensurate with the grade of their position. If possible, an employee's rate of basic pay will be placed within the assigned band. If not possible (because the employee's retained rate is higher than the maximum rate of basic pay of the band), the employee will be placed on pay retention.

F. Employees on grade retention. Upon conversion, employees on grade retention must be placed in the band that encompasses their retained grade until the original 2-year grade retention period expires. When the 2-year period expires, employees must be moved to the band that encompasses the grade of their position. If the rate of basic pay exceeds the maximum rate of the new band, the employee is entitled to pay retention.

Appendix C—Procedures for Converting Employees Back to the General Schedule Pay System

When an employee covered by a broadbanding system moves to a General Schedule (GS) position, the following procedures must be used to convert the employee's band and pay rate to a GS equivalent grade and rate of pay. The converted GS-equivalent grade and rate of pay must be determined before movement or conversion out of the broadbanding system and any accompanying geographic movement, promotion, or other simultaneous action. For lateral reassignments and lateral transfers, the converted GS grade and rate of pay becomes the employee's actual GS grade and rate of pay, unless the employee is immediately affected by a simultaneous geographic movement or another pay action. For non-lateral transfers, promotions, and other actions, the converted GS grade and rate of pay are deemed to be the employee's grade and rate of pay at the time of movement out of the broadbanding system and must be used in applying any GS pay administration rules applicable in connection with the employee's movement out of the broadbanding system (e.g., rules for promotions, highest previous rate, and pay retention).

A. GS grade level determination—Upon conversion of an employee out of a broadbanding system to the GS pay system, the employee's GS-equivalent grade level must be determined in accordance with the following rules:

1. An employee in a band encompassing a single GS grade must be converted to that grade.

2. For an employee in a band encompassing more than one GS grade, the employee's adjusted rate of pay under the broadbanding system (including any locality adjustment (or similar geographic adjustment) or staffing supplement, as applicable) must be compared with the rates of pay in the highest applicable GS rate range for each grade encompassed by the band. (For this purpose, a ''GS rate range'' includes a rate range in (1) The GS basic pay schedule, (2) the locality pay schedule (including any special geographic-adjusted schedule for law enforcement officers (LEOs)) for the locality pay area in which the position is located, or (3) the appropriate special rate schedule for the employee's occupational series and geographic location, as applicable). If the employee's occupational series is a two-grade interval series, consider only odd-numbered grades between GS–5 and GS–11.

3. If the employee's adjusted rate of pay under the broadbanding system fits into an area of the rate range for a GS grade in the band that does not overlap with the rate range of the next higher or lower grade in the same band, the employee is converted to that GS grade.

4. If the employee's adjusted rate of pay fits into an area of a rate range for a GS grade in the band that overlaps with the rate range of the next higher or lower grade in the same band, compare the employee's adjusted rate of pay with the dollar midpoint of the overlap area. If the employee's adjusted rate of pay is lower than the dollar midpoint of the overlap area, convert the employee to the lower grade. If the employee's rate of pay is equal to or higher than the dollar midpoint of the overlap area, convert the employee to the higher grade.

5. Exception: An employee may not be converted to a lower grade than the grade held by the employee immediately preceding conversion, lateral reassignment, or lateral transfer into the broadbanding system, unless since that time the employee has undergone a reduction in band.

B. GS pay rate determination—An employee's pay within the converted GS grade must be set by converting the employee's adjusted rate of pay under the broadbanding system to a GS-equivalent rate of pay in accordance with the following rules:

1. The employee's adjusted rate of basic pay under the broadbanding system (including any locality adjustment (or similar geographic adjustment) or staffing supplement, as applicable) must be converted to a GS adjusted rate on the highest applicable rate range for the converted GS grade. (For this purpose, a ''GS rate range'' includes a rate range in (1) the GS basic pay schedule, (2) an applicable locality pay schedule (including any special geographic-adjusted schedule for LEOs), or (3) an applicable special rate schedule.)

2. If the highest applicable GS rate range is under a locality pay schedule, the employee's adjusted rate of pay under the broadbanding system must be converted to a GS locality rate of pay. If this rate falls between two steps of the locality pay schedule, the rate must be set at the higher step. The converted GS unadjusted rate of basic pay is the rate corresponding to the converted GS locality rate of pay. (If such an employee is also covered by a special rate schedule as a GS employee, the converted special rate must be determined based on the GS step position.)

3. If the highest applicable GS rate range is a special rate range, the employee's adjusted rate of pay under the broadbanding system must be converted to a special rate. If this rate falls between two steps of the special rate schedule, the rate must be set at the higher step. The converted GS unadjusted rate of basic pay is the rate corresponding to the converted special rate.

C. Apply the following procedures to determine the converted GS-equivalent grade and pay rate for employees retaining a band before conversion or for employees entitled to a retained rate exceeding the maximum rate of the highest applicable rate range. The employee's GS-equivalent grade and rate of pay derived using the procedures below must be used in applying any GS pay administration rules applicable in connection with the employee's movement out of the broadbanding system.

1. If an employee is retaining a band, apply the procedures in A1–A5 and B1–B3, preceding, using the grades encompassed by the employee's retained band to determine the employee's GS-equivalent retained grade and pay rate. The time in a retained band counts toward the 2-year limit on grade retention in 5 U.S.C. 5382.

2. If the employee's rate of pay under the broadbanding system is a retained rate, the employee's GS-equivalent grade is the highest grade encompassed in his or her band.

If the employee's adjusted retained rate:	Then:
(i) Is less than the maximum rate of the highest applicable rate range ..	Apply the procedures in B1–B3 to determine the employee's GS-equivalent pay rate.

If the employee's adjusted retained rate:	Then:
(ii) Exceeds the maximum rate of the highest applicable rate range and the employee is not in a special rate category.	Convert the employee's unadjusted retained rate to a GS-equivalent retained rate.
(iii) Exceeds the maximum rate of the highest applicable rate range and the employee is in a special rate category.	Convert the employee's adjusted retained rate to a GS-equivalent retained rate.

D. Within-grade increase ''equivalent increase'' determinations—Service under a broadbanding system is creditable for within-grade increase purposes upon conversion to the GS pay system. Basic pay increases (excluding general structural increases) under a broadbanding system are ''equivalent increases'' for the purpose of determining the commencement of a within-grade increase waiting period under 5 CFR 531.405(b). A performance-based increase in basic pay of any amount (including a zero increase) is considered an ''equivalent increase'' for this purpose.

[FR Doc. 99–18191 Filed 7–15–99; 8:45 am]

BILLING CODE 6325–01–P

RAILROAD RETIREMENT BOARD

Appointment of an Examiner and Request for Views and Comments: Public Hearing

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Pursuant to 20 CFR Part 258 the Railroad Retirement Board has appointed an examiner to consider the following issue: Whether an entity, which itself does not operate a line of railroad, but which leases to or contracts with another entity to operate all or part of a line of railroad should be considered an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act.

DATES: A hearing will be held to receive views and comments on this issue on August 19, 1999, at 10 a.m. (CDT) at the headquarters of the Railroad Retirement Board, Room 836, 844 North Rush Street, Chicago, Illinois 60611. Notice of appearance and summary of proposed testimony must be received by August 12, 1999, in order to present oral testimony. Otherwise, written views and comments must be received by August 20, 1999.

ADDRESSES: Send views, comments, or notice of appearance and summary of proposed testimony to Thomas W. Sadler, Designated Hearing Examiner, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Designated Hearing Examiner, (312) 751–4513.

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board is an independent agency in the executive branch of the Federal government which administers the Railroad Retirement Act and Railroad Unemployment Insurance Act. These statutes provide retirement, disability and unemployment benefits to railroad workers and their families. Benefits are financed primarily by taxes levied on employers and employees under the Acts.

Under the Railroad Retirement Act the term ''employer'' includes any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of title 49 of the United States Code. 45 U.S.C. 231(a)(1). A similar provision is found in the Railroad Unemployment Insurance Act. 45 U.S.C. 351(a) and (b). The Railroad Retirement Board, through appointment of an examiner, now requests views and comments on whether an entity, which itself does not operate a line of railroad, but which leases to or contracts with another entity to operate all or part of a line of railroad should be considered an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act. *See*, Railroad Ventures, Inc., reconsideration currently pending before this Board.

In framing your views and comments, you should consider what factors, if any, should be considered in deciding whether the lessor or non-operating entity is an employer. Some factors which the Railroad Retirement Board has considered in the past in making such determinations are:

(a) Whether the non-operating entity has previously been determined to be an employer under the Acts;

(b) Whether the non-operating entity has the capability to operate a railroad;

(c) Whether the non-operating entity is a government entity;

(d) Whether the non-operating entity by agreement or law must maintain the rail line;

(e) Whether the non-operating entity by agreement or law must adopt alterations, improvements or betterments to the rail line;

(f) Whether the non-operating entity is required by agreement or law to operate the rail line in event of default of the operating entity; and

(g) Whether the non-operating entity has any employees.

Dated: July 9, 1999.

By Authority of the Board.

For the Board,

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 99–18135 Filed 7–15–99; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27047]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

July 9, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 3, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After August 3, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Sempra Energy, et al. (70–9511)

Sempra Energy (''Sempra''), 101 Ash Street, San Diego, California 92101, a California holding company exempt from regulation under section 3(a)(1) of

the Act,[1] and its wholly owned subsidiary, Bangor Pacific, Inc. (''Bangor Pacific''), 555 West Fifth Street, Suite 2900, Los Angeles, California 90013–1001 (collectively, ''Applicants''), have filed an application under sections 3(a)(1), 9(a)(2) and 10 of the Act.

Applicants seek authority for Sempra to acquire indirectly, through Bangor Pacific, a Maine corporation, a 50% membership interest in Bangor Gas Company, LLC (''Bangor Gas''), a Maine limited liability company formed in 1997 to construct and operate a gas distribution system in the greater Bangor, Maine area. In addition, Applicants seek an order under section 3(a)(1) of the Act exempting Sempra, Bangor Pacific and each of their subsidiary companies from all provisions of the Act, except section 9(a)(2).

Sempra has two principal subsidiaries, Pacific Enterprises (''Pacific'') and Enova Corporation (''Enova''), each of which is an exempt holding company under section 3(a)(1) of the Act. Pacific's sole utility subsidiary is Southern California Gas Company (''SoCalGas''), which purchases, transports and distributes natural gas at retail to approximately 4.8 million customers within a service territory of 23,000 square miles in central and southern California. Enova is the parent company of San Diego Gas and Electric Company (''SDG&E''). SDG&E is engaged in the generation, transmission, distribution, and sale of electricity and the distribution and sale of natural gas. SDG&E serves approximately 1.2 million electricity customers within a franchised service territory that includes San Diego County and southern Orange County, California, and provides natural gas service to more than 700,000 customers in San Diego County. SoCalGas and SDG&E are subject to regulation by the California Public Utilities Commission.

For the year ended December 31, 1998, Sempra reported consolidated operating revenues of $5.481 billion, of which $2.772 billion represented gas utility revenues (including revenues from transporting customer-owned gas) and $1.865 billion represented electric revenues. At December 31, 1998, Sempra had total assets of approximately $10.456 billion, of which $5.441 billion consisted of net utility (electric and gas) plant. During 1998, the total gas throughput on the Sempra system was 962 Bcf, of which 521 Bcf (or about 54%) represented deliveries of customer-owned gas for which the company provides only transportation service. Electric sales in 1998 totaled 17,955 million kwhrs.

Sempra also has an indirect public-utility subsidiary, Frontier Energy, LLC (''Frontier Energy''), a North Carolina limited liability company. Frontier Energy is completing construction of a new gas utility distribution system in a four-county area of western North Carolina.

Sempra's principal nonutility subsidiaries include Sempra Energy Trading Corp. (''Sempra Trading''), a marketer of natural gas, electricity, and other energy products, and Sempra Energy Utility Ventures (''SEUV''), which currently owns all of the outstanding voting securities of Bangor Pacific. SEUV engages in the acquisition, development, and operation of regulated energy utilities in the eastern United States and Canada. SEUV was instrumental in completing the development of the Frontier Energy system in North Carolina and has been directly involved, in cooperation with Bangor Hydro-Electric Company (''Bangor Hydro-Electric''), an exempt holding company, in the planning and development of the Bangor Gas system.

Through Bangor Pacific, Sempra has indirectly acquired 50% of the membership interests in Bangor Gas. The remaining membership interests in Bangor Gas have been acquired by Penobscot Natural Gas Company, Inc. (''Penobscot Gas''),[2] a Maine corporation and a subsidiary of Bangor Hydro-Electric, an electric utility company which serves portions of eastern Maine.

The Maine Public Utilities Commission (''MPUC'') has granted Bangor Gas full authroity and unconditional certification to construct, won and operate a gas distribution service system in Bangor, Maine and several nearby towns. The MPUC also approved terms of a proposed Support Services Agreement among Bangor Gas, SEUV and Bangor Hydro-Electric under which SEUV and Bangor Hydro-Electric will provide various administrative, engineering, operations, marketing, risk management, finance, accounting and other management services to Bangor Gas at or below market rates, as well as a financing plan for Bangor Gas.

Bangor Gas commenced construction of the new system in the greater Bangor area during the second quarter of 1998. When completed, the system will consist of approximately 25 miles of transmission mains and at least 200 miles of distribution mains. The system will interconnect directly with the Maritimes & Northeast Pipeline, which is currently under construction with a planned in-service date of November 1999. Bangor Gas, when it commences operation in late 1999 or early 2000, will be a ''gas utility company'' within the meaning of section 2(a)(4) of the Act. Bangor Gas estimates that, by the end of the tenth year following commencement of construction, it will serve up to 13,000 residential, commercial, and industrial customers in a 70 square-mile area in Main having an estimated population of 75,000. Bangor Gas will be subject to regulation by the MPUC. Based on current projections, the 50% share of Bangor Gas's revenues attributable to Sempra is expected to account for far less than 1% of the consolidated utility revenues of Sempra on a *pro forma* basis. Thus, Sempra states that it will not derive any material part of its income from Bangor Gas.

Following the proposed transactions, Sempra contends that it and each of its material utility subsidiaries, will be organized in California. Applicants contend that they, and each of their subsidiaries, will qualify for a section 3(a)(1) exemption upon consummation of the proposed transactions because they and each of their material public utilities are, and will continue to be, intrastate in character and will continue to carry on their businesses substantially in California, the state in which each is organized.

Bangor Hydro-Electric Company, et al. (70–9509)

Bangor Hydro-Electric Company (''Bangor Hydro-Electric''), 33 State Street, Bangor, Maine 04401, a Maine holding company exempt from registration under section 3(a)(2) of the Act by rule 2 under the Act, and its wholly owned subsidiary, Penobscot Natural Gas Company (''Penobscot Gas''), 21 Main Street, Bangor, Maine 04401 (collectively, ''Applicants''), have filed an application under sections 3(a)(1), 9(a)(2) and 10 of the Act.

Applicants seek authority for Bangor Hydro-Electric to acquire indirectly, through Penobscot Gas, a 50% membership interest in Bangor Gas Company, LLC (''Bangor Gas''), a Maine limited liability company formed in 1997 to construct and operate a gas distribution system in the greater Bangor, Maine area. In addition, Applicants seek an order under section 3(a)(1) of the Act exemption Bangor Hydro-Electric, Penobscot Gas and each of their subsidiary companies from all

[1] *See Sempra Energy*, Holding Co. Act Release No. 26890 (June 26, 1998).

[2] Bangor Hydro-Electric has filed an application under sections 3(a)(1), 9(a)(2) and 10 of the Act requesting, among other things, authorization to acquire a 50% interest in Bangor Gas. *See* File No. 70–9509.

provisions of the Act, except section 9(a)(2).

Bangor Hydro-Electric is engaged in the purchase, transmission and distribution of electricity in eastern Maine. Bangor Hydro-Electric is also a holding company by reason of its ownership of 14.188% of the outstanding common stock of Maine Electric Power Company (''Maine Electric''), a Maine corporation that owns and operates a 345 kilovolt transmission line extending between Wiscasset, Maine and the Maine-New Brunswick international border at Orient, Maine.[1]

For the year ended December 31, 1998, Bangor Hydro-Electric reported consolidated electric operating revenues of $195,144,007, operating income of $35,135,768, and net income of $11,465,317. At December 31, 1998, Bangor Hydro-Electric and its consolidated subsidiaries had total assets of $605,687,827, of which $251,342,103 consisted of net utility plant. In 1998, Bangor Hydro-Electric sold approximately 1.9 billion kilowatt hours (''KWH'') of electricity at retail and wholesale. As of March 17, 1999, Bangor Hydro-Electric had issued and outstanding 7,363,424 shares of common stock, $5 par value, and three series of preferred stock.

Through Penobscot Gas, Bangor Hydro-Electric holds a 50% membership interest in Bangor Gas. The remaining 50% membership interest in Bangor Gas is held by a subsidiary of Sempra Energy (''Sempra'').[2] Bangor Gas, when it commences operation in late 1999 or early 2000, will be a ''gas utility company'' within the meaning of section 2(a)(4) of the Act.

The Maine Public Utilities Commission (''MPUC'') has granted Bangor Gas full authority and unconditional certification to construct, own and operate a gas distribution service system in Bangor, Maine and several nearby towns. The MPUC also approved the terms of a proposed Support Services Agreement among Bangor Gas, Sempra Energy Utility Ventures (''SEUV'') and Bangor Hydro-Electric, under which SEUV and Bangor Hydro-Electric will provide various administrative, engineering, operations, marketing, risk management, finance, accounting and other management services to Bangor Gas at or below market rates, as well as a financing plan for Bangor Gas.

Bangor Gas commenced construction of the new system in the greater Bangor area during the second quarter of 1998. When completed, the system will consist of approximately 25 miles of transmission mains and at least 200 miles of distribution mains. The system will interconnect directly with the Maritimes & Northeast Pipeline, which is currently under construction with a planned in-service date of November, 1999. Bangor Gas plans to commence gas service in some locations in time for the 1999–2000 heating season. Bangor Gas estimates that, by the end of the twenty year following commencement of construction, it will serve up to 13,000 residential, commercial, and industrial customers in a 70 square-mile area in Maine having an estimated population of 75,000. Bangor Gas will be subject to regulation by the MPUC.

Following the proposed transactions Bangor Hydro-Electric, Penobscot Gas, Maine Electric and Bangor Gas will be organized in Maine. Applicants contend that they, and each of their subsidiaries, will qualify for a second 3(a)(1) exemption upon consummation of the proposed transactions because they and each of their public utility subsidiaries are, and will continue to be, intrastate in character and will continue to carry on their business in Maine, the state in which each is organized.

New England Electric System, et al. (70–9417)

New England Electric System (''NEES''), a registered holding company, and Metrowest Realty, L.L.C. (''Metrowest''), a nonutility subsidiary of NEES, both located at 25 Research Drive, Westborough, Massachusetts 01582–0001, have filed a post-effective amendment under sections 9(a), 10 and 12(f) of the Act and rule 54 under the Act to an applicaton previously filed under the Act.

By order dated January 27, 1999 (HCAR No. 26969) (''Order''), the Commission authorized NEES to form one or more new special purpose subsidiaries (''Property Companies'') to acquire interests in office and warehouse space that would be leased to associated companies. The initial capitalization of the Property Companies was not to exceed an aggregate amount of $50 million. In accordance with the Order, NEES formed and capitalized Metrowest with a $1 million capital contribution and made available to Metrowest $10 million of open account advances.

NEES and Netrowest now request authority for Metrowest and any other Property Company to acquire or lease any interest in real estate for use by associate utility or nonutility companies. In addition, NEES and Metrowest request authority to lease, sell, or otherwise dispose of unused or unneeded real estate in the NEES system (''Additional Properties'') to associate companies or to nonassociate companies, and to manage the Additional Properties for future sale or use. Finally, NEES requests authority to capitalize the Property Companies in an amount not exceeding $50 million.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–18146 Filed 7–15–99; 8:45 am]

BILLING CODE 8010–01–M

[1] *See Bangor Hydro-Electric Co.*, Holding Co. Act Release No. 16533 (November 24, 1969).

[2] Sempra has filed an application under sections 3(a)(1), 9(a)(2) and 10 of the Act requesting, among other things, authorization to acquire a 50% interest in Bangor Gas. *See* File No. 709511.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 19, 1999.

Closed meetings will be held on Tuesday, July 20, 1999, at 11:00 a.m. and on Thursday, July 22, 1999 at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters will be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meetings.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meetings in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 20, 1999, at 11:00 a.m., will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

The subject matter of the closed meeting scheduled for Thursday, July 22, 1999 at 11:00 a.m. will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Commissioner Johnson, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

July 13, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–18305 Filed 7–14–99; 11:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Sagamore Trading Group, Inc.; Order of Suspension of Trading

July 14, 1999.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information regarding the securities of Sagamore Trading Group, Inc. (''Sagamore'') because of recent market activity in the stock that may have been the result of manipulative conduct.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EDT, July 14, 1999, through 11:59 p.m. EDT, on July 27, 1999.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–18304 Filed 7–14–99; 12:25 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41609; File No. SR–CBOE–99–10]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Participation Rights for Firms Crossing Orders

July 8, 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 18, 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 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 CBOE hereby proposes to amend its rule governing the crossing of equity option orders of 500 contracts or more by brokers, to give the firm from which an order originates a participation right in trades that are proposed to be crossed in certain circumstances. The text of the proposed rule change follows. Additions are italicized.

* * * * *

Chicago Board Options Exchange, Inc. Rules

* * * * *

Chapter VI—Doing Business on the Exchange Floor

Section D: Floor Brokers

* * * * *

''Crossing'' Orders

RULE 6.74.

(a)–(c) No change.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this Rule, when a Floor Broker holds an equity option order of 500 or more contracts (''original order''), the Floor Broker is entitled to cross a certain percentage of the order with other customer orders from the same firm from which the original order originated (''originating firm'') that he is holding or with a facilitation order of the originating firm after requesting bids and offers for such option series. The percentage of the order which a Floor Broker is entitled to cross is determined as follows:

(i) *20% of the order if the order is traded at the best bid or offer given by the crowd in response to the broker's initial request for a market; or*

(ii) *40% of the order if the order is traded between the best bid or offer given by the crows in response to the broker's initial request for a market.*

In determining whether an order satisfies the 500 contract requirement, any multi-part or spread order must contain one leg alone which is for 500 contracts or more. If the originating firm is also the Designated Primary Market-Maker (''DPM'') for the particular class of options to which the order relates, then the DPM is not entitled to the DPM guaranteed participation rate.

. . . Interpretations and Policies:

No change.

* * * * *

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 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 CBOE proposes to add a new paragraph (d) to CBOE Rule 6.74, *''Crossing'' Orders,* to give a firm that is holding either (i) customer equity option orders to buy and sell the same series, or (ii) a customer equity option order and a facilitation order, certain rights to cross the orders or to facilitate the customer order in certain circumstances. To take advantage of the new provision, a particular equity option order must be for 500 or more contracts. For a multi-part or spread order, at least one leg of the order alone must be for 500 contracts or more.

Paragraph (a) of CBOE Rule 6.74 sets forth the procedures to be followed currently by a floor broker to cross customer orders. Paragraph (b) sets forth the procedures to be followed by a floor broker to facilitate a customer order. In both cases, market-makers in the trading crowd currently are given the opportunity to accept a floor broker's better bid or offer for orders which he intends to cross or facilitate before the floor broker can cross or facilitate the orders himself. Under current rules, therefore, if the market-makers are

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

willing to take the entire order, the floor broker will not be able to cross of facilitate any part of the order.

Generally, new paragraph (d) will provide that, in those circumstances where a floor broker has an equity option order for 500 contracts or more that he is holding to execute (''original order''), that floor broker will have priority to cross a certain percentage of the original order against other customer orders from the same firm from which the original order originated (''originating firm'') that he is holding to execute or against a firm proprietary order of the originating firm (*i.e.*, facilitation order).

The percentage to which the floor broker is entitled to execute depends upon a comparison between the original market quoted by the crowd in response to a request from the broker and the price at which the orders are traded. If the orders are traded at the best bid or offer provided by the market-makers in the trading crowd in response to the broker's initial request for a market, then the floor broker is entitled to cross 20% of the order. If the orders are traded at a price between the best bid and offer provided by the market-makers in the crowd (*i.e.*, at a price that improves the market provided by the market-makers) in response to the broker's initial request for a market, then the floor broker is entitled to cross 40% of the order.

There is precedent in the Exchange's rules for providing a participation right to the firm that has brought the order to the floor. Paragraph (e)(iii) of CBOE Rule 24A.5, *FLEX Trading Procedures and Principles*, provides for the Submitting Member of a FLEX trade (as defined in CBOE Rule 24A.1) to 25% of a trade in certain circumstances.

In the event that the originating firm is also the Designated Primary Market-Maker (''DPM'') for that option class and the floor broker takes advantage of the participation right provided by this new paragraph (d) of CBOE Rule 6.74, then the DPM also shall not be entitled to the guaranteed participation rate provided by paragraph (c)(7) of CBOE Rule 8.80 for that particular trade.

The Exchange believes that the effect of this liberalization of its crossing rule will be to provide market-makers with an additional incentive to quote tighter markets in response to a request for quotes at the same time it will encourage member firms to bring their order flow to the CBOE. The Rule will also provide floor brokers with an incentive to trade at a price between the quoted bid and ask. The benefits of the tighter markets will inure to the customers. In addition, by establishing a minimum participation right, the Rule will provide firms with the ability to participate on these trades in a more efficient manner than is available today.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5)[3] of the Act, in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In particular, the Commission seeks comment on whether the proposed rule change will result in fair executions for the various orders and parties represented in the crossing transaction. Also, commenters are requested to provide their views on this rule revision in light of the proposed rule change contained in SR–CBOE–99–07, relating to ''cross-only contingency'' orders.[4] 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 the filing will also be available for inspection and copying at the principal offices of the CBOE. All submissions should refer to File No. SR–CBOE–99–10 and should be submitted by August 6, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–18168 Filed 7–15–99; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78f(b)(5).

[4] Securities Exchange Act Release No. 41610 (July 8, 1999).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41610; File No. SR–CBOE–99–07]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to ''Cross-Only'' Orders

July 8, 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 February 17, 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 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 CBOE proposes to amend Exchange Rules 6.43, 6.53, and 6.74 to permit a broker to represent a ''cross-only'' contingency. The text of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4

proposed rule change follows. Additions are italicized and deletions are bracketed.

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Chapter VI—Doing Business on the Exchange Floor

* * * * *

Manner of Bidding and Offering

Rule 6.43.

Bids and offers to be effective must be made at the post by public outcry, except that bids and offers made by the Board Broker or Order Book Official shall be effective if displayed in a visible manner in accordance with Rule 7.7. All bids and offers shall be general ones and shall not be specified for acceptance by particular members.

. . . *Interpretations and Policies:*

.01 Notwithstanding the provision in the above Rule that all bids and offers must be general ones, a broker may represent orders with a cross-only contingency as defined in Rule 6.53.

* * * * *

Certain Types of Orders Defined

Rule 6.53.

(a) to (b) Unchanged.

(c) Contingency Order. A contingency order is a limit or market order to buy or sell that is contingent upon a condition being satisfied while the order is at the post.

(i) to (iv) Unchanged.

(v) Cross-Only Orders. A cross-only order is a contingency order which is to be executed in whole or in part in equity options only, the amount determined by the member organization placing the order, in a cross transaction with an order for another customer or the member organization itself. If the trading crowd does not allow the cross to take place, the member organization placing the orders may withdraw the order from consideration by the crowd.

(d) to (m) Unchanged.

* * * * *

"Crossing" Orders

Rule 6.74

(a) A floor Broker who holds orders to buy and sell the same option series may cross such orders, provided that he *or she* proceeds in the following manner:

(i) In accordance with [his responsibilities for] due diligence *responsibilities*, a Floor Broker shall request bids and offers for such option series and make all persons in the trading crowd, including the Board Broker or Order Book Official, aware of his *or her* request.

(ii) After providing an opportunity for such bids and offers to be made, [he] *the broker* must

(A) Bid above the highest bid in the market and give a corresponding offer at the same price or at prices differing by the minimum fraction or

(B) Offer below the lowest offer in the market and give a corresponding bid at the same price or at prices differing by the minimum fraction.

(iii) If such higher bid or lower offer is not taken, *the broker* [he] may cross the order at such higher bid or lower offer by announcing by public outcry that he is crossing and giving the quantity and price.

(b) A Floor Broker who holds an order for a public customer of a member organization and a facilitation order may cross such orders provided that he proceeds in the following manner.

(i) The member organization must disclose on its order ticket for the public customer order which is subject to facilitation, all of the terms of such order, including any contingency involving, and all related transactions in, either options or underlying or related securities.

(ii) In accordance with [his responsibilities for] due diligence *responsibilities*, the Floor Broker shall disclose all securities which are components of the public customer order which is subject to facilitation and then shall request bids and offers for the execution of all components of the order.

(iii) After providing an opportunity for such bids and offers to be made, the Floor Broker must, on behalf of the public customer whose order is subject to facilitation, either bid above the highest bid in the market of offer below the lowest offer in the market, identify the order as being subject to facilitation, and disclose all terms and conditions of such order. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer whose order is subject to facilitation, the Floor Broker may cross all or any remaining part of such order and the facilitation order at such customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). Once such bid or offer has been made, the public customer order which is subject to facilitation has precedence over any other bid or offer in the crowd to trade immediately with the facilitation order.

(c) A Floor Broker who holds cross-only orders as defined in 6.53(c)(v) may cross the orders by proceeding in the following manner. Prior to representing the orders to the trading crowd, the broker must make the crowd aware of the total amount of contracts the broker wishes to cross, that the orders are to be executed on a cross-only basis, and the price that he wishes to cross the orders. The price must be at or within the bid or offer.

* * * * *

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 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 CBOE proposes to amend certain Exchange Rules to permit a member to enter and a Floor Broker to represent orders with a cross-only contingency. The purpose of the proposed rule change is to allow a Floor Broker is disclose to the trading crowd, prior to execution, that the broker wishes to cross two orders for a certain amount of contracts, at a certain price within or at the quoted bid or offer. If the crowd does not permit the broker to do this, then the cross-only contingency provides that the member placing the orders may withdraw the orders, as if they never existed in the trading crowd. The two orders the broker holds to cross under this contingency may be two customer orders or between a customer and the firm itself. There are no restrictions on who the customer may be, *e.g.*, a customer feasibly could be a market-marker, broker-dealer, or a public customer. The cross would be done at or between the bid and offer, which benefits the customer.

The Exchange believes that by allowing for the cross-only contingency, the Exchange will help to develop public customer business and will expedite crosses yielding a similar result to what occurs on the floor currently, although currently it is done

by a much more circuitous route. With the current competition in the marketplace, the Exchange believes that by providing the cross-only contingency more firms will want to bring business to the CBOE, since the firm will have the ability to take the order elsewhere if the crowd does not allow the cross.

Although Exchange Rules currently allow a similar result as the cross-only contingency, it is much more cumbersome. The proposed rule changes provide that the broker may make the crowd aware in advance of the amount of contracts the broker wishes to cross; the price at which the cross would take place, at or between the quoted prices; and if the crowd bars the cross from taking place, the member may withdraw the orders. As the Rules stand currently, a broker does not disclose in advance that he is holding two orders to cross; the broker must bid above the highest bid or offer below the lowest offer in the open market; if the bid or offer is not taken by the crowd, then the broker may cross at the higher bid or lower offer. Thus, the difference in result between the proposed Rule and the current Rule is not substantial; however it is a much quicker result since the broker will know immediately whether the trading crowd will allow the cross to take place, and the member placing the order may withdraw the order if the cross is not allowed by the crowd.

The Exchange believes that this rule change is for the benefit of the public customer and expedites Exchange processes.

2. Statutory Basis

By permitting a broker to represent a cross-only contingency, the proposed rule change is consistent with Section 6(b) of the Act in general and further the objectives of Section 6(b)(5)[3] in particular in that it is designed to promote just and equitable principles of trade, enhance competition and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[3] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. In particular, the Commission seeks comment on whether the proposed rule change will result in fair executions for the various orders and parties represented in the crossing transaction.[4] Also, commenters are requested to provide their views on this rule revision in light of the proposed rule change contained in SR–CBOE–99–10, relating to participation rights for firms crossing orders.[5] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549–0609. Copies of the submissions, 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 the filing will also be available for inspection and copying at the principal offices of the CBOE. All submissions should refer to File No. SR–CBOE–99–07 and should be submitted by August 6, 1999.

[4] The Exchange submitted a letter responding to several questions posed by the staff about the application of the proposed rule change. *See* Letter from Stephanie C. Mullins, Attorney, CBOE, to Nancy Sanow, Assistant Director, Division of Market Regulation, dated May 27, 1999.

[5] Securities Exchange Act Release No. 41609 (July 8, 1999).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–18169 Filed 7–15–99; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3193]

State of Alabama (Amendment #1)

The above-numbered declaration is being amended to extend the incident period for this disaster, which is hereby established as beginning on June 14 and continuing through June 30, 1999.

All other information remains the same, i.e., the deadline for filing applications for physical damage is August 20, 1999 and for economic injury the deadline is March 21, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: July 6, 1999.

Fred P. Hochberg,

Acting Administrator.

[FR Doc. 99–18133 Filed 7–15–99; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3194]

State of Alabama

Madison County and the contiguous counties of Jackson, Limestone, Marshall, and Morgan in the State of Alabama, and Lincoln and Franklin Counties in the State of Tennessee constitute a disaster area as a result of damages caused by flash flooding that occurred June 14 through July 1, 1999. Applications for loans for physical damages may be filed until the close of business on Sept. 7, 1999 and for economic injury until the close of business on April 6, 2000 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

The interest rates are:

	Percent
For Physical Damage:	
HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE	6.875
HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE	3.437

	Percent
BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE ...	8.000
BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE	7.000
For Economic Injury:	
BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE ...	4.000

The numbers assigned to this disaster for physical damage are 319406 for Alabama and 319506 for Tennessee. For economic injury the numbers are 9D2000 for Alabama and 9D2100 for Tennessee.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 6, 1999.

Fred P. Hochberg,

Acting Administrator.

[FR Doc. 99–18132 Filed 7–15–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–4765]

Coast Guard ''Optimize Training Infrastructure'' Initiative

AGENCY: Coast Guard, DOT.

ACTION: Notice of selection of preferred alternative.

SUMMARY: The Coast Guard announces the selection of a preferred alternative for the ''Optimize Training Infrastructure'' (OTI) Initiative. The OTI Initiative examines the ability of the Coast Guard's training infrastructure (training methods, personnel, and facilities) to support changing technological and operational conditions in an efficient, cost-effective manner.

DATES: In approximately four weeks, we will publish a notice in the **Federal Register** that announces the availability of the Programmatic Environmental Assessment (PEA) and proposed Finding of No Significant Impact (FONSI) for public review, announces public meetings to be held in Petaluma, CA, Cape May, NJ, and Yorktown, VA, and requests comments.

ADDRESSES: Copies of the PEA and the proposed FONSI will be available at local libraries in Cape May, NJ, Petaluma, CA, and Yorktown, VA, and through the web site for the Department of Transportation's Docket Management System at http://dms.dot.gov (located at docket USCG–1998–4765). All documents posted in the docket are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, on the Plaza level of the Nassif Building between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, the NEPA process, and NEPA documents, contact Ms. Susan Boyle, Commander(se), USCG–MLC Pacific, Coast Guard Island, Building #54D, Alameda, CA 94501, at 510–437–3973 or at e-mail CoastGuard@ttsfo.com. For questions on the OTI Initiative, contact LCDR Keith Curran, Reserve and Training Directorate (G–WT), Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, at 202–267–2429 or at e-mail CoastGuard@ttsfo.com.

SUPPLEMENTARY INFORMATION:

The Preferred Alternative

Under the preferred alternative, we would retain all four training centers and, where cost effective, fill any excess training capacity with non-training and training-related functions.

This preferred alternative is based on the fact that the Coast Guard is currently experiencing a surge of new recruits—significantly increasing the demand on the Coast Guard's training system. Student flow has increased at the recruit and apprentice level training centers as recruiting efforts have increased. Additionally, many of our ships and stations have reduced crews, requiring individuals to be fully trained upon arrival at their new duty station, thereby increasing training demands. Therefore the Coast Guard plans to continue operations of all Training Centers and look into establishing ''Centers of Excellence'' to improve training development and delivery.

Training and non-training units not currently located at one of the training centers will be evaluated for possible relocation to the TRACENs. Once specific units are identified for relocation, we would conduct and prepare any necessary additional environmental analyses and documentation.

Dated: July 7, 1999.

J.B. Willis,

Captain, U.S. Coast Guard, Acting Director of Training.

[FR Doc. 99–17808 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–1999–5946]

Crowley American Transport, Inc.; Application for Approval of the Proposed Transfer of Maritime Security Program Operating Agreements (MA/MSP–13 Through MA/MSP–15)

Counsel for Crowley American Transport, Inc. (Crowley) and American Automar, Inc. (Automar), by letter dated July 2, 1999, has notified the Maritime Administration (MARAD), of the proposed transfer of three Maritime Security Program (MSP) Operating Agreements (MA/MSP–13 through 15) from Crowley to Automar International Car Carriers Inc. (AICC), a wholly-owned subsidiary of Automar, pursuant to section 652(j) of the Merchant Marine Act of 1936, as amended (Act). Crowley was awarded three MSP Operating Agreements for the U.S.-flag vessels, SEA FOX, SEA LION and SEA WOLF on December 20, 1996.

Automar has entered into an agreement with Crowley, whereby Automar or its wholly-owned subsidiaries will purchase certain container vessel assets of Crowley. The assets will include the two vessels formerly known as the SEA LION and SEA WOLF (renamed ''LTC CALVIN P. TITUS'' and ''SP 5 ERIC G. GIBSON'' respectively), which had been operating under MSP contracts, but are now intended to be operated under long-term contract to the U.S. Navy commencing in July 1999. Additionally, Crowley and Automar propose that certain related vessel assets and the three referenced MSP Operating Agreements be transferred from Crowley to Automar.

With respect to the transfer of MSP Operating Agreements, section 652(j) of the Act provides that ''A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person eligible to enter into that Operating Agreement under this subtitle after notification of the Secretary [of Transportation] in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of notification. A

person to whom an Operating Agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be covered by the agreement after the transfer is an eligible vessel under section 651(b).''

Assuming MARAD does not disapprove the proposed transfer within 90 days of its acceptance of the completed application, Crowley and Automar have stated their intention to transfer MSP Operating Agreement MA/MSP–13 from the SEA FOX to the FAUST and MA/MSP–14 from the SEA LION to the FIDELIO. The FAUST and FIDELIO are existing U.S.-flag roll-on/roll-off (Ro/Ro) vessels and Automar has asserted that they are MSP eligible vessels under section 651(b) of the Act. Crowley and Automar have advised that this transfer is scheduled to occur on or before August 20, 1999. The third MSP Operating Agreement proposed for transfer is MA/MSP–15 from the SEA WOLF to the Ro/Ro vessel TANABATA, or an equivalent vessel, which is asserted to be an eligible vessel under section 651(b) of the Act, and would be reflagged to U.S.-registry no later than March 31, 2000.

In implementing the transaction, it is asserted that under a U.S. citizen owner trust structure, the vessels will be bareboat chartered to Automar's subsidiary (AICC) which will then time charter the FAUST, FIDELIO and TANABATA to American Roll-On Roll-Off Carrier LLC (ARC), a Delaware limited liability company, which will engage American V. Ships Marine, Ltd. (V Ships), to provide technical and management support to operate the FAUST, FIDELIO, TANABATA. These three vessels and a fourth existing U.S.-flag, non-MSP Ro/Ro vessel, the TELLUS, will be operated in U.S.-flag commercial service between the United States and Europe.

The application contains reference to section 804 of the Act concerning foreign-flag vessels which call on the United States and which are owned or chartered by a foreign corporation with connections to Automar. Automar asserts that the foreign involvement is limited to Fram Shipping Limited (Fram), a Bermuda corporation, which owns or charters foreign-flag vessels that may call on the United States from time to time, and which owns approximately 20 percent of the issued and outstanding shares of common stock of Automar. A foreign citizen director of Fram is also a director of Automar, however, the application states that Fram is only a portfolio investor and does not have the ability to divert any MSP payments to the foreign corporation or elect any director to Automar's board. Automar asserts that there is not sufficient foreign affiliation to require the application of section 804 restrictions.

Crowley and Automar have requested that MARAD allow the proposed transfers to become effective in accordance with the application and pursuant to law. This notice invites comments on legal and policy issues that may be raised by the Crowley and Automar proposal relating to the sale of the ships and the transfer of the three subject MSP Operating Agreements. MARAD has received one comment in advance of this notice, questioning whether one or more MSP contracts may be transferred without a simultaneous transfer of the vessel operated under that contract (namely SEA FOX) to the same purchaser.

A redacted copy of the transfer application will be available for inspection at the DOT Dockets Facility and on the DOT Dockets website (address information follows). Any person, firm, or corporation having an interest in this proposal and desiring to submit comments concerning the application may file comments as follows. You should mention the docket number that appears at the top of this document. You should submit your written comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401 Nassif Building, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at http://dmses.dot.gov/submit/. All comments will become part of the docket. You may call Docket Management at (202) 366–9324. You may visit the docket room to inspect and copy comments at the above address between 10 a.m. and 5 p.m., EDT. Monday through Friday, except Holidays. An electronic version of this document is available on the World Wide Web at http://dms.dot.gov. Comments must be received no later than the close of business on July 23, 1999. This notice is published as a matter of discretion, and the fact of its publication should in no way be considered a favorable or unfavorable decision on the application, as filed, or as may be amended. MARAD will consider any comments timely submitted and take such action with respect thereto as may be deemed appropriate.

Dated: July 12, 1999.

By Order of the Maritime Administration.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–18120 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA)

AGENCY: Maritime Administration, DOT.

ACTION: Notice of open season for enrollment in fiscal year (FY) 2000 VISA Program.

Introduction

The VISA program was established pursuant to section 708 of the Defense Production Act of 1950, as amended (DPA), which provides for voluntary agreements for emergency preparedness programs. VISA was approved for a two year term on January 30, 1997, and published in the **Federal Register** on February 13, 1997, (62 FR 6837). Approval was extended through February 13, 2001, and published in the **Federal Register** on February 18, 1999 (64 FR 8214).

As implemented, VISA is open to U.S.-flag vessel operators of militarily useful vessels, including bareboat charter operators if satisfactory signed agreements are in place committing the assets of the owner to the bareboat charterer for purposes of VISA. By order of the Maritime Administrator on August 4, 1997, participation of U.S.-flag deepwater tug/barge operators in VISA was encouraged. Time, voyage, and space charterers are not considered U.S.-flag vessel operators for purposes of VISA eligibility.

VISA Concept

The mission of VISA is to provide commercial sealift and intermodal shipping services and systems, including vessels, vessel space, intermodal equipment and related management services, to the Department of Defense (DoD), as necessary, to meet national defense contingency requirements or national emergencies.

VISA provides for the staged, time-phased availability of participants' shipping services/systems to meet contingency requirements through prenegotiated contracts between the Government and participants. Such arrangements will be jointly planned with MARAD, U.S. Transportation Command (USTRANSCOM), and participants in peacetime to allow effective and best valued use of commercial sealift capacity, to provide DoD assured contingency access, and to minimize commercial disruption, whenever possible.

VISA Stages I and II provide for prenegotiated contracts between the DoD and participants to provide sealift

capacity to meet all projected DoD contingency requirements. These contracts will be executed in accordance with approved DoD contracting methodologies. VISA Stage III will provide for additional capacity to the DoD when Stages I and II commitments or volunteered capacity are insufficient to meet contingency requirements, and adequate shipping services from non-participants are not available through established DoD contracting practices or U.S. Government treaty agreements.

FY 2000 VISA Enrollment Open Season

The purpose of this notice is to invite interested, qualified U.S.-flag vessel operators that are not currently enrolled in the VISA program to participate in the program for FY 2000 (October 1, 1999 through September 30, 2000). Current participants in the VISA program are not required to apply for FY 2000 reenrollment, as VISA participation will be automatically extended for FY 2000. This is the second annual enrollment period since the commencement of VISA. The annual enrollment was initiated because VISA has been fully integrated into DoD's priority for award of cargo to VISA participants. It is necessary to link the VISA enrollment cycle with DoD's peacetime cargo contracting cycle.

New applicants are required to enroll for the FY 2000 VISA program as described in this Notice. This alignment of VISA enrollment and eligibility for VISA priority will solidify the linkage between commitment of contingency assets by VISA participants and receiving VISA priority consideration for award of FY 2000 DoD peacetime cargo.

It is the only planned enrollment period for carriers to join VISA and derive benefits for DoD peacetime contracts during FY 2000. The only exception to this open season period for VISA enrollment will be for a non-VISA carrier that reflags a vessel into U.S. registry. That carrier may join VISA upon completion of reflagging at any time during the fiscal year.

Advantages of Peacetime Participation

Because enrollment of carriers in VISA provides the DoD with assured access to sealift services during contingencies based on a level of commitment, as well as a mechanism for joint planning, the DoD awards peacetime cargo contracts to VISA participants on a priority basis. This applies to liner trades and charter contracts alike. Award of DoD cargoes to meet DoD peacetime and contingency requirements is made on the basis of the following priorities:

- U.S.-flag vessel capacity operated by VISA participants, and U.S.-flag Vessel Sharing Agreement (VSA) capacity held by VISA participants.
- U.S.-flag vessel capacity operated by non-participants.
- Combination U.S.-flag/foreign-flag vessel capacity operated by VISA participants, and combination U.S.-flag/foreign-flag VSA capacity held by VISA participants.
- Combination U.S.-flag/foreign-flag vessel capacity operated by non-participants.
- U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by VISA participants.
- U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by non-participants.
- Foreign-owned or operated foreign-flag vessel capacity of non-participants.

Participants

Any U.S.-flag vessel operator organized under the laws of a state of the United States, or the District of Columbia, who is able and willing to commit militarily useful sealift assets and assume the related consequential risks of commercial disruption, may be eligible to participate in the VISA program. While vessel brokers and agents play an important role as a conduit to locate and secure appropriate vessels for the carriage of DoD cargo, they may not become participants in the VISA program due to lack of requisite vessel ownership or operation. However, brokers and agents should encourage the carriers they represent to join the program.

Commitment

Any U.S.-flag vessel operator desiring to receive preference in the award of DoD peacetime contracts must commit no less than 50 percent of its total U.S.-flag militarily useful capacity in Stage III of the VISA program. A participant desiring to bid on DoD peacetime contracts will be required to provide commitment levels to meet DoD-established Stages I and/or II minimum percentages of the participant's military useful, oceangoing U.S-flag fleet capacity on an annual basis. The USTRANSCOM and MARAD will coordinate to ensure that the amount of sealift assets committed to Stages I and II will not have an adverse national economic impact. To minimize domestic commercial disruption, participants operating vessels exclusively in the domestic Jones Act trades are not required to commit the capacity of those U.S. domestic trading vessels to VISA Stages I and II. Overall VISA commitment requirements are based on annual enrollment.

In order to protect a U.S.-flag vessel operator's market share during contingency activation, VISA allows participants to join with other vessel operators in Carrier Coordination Agreements (CCA's) to satisfy commercial or DoD requirements. VISA provides a defense against antitrust laws in accordance with the DPA. CCA's must be submitted to MARAD for coordination with the Department of Justice for approval, before they can be utilized.

Compensation

In addition to receiving priority in the award of DoD peacetime cargo, a participant will receive compensation during contingency activation. During enrollment, each participant may choose a compensation methodology which is commensurate with risk and service provided. The compensation methodology selection will be completed the with the appropriate DoD agency.

Enrollment

New applicants may enroll by obtaining a VISA application package from the Director, Office of Sealift Support, at the address indicated below. The application package will include the February 18, 1999 VISA Agreement, instructions for completing and submitting the application, blank VISA Application forms, and a request for information regarding the operations and U.S. citizenship of the applicant company in order to assist MARAD in making a determination of the applicant's eligibility. An applicant company must be able to provide an affidavit that demonstrates that the company is a citizen of the United States, at least for purposes of vessel documentation, within the meaning of 46 U.S.C., section 12102, and that it owns, or bareboat charters and controls, oceangoing, militarily useful vessel(s) for purposes of committing assets to VISA. VISA applicants must return completed FY 2000 VISA application documents to MARAD not later than August 31, 1999. Once MARAD has reviewed the application and determined VISA eligibility, MARAD will sign the VISA application document which completes the eligibility phase of the VISA enrollment process.

In addition, the applicant will be required to enter into a contingency contract with the DoD. For the FY 2000 VISA open season, and prior to being enrolled in VISA, eligible VISA applicants will be required to execute a

joint Voluntary Enrollment Contract (VEC) with the DoD [Military Traffic Management Command (MTMC) and Military Sealift Command (MSC)] which will specify the participant's Stage III commitment for FY 2000. Once the VEC is completed, the applicant completes the DoD contracting process by executing a Drytime Contingency Contract (DCC) with MSC (for Charter Operators) and/or as applicable, a VISA Contingency Contract (VCC) with MTMC (for Liner Operators). Once the DoD contingency contract(s) are completed, the Maritime Administrator will confirm the participant's enrollment by letter agreement, with a copy to all appropriate parties.

FOR ADDITIONAL INFORMATION AND APPLICATIONS CONTACT: Raymond Barberesi, Director, Office of Sealift Support, U.S. Maritime Administration, Room 7307, 400 Seventh Street, SW, Washington, DC 20590. Telephone (202) 366–2323. Fax (202) 493–2180. The full text of this **Federal Register** Notice and other information about the VISA can be found on MARAD's Internet Web Page at *http://www.marad.dot.gov*.

By Order of the Maritime Administrator.

Dated: July 9, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–18119 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Potential Service Interruptions in Supervisory Control and Data Acquisition Systems

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice; issuance of advisory bulletin.

SUMMARY: RSPA is issuing this advisory bulletin to notify to owners and operators operators of natural gas and hazardous liquid pipeline systems of to advise them to review the capacity of their Supervisory Control and Data Acquisition (SCADA) system to ensure that the system has resources to accommodate normal and abnormal operations on its pipeline system. In addition, SCADA configuration and operating parameters should be periodically reviewed, and adjusted if necessary, to assure that the SCADA computers are functioning as intended. Further, operators should ensure that system modifications do not adversely affect overall performance of the SCADA system. We recommend that the operator consult with the original system designer.

ADDRESSES: This document can be viewed on the Office of Pipeline Safety (OPS) home page at: http://ops.dot.gov.

FOR FURTHER INFORMATION CONTACT: For further information, contact Chris Hoidal, Director, OPS Western Region at 303–231–5701, or by e-mail at chris.hoidal@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

During an Office of Pipeline Safety (OPS) investigation of a recent pipeline incident, OPS inspectors identified inadequate SCADA performance as an operational safety concern. Immediately prior to and during the incident, the SCADA system exhibited poor performance that inhibited the pipeline controllers from seeing and reacting to the development of an abnormal pipeline operation.

Preliminary review of the SCADA system indicates that the processor load (a measure of computer performance utilization) was at 65 to 70 percent during normal operations. Immediately prior to an upset condition occurring on the pipeline, the SCADA encountered an internal database error. The system attempted to reconcile the problem at the expense of other processing tasks. The database error, coupled with the increased data processing burden of the upset condition, hampered controller operations. In fact, key operator command functions were unable to be processed immediately prior to and during the abnormal operation. It is possible that post installation modifications may have hampered the system's ability to function appropriately.

The combination of the database error, the inadequate reserve capacity of the SCADA processor, and the unusually dynamic changes that occurred during the upset condition, appear to have combined and temporarily overburdened the SCADA computer system. This may have prevented the pipeline controllers from reacting and controlling the upset condition on their pipeline as promptly as would have been expected.

II. Advisory Bulletin (ADB–99–03)

To: Owners and Operators of Hazardous Liquid and Natural Gas Pipelines

Subject: Potential Service Interruptions in Supervisory Control and Data Acquisition Systems

Purpose: Inform pipeline system owners and operators of potential operational limitations associated with Supervisory Control and Data Acquisition (SCADA) systems and the possibility of those problems leading to or aggravating pipeline releases.

Advisory: Each pipeline operator should review the capacity of its SCADA system to ensure that the system has resources to accommodate normal and abnormal operations on its pipeline system. In addition, SCADA configuration and operating parameters should be periodically reviewed, and adjusted if necessary, to assure that the SCADA computers are functioning as intended. Further, operators should assure system modifications do not adversely affect overall performance of the SCADA system. We recommend that the operator consult with the original system designer.

Stacey L. Gerard,

Director, Policy, Regulations and Training.

[FR Doc. 99–18023 Filed 7–15–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33767]

CSX Transportation, Inc.—Trackage Rights Exemption—Grand Trunk Western Railroad Incorporated

Grand Trunk Western Railroad Incorporated (GTW), a wholly owned subsidiary of Canadian National Railway Company (CN), has agreed to grant non-exclusive overhead trackage rights to CSX Transportation, Inc. (CSXT), over main line track of GTW between the proposed CN/Consolidated Rail Corporation (CRC) connection at Milwaukee Junction, Detroit, MI, near milepost 54.6 and the existing CN connection with Norfolk Southern Railway Company (NSR) at West Detroit, MI,[1] near milepost 50.2, on CN's Shoreline Subdivision, a total distance of approximately 4.4 miles.[2] The purpose of the trackage rights is to improve service to customers by reducing congestion and delays in the

[1] CSXT has the right to enter and exit the involved trackage at the proposed Milwaukee Junction connection and the existing connection at West Detroit or at other points that may be agreed upon by the parties.

[2] A redacted version of the trackage rights agreement between CSXT, CRC, NSR and GTW was filed with the notice of exemption. The full version of the agreement was concurrently filed under seal along with a motion for a protective order, which will be addressed in a separate decision. CRC and NSR are also apparently filing similar notices of exemption with the Board.

West Detroit, Delray and Ecorse Junction, MI areas. The transaction was expected to be consummated on or after July 6, 1999 (the effective date of the exemption was July 5, 1999, 7 days after notice of the exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease & Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33767, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street (J150), Jacksonville, FL 32202.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: July 12, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–18214 Filed 7–15–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Oceanmark Bank, F.S.B.; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in Section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Federal Deposit Insurance Corporation as sole Receiver for Oceanmark Bank, F.S.B., North Miami Beach, Florida, OTS No. 8327, on July 9, 1999.

Dated: July 12, 1999.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 99–18182 Filed 7–15–99; 8:45 am]

BILLING CODE 6720–01–P

Friday
July 16, 1999

Part II

Department of Education

34 CFR Part 668

Student Assistance General Provisions; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840–AC73

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing student eligibility for the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended (Title IV, HEA programs). These programs include the Federal Pell Grant Program, the campus-based programs (Federal Perkins Loan, Federal Work-Study (FWS), and Federal Supplemental Educational Opportunity Grant (FSEOG) Programs), the William D. Ford Federal Direct Loan (Direct Loan) Program, the Federal Family Education Loan (FFEL) Program, and the Leveraging Educational Assistance Partnership (LEAP) Program (formerly called the State Student Incentive Grant (SSIG) Program). The proposed regulations implement changes made to the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1998 (1998 Amendments). Most of the proposed changes simply conform current regulatory provisions to the statutory changes.

DATES: We must receive your comments on or before September 14, 1999.

ADDRESSES: Address all comments about these proposed regulations to Lloyd Horwich, U.S. Department of Education, P.O. Box 23272, Washington, DC 20202–3272. If you prefer to send your comments through the Internet, use the following address: senprm@ed.gov.

FOR FURTHER INFORMATION CONTACT: Lloyd Horwich. 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.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed regulations at Regional Office Building 3, 7th and D Streets, SW, Room 3045, Washington, DC, between 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday (excluding Federal holidays).

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of aid, you can call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

Summary of Proposed Changes

The Secretary proposes to revise the current Student Assistance General Provisions, 34 CFR part 668, concerning student eligibility for financial assistance programs authorized under Title IV, HEA. The revisions implement changes made by the 1998 Amendments (Public Law 105–244, enacted October 7, 1998).

Negotiated Rulemaking Process

Section 492 of the HEA requires that, before publishing any proposed regulations to implement programs under Title IV of the Act, the Secretary obtain public involvement in the development of the proposed regulations. After obtaining advice and recommendations, the Secretary must conduct a negotiated rulemaking process to develop the proposed regulations. All published proposed regulations must conform to agreements resulting from the negotiated rulemaking process unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process why the Secretary has decided to depart from the agreements.

To obtain public involvement in the development of the proposed regulations, we published a notice in the **Federal Register** (63 FR 59922, November 6, 1998) requesting advice and recommendations from interested parties concerning what regulations were necessary to implement Title IV of the HEA. We also invited advice and recommendations concerning which regulated issues should be subjected to a negotiated rulemaking process. We further requested advice and recommendations concerning ways to prioritize the numerous issues in Title IV, in order to meet statutory deadlines. Additionally, we requested advice and recommendations concerning how to conduct the negotiated rulemaking process, given the time available and the number of regulations that needed to be developed.

In addition to soliciting written comments, we held three public hearings and several informal meetings to give interested parties an opportunity to share advice and recommendations with the Department. The hearings were held in Washington, DC, Chicago, and Los Angeles, and we posted transcripts of those hearings to the Department's Information for Financial Aid Professionals website (http://ifap.ed.gov).

We then published a second notice in the **Federal Register** (63 FR 71206, December 23, 1998) to announce the Department's intention to establish four negotiated rulemaking committees to draft proposed regulations implementing Title IV of the HEA. The notice announced the organizations or groups believed to represent the interests that should participate in the negotiated rulemaking process and announced that the Department would select participants for the process from nominees of those organizations or groups. We requested nominations for additional participants from anyone who believed that the organizations or groups listed did not adequately represent the list of interests outlined in section 492 of the HEA. Once the four committees were established, they met to develop proposed regulations over the course of several months, beginning in January.

The proposed regulations contained in this NPRM reflect the final consensus of Committee III, which was made up of the following members:

Accrediting Commission of Career Schools and Colleges of Technology

American Association of Collegiate Registrars and Admissions Officers

American Association of Community Colleges
American Association of Cosmetology Schools
American Association of State Colleges and Universities
American Council on Education
Association of American Universities
Career College Association
Coalition of Higher Education Assistance Organizations
Education Finance Council
Legal Services Counsel/Legal Aid (a coalition)
National Association of College and University Business Officers
National Association for Equal Opportunity in Higher Education
National Association of Graduate/Professional Students
National Association of Independent Colleges and Universities
National Association of State Student Grant and Aid Programs/National Council of Higher Education Loan Programs (a coalition)
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Direct Student Loan Coalition
The College Board
The College Fund/United Negro College Fund
United States Department of Education
United States Student Association
U.S. Public Interest Research Group

As stated in the committee protocols, consensus means that there must be no dissent by any member in order for the committee to be considered to have reached agreement. Consensus was reached on all of the proposed regulations in this document.

Section 668.32 Student Eligibility—General

Home-Schooled Students

Section 484(d) of the HEA, as amended by the 1998 Amendments, allows a student who completes a secondary school education in a home school that is treated as a home school or private school under State law to be eligible to receive Title IV, HEA program funds. The Secretary proposes to amend § 668.32(e) to reflect that change.

The negotiating committee discussed the language of the 1998 Amendments, and how different States oversee home schools, and concluded that the statute would be implemented best by not adding any additional eligibility requirements for a home-schooled student beyond his or her State's home-school completion requirements.

Under proposed § 668.32(e)(4), to be eligible to receive Title IV, HEA program funds, a home-schooled student must satisfy the home-school completion requirements of the State in which the student was home-schooled. Thus, if a State requires a home-schooled student to obtain a secondary school completion credential for home-school study that is more than an attestation that the student was exempt from the State's mandatory school attendance law, the student must obtain such a credential to be eligible for Title IV, HEA program funds. If the State does not require the student to obtain such a credential, the student will satisfy § 668.32(e)(4) based on the exemption from the State's mandatory school attendance law.

For purposes of Title IV, HEA program aid, the Secretary will allow a home-schooled student to self-certify his or her eligibility in the same way a high school graduate or GED recipient may.

Statement of Educational Purpose

The proposed regulations amend § 668.32(h), which governs a student's filing of his or her Statement of Educational Purpose, to comply with changes made to the HEA by the 1998 Amendments. Previously, a student who received a loan under the FFEL program had to file the Statement with the lender. Under proposed § 668.32(h), a student simply would be required to file the Statement with the Secretary.

Technical Corrections and Cross-References

The Secretary proposes to amend § 668.32(k)(7) to reflect the name-change of the SSIG program to the LEAP program. The Secretary proposes to add as § 668.32(l) a cross-reference that reflects the student eligibility criterion concerning drug convictions added by the 1998 Amendments and implemented by the proposed addition of § 668.40.

Section 668.38 Enrollment in Telecommunications and Correspondence Courses

Prior to the 1998 Amendments, section 484(l) of the HEA provided that a student enrolled in a telecommunications course would not be considered to be enrolled in a correspondence course under certain circumstances, including that the student was enrolled in a program that led to an associate, bachelor, or graduate degree. The 1998 Amendments amended section 484(l) by adding another category of students to be similarly treated: students who are enrolled in programs of one academic year or longer that lead to a certificate. The proposed regulations amend § 668.38(b) to reflect that change.

Thus, under proposed § 668.38(b), the Secretary does not consider a student enrolled in a telecommunications course at an institution of higher education (as defined in § 668.38(b)(2)) to be enrolled in a correspondence course, if the student is enrolled in a program described in the preceding paragraph, and the number of telecommunications and correspondence courses offered by the institution is less than half the total number of courses offered by the institution.

The 1998 Amendments also restricted the type of institution at which telecommunications courses can be considered not to be correspondence courses. Proposed § 668.38(b)(2) reflects that restriction. It defines an institution of higher education as one which is not described in section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act, and at which at least half of the programs of study lead to an associate, bachelor, or graduate degree. If the student is enrolled in telecommunications courses at an institution other than an institution of higher education as defined by proposed § 668.38(b)(2), those courses are considered correspondence courses.

Section 668.40 Suspension of Eligibility for Drug-Related Offenses

The 1998 Amendments added section 484(r) to the HEA. Under that subsection, a student who has been convicted under Federal or State law of possession or sale of a controlled substance, regardless of when the conviction occurred, is ineligible for Title IV, HEA program funds for the period specified in that subsection.

The periods of ineligibility, which begin as of the date of the conviction, are as follows:

If convicted of an offense involving the possession of a controlled substance, the ineligibility period is:

First offense	1 year.
Second offense	2 years.
Third offense	Indefinite.

If convicted of an offense involving the sale of a controlled substance, the ineligibility period is:

First offense	2 year.
Second offense	Indefinite.

The Secretary proposes to add § 668.40(a) and (b) to implement those statutory provisions. Note that for purposes of determining a student's

eligibility for Title IV assistance, a conviction means a conviction that is on a student's record at the time the student's eligibility is being determined. Therefore, a conviction that was reversed, set aside, or removed from the student's record is not relevant.

Because the statutory ineligibility periods begin on the date of conviction, if a student has been convicted of both possession and sale of a controlled substance and the two ineligibility periods overlap, the periods run concurrently for the time during which they overlap. The start of the ineligibility period for the later conviction is not postponed until the ineligibility period for the earlier conviction ends. For example, if a student is convicted on July 1, 2000 for the first time for possession of a controlled substance and convicted on January 1, 2001 for the first time for sale of a controlled substance, the student will regain eligibility on January 1, 2003.

Section 484(r) of the HEA further provides that a student can regain eligibility, regardless of the number or type of convictions on the student's record, by successfully completing a drug rehabilitation program that complies with criteria established by the Secretary and that includes two unannounced drug tests. The proposed regulations establish criteria for an acceptable drug rehabilitation program in § 668.40(d)(2). Under the proposed criteria, a drug rehabilitation program must (1) have received or be qualified to receive funds directly or indirectly under a Federal, State, or local government program, (2) be administered or recognized by a Federal, State, or local government agency or court, (3) have received or be qualified to receive payment directly or indirectly from a State-licensed insurance company, or (4) be administered or recognized by a State-licensed hospital, health clinic or medical doctor. The Secretary believes, and the rest of Committee III concurs, that these criteria would ensure the availability of a wide-range of opportunities for students to regain their eligibility, and that an acceptable drug rehabilitation program would have to be approved by an entity qualified to make such an assessment.

Having reviewed the language of the new statutory provision and its legislative history, the Secretary believes, and the rest of Committee III concurs, that Congress intended the drug rehabilitation relief provision to be available at the same time students are subject to the loss of eligibility. Members of Congress specifically indicated in statements on the floor of Congress that students should be able to regain Title IV, HEA program eligibility if they complete a rehabilitation program. Since the HEA requires that acceptable rehabilitation programs comply with criteria prescribed by the Secretary in regulations and such regulations (as proposed in this NPRM) will not be effective until July 1, 2000, this new student eligibility provision will not be implemented until July 1, 2000. Until that time no student will be determined to be ineligible for Title IV assistance under the new provision.

Nonetheless, a student's actions between now and the effective date of the regulations may affect eligibility. For example, a first conviction for possession of a controlled substance on February 1, 2000, will make a student ineligible for Title IV assistance from July 1, 2000—the effective date of the regulations—through January 31, 2001—one year from the date of the conviction. If the conviction were the student's second, the student would not regain eligibility until February 1, 2002. Because of the serious consequences to some students of the new provision and because there are certain actions that they could take to mitigate those consequences, the Secretary strongly encourages, but is not requiring, institutions to inform their students of this provision and to help students understand how their actions might affect their future eligibility. For example, students whose Title IV assistance otherwise would be jeopardized under the new law can avoid a loss of eligibility by completing an acceptable drug rehabilitation program before July 1, 2000.

The Secretary will not require institutions to question their Federal aid applicants about drug-related matters. The Secretary intends to use the 2000–2001 aid applicantion processes—Free Applications for Federal Student Aid (FAFSA) and Student Aid Report (SAR)—to collect needed informatiom from applicants and to report the results to schools on Institutional Student Information Records (ISIRs). The Secretary has been working with representatives from the higher education community in planning these new and sensitive processes, and will keep the community updated as these plans are developed.

Executive Order 12866

1. Potential Costs and Benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits of this regulatory action—both quantitative and qualitative—we have determined that the benefits would justify the costs.

We have also determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

We note that, as these proposed regulations were subject to negotiated rulemaking, the costs and benefits of the various requirements were discussed thoroughly by negotiators. The resultant consensus reached on a particular requirement generally reflected agreement on the best possible approach to that requirement in terms of cost and benefit.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comments on whether there may be further opportunities to reduce any potential costs or to increase any potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the Title IV, HEA programs.

Elsewhere in this preamble, we discuss the potential costs and benefits of these proposed regulations under the heading *Regulatory Flexibility Act Certification*.

2. Clarity of the Regulations

Executive Order 12866 and the President's Memorandum of June 1, 1998 on ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§'' and a numbered heading; for example, § 668.32, *Student eligibility—general.*)

• Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?

• What else could we do to make the proposed regulations easier to understand?

Send any comments that concern how the Department could make these proposed regulations easier to understand to the person listed in the **ADDRESSES** section of the preamble.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Entities affected by these regulations are institutions of higher education that participate in the Title IV, HEA programs. These institutions are defined as small entities, according to the U.S. Small Business Administration, if they are: for-profit or nonprofit entities with total revenue of $5,000,000 or less; or entities controlled by governmental entities with populations of 50,000 or less. These proposed regulations would not impose a significant economic impact on a substantial number of small entities. The regulations would benefit both small and large institutions, without requiring significant changes to current institutional system operations, through: the further simplification of the filing of a student's Statement of Educational Purpose; and the expansion of Title IV eligibility provisions regarding home-schooled students and students enrolled in telecommunications and correspondence courses. These proposed regulations also implement the new statutory criterion for Title IV eligibility concerning convictions for possession or sale of a controlled substance. This provision was discussed extensively as part of the negotiated rulemaking process, and the Secretary believes that the proposal to implement this change through the use of the student aid application processes is the best approach and would prevent unnecessary administrative burden on institutions.

The Secretary invites comments from small institutions as to whether the proposed changes would have a significant economic impact on them.

Paperwork Reduction Act of 1995

These proposed regulations do not contain any information collection requirements.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR Part 79.

Assessment of Educational Impact

The Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Electronic Access to This Document

You may view this document as 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
http://ifap.ed.gov/csb__html/fedlreg.htm
http://www.ed.gov/legislation/HEA/rulemaking/

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C., area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Student aid, Reporting and recordkeeping requirements.

Dated: July 8, 1999.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance numbers: 84.007 Federal Supplemental Educational Opportunity Grant Program; 84.032 Consolidation Program; 84.032 Federal Stafford Loan Program; 84.032 Federal PLUS Program; 84.032 Federal Supplemental Loans for Students Program; 84.033 Federal Work-Study Program; 84.038 Federal Perkins Loan Program; 84.063 Federal Pell Grant Program; 84.069 LEAP; and 84.268 William D. Ford Federal Direct Loan Programs)

The Secretary proposes to amend part 668 of title 34 of the Code of Federal Regulations as follows:

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

1. The authority citation for part 668 is amended to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

2. Section 668.32 is amended as follows:

A. In paragraph (e)(2), by removing ''or'';

B. In paragraph (e)(3), by removing the period at the end of the paragraph and adding in its place a semi-colon, and adding ''or'' after the semi-colon;

C. By adding a new paragraph (e)(4) to read as follows;

D. In paragraph (h), by removing ''or in the case of a loan made under the FFEL Program, with the lender'';

E. In paragraph (j), by removing the ''and'' after the semi-colon;

F. In paragraph (k)(7), by removing ''SSIG'' and adding in its place, ''LEAP,'' by removing the period at the end of the paragraph and adding in its place a semi-colon, and adding ''and'' after the semi-colon; and

G. By adding paragraph (l) to read as follows.

§ 668.32 Student eligibility—general.

* * * * *

(e) * * *

(4) Was home-schooled, and either—

(i) Obtained a secondary school completion credential for home school (other than a high school diploma or its recognized equivalent) provided for under State law; or

(ii) If State law does not require a home-schooled student to obtain the credential described in paragraph (e)(4)(i) of this section, has completed a secondary school education in a home school setting that qualifies as an exemption from compulsory attendance requirements under State law.

* * * * *

(l) Is not ineligible under 34 CFR 668.40.

3. Section 668.38 is amended by revising paragraph (b) to read as follows:

§ 668.38 Enrollment in telecommunications and correspondence courses.

* * * * *

(b) (1) For purposes of this section, a student enrolled in a telecommunications course at an institution of higher education is not enrolled in a correspondence course, if—

(i) The student is enrolled in a program that leads to a certificate for a program of study of 1 year or longer, or an associate, bachelor, or graduate degree; and

(ii) The number of telecommunications and correspondence courses the institution offered during its latest completed

award year was fewer than 50 percent of all the courses the institution offered during that same year.

(2) For purposes of paragraph (b)(1) of this section, an institution of higher education is one—

(i) That is not an institute or school described in section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Act; and

(ii) At which at least 50 percent of the programs of study offered by the institution during its latest completed award year led to an associate, bachelor, or graduate degree.

(3) For purposes of paragraph (b)(1)(ii) of this section, the institution must calculate the number of courses using the provisions contained in 34 CFR 600.7(b)(2).

4. Section 668.40 is added to read as follows:

668.40 Conviction for possession or sale of illegal drugs.

(a)(1) A student is ineligible to receive Title IV, HEA program funds if the student has been convicted of an offense involving the possession or sale of illegal drugs for the period described in paragraph (b) of this section. However, the student may regain eligibility before that period expires under the conditions described in paragraph (c) of this section.

(2) For purposes of this section, a conviction means only a conviction that is on a student's record at the time the student's eligibility is being determined. A conviction that was reversed, set aside, or removed from the student's record is not relevant for purposes of this section.

(3) For purposes of this section, an illegal drug is a controlled substance as defined by section 102(6) of the Controlled Substances Act (21 U.S.C. 801(6)), and does not include alcohol or tobacco.

(b)(1) *Possession.* Except as provided in paragraph (c) of this section, if a student has been convicted—

(i) Only one time for possession of illegal drugs, the student is ineligible to receive Title IV, HEA program funds for one year after the date of conviction;

(ii) Two times for possession of illegal drugs, the student is ineligible to receive Title IV, HEA program funds for two years after the date of the second conviction; or

(iii) Three or more times for possession of illegal drugs, the student is ineligible to receive Title IV, HEA program funds for an indefinite period after the date of the third conviction.

(2) *Sale.* Except as provided in paragraph (c) of this section, if a student has been convicted—

(i) Only one time for sale of illegal drugs, the student is ineligible to receive Title IV, HEA program funds for two years after the date of conviction; or

(ii) Two or more times for sale of illegal drugs, the student is ineligible to receive Title IV, HEA program funds for an indefinite period after the date of the second conviction.

(c) If a student successfully completes a drug rehabilitation program described in paragraph (d) of this section after the student's most recent drug conviction, the student regains eligibility on the date the student successfully completes the program.

(d) A drug rehabilitation program referred to in paragraph (c) of this section is one which—

(1) Includes at least two unannounced drug tests; and

(2)(i) Has received or is qualified to receive funds directly or indirectly under a Federal, State, or local government program;

(ii) Is administered or recognized by a Federal, State, or local government agency or court;

(iii) Has received or is qualified to receive payment directly or indirectly from a State-licensed insurance company; or

(iv) Is administered or recognized by a State-licensed hospital, health clinic or medical doctor.

(Authority: 20 U.S.C. 1091(r))

[FR Doc. 99–18175 Filed 7–15–99; 8:45 am]

BILLING CODE 4000–01–P

Friday
July 16, 1999

Part III

Department of the Treasury

Fiscal Service

Federal Agency Disbursements; Electronic Funds Transfer; Notice

DEPARTMENT OF THE TREASURY

Fiscal Service

RIN 1510–AA56

Electronic Transfer Account

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of Electronic Transfer Account features.

SUMMARY: The Debt Collection Improvement Act of 1996 (Act) amends 31 U.S.C. 3332 to provide that, subject to the authority of the Secretary of the Treasury to grant waivers, all Federal payments, other than payments under the Internal Revenue Code, must be made by electronic funds transfer (EFT) after January 1, 1999. The Department of the Treasury (Treasury) published a final rule implementing this mandate, 31 CFR Part 208 (Part 208), on September 25, 1998. 63 FR 51490. Part 208 provides that any individual who receives a Federal benefit, wage, salary, or retirement payment is eligible to open an Electronic Transfer Account, or ''ETA℠,'' at any Federally insured financial institution that elects to offer ETAs℠. This notice describes the required features of the ETA℠. In addition, Treasury is publishing, as an appendix to this notice, the ETA℠ Financial Agency Agreement (FAA) that Treasury will enter into with financial institutions that offer ETAs℠.

DATES: This notice is effective July 16, 1999.

ADDRESSES: This notice is available on the Financial Management Service's ETA℠ web site at the following address: http://www.fms.treas.gov/eta.

FOR FURTHER INFORMATION CONTACT: Sally Phillips, Senior Financial Program Specialist, at (202) 874–7106; Matthew Friend, Financial Program Specialist, at (202) 874–7032; Natalie H. Diana at (202) 874–6590; Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, at (202) 874–6590; or Margaret Marquette, Attorney-Advisor, at (202) 874–6681. In addition, inquiries about the ETA℠ may be submitted electronically via e-mail to eta.inquiries@fms.sprint.com or by filling out an inquiry form available on the ETA℠ web site at http://www.fms.treas.gov/eta. Financial institutions may call 1–888–ETA–FRBK (382–3725) for more information about enrolling in the ETA℠ program.

SUPPLEMENTARY INFORMATION:

A. Background

On September 25, 1998, Treasury issued Part 208, which provides, in part, that any individual who receives a Federal benefit, wage, salary, or retirement payment shall be eligible to open an account called an ETA℠ at any Federally insured financial institution that chooses to offer ETAs℠. 63 FR 51490, 51504. The ETA℠ has been developed to maximize opportunities for individuals required to receive Federal payments electronically to have access to an account at reasonable cost and with the same consumer protections available to other account holders at the same financial institution.

On November 23, 1998, Treasury published for comment in the **Federal Register** a notice setting forth proposed terms, conditions, and attributes of the ETA℠ (hereafter the ''Notice''). 63 FR 64820. Treasury received 198 comment letters in response to the Notice. Comments were received primarily from financial institutions, financial institution trade associations, and consumer and community-based organizations. Recipients, non-financial institution trade associations, non-financial institution payment service providers, and Federal agencies also commented on the Notice.

The majority of comments on the proposed ETA℠ features were supportive of Treasury's efforts to design a low-cost account for those recipients without accounts at financial institutions in order to bring them more fully into the financial services mainstream. The comments reflected divergent views on many proposed ETA℠ features, including account eligibility, fees associated with the account, number of cash withdrawals, methods of access, and whether a monthly statement should be provided. Comments were also divided on the question of whether to allow financial institutions the option of offering, as part of the ETA℠, certain additional features at an additional cost, if any, to the recipient.

Based on the comments received, Treasury has developed a listing of required attributes and optional features for the ETA℠, which are the subject of this notice. In addition, Treasury is publishing, as an appendix to this notice, the FAA that Treasury will enter into with each financial institution that elects to offer ETAs℠.

B. Compensation to Financial Institutions

In order to maximize the number of financial institutions that choose to offer ETAs℠, Treasury will offer financial institutions compensation to establish the account. Treasury will reimburse each financial institution that offers the ETA℠ a one-time fee of $12.60 per account established, in order to offset the costs of setting up the account. The fee will be paid regardless of whether the recipient has or had an existing account.

Financial institutions that commented on the proposed amount of compensation were divided as to whether $12.60 is adequate to cover the cost of opening the account. However, almost all financial institutions that commented on this question agreed that the amount of compensation should not depend on whether the customer is new or existing, pointing out that the costs of opening the account are the same in either circumstance. Comments from some consumer organizations similarly stated that the amount of compensation paid should not differ based on whether a recipient has or does not have an existing account.

There was little comment on the question of whether compensation should increase as the number of accounts opened increases. In general, large financial institutions favored increased compensation whereas small institutions did not. Treasury has determined that a standard compensation amount of $12.60 per account is appropriate regardless of the number of ETAs' a financial institution opens.

C. Availability of ETAs℠

In order to provide a convenient source of information for recipients regarding the availability of ETAs℠, Treasury will maintain and make publicly available to recipients and program agencies, by telephone and other electronic means, a list of participating ETA℠ providers. In addition, financial institutions offering ETAs℠ will be required to display prominently a logo to be supplied by Treasury indicating that the ETA℠ is available at that financial institution.

Some financial institutions have indicated that they already offer low-cost accounts that may meet the requirements for the ETA℠ and have inquired whether they can receive compensation for offering those accounts. Any account that has the attributes set forth in this notice can qualify as an ETA℠ provided that the financial institution opens the account after entering into an FAA with Treasury, and that the account is identified to the public as an ETA℠. As with all other ETAs℠, a low-cost account that is designated as an ETA℠ may offer only those features set forth in this notice. It may not offer additional features, such as a check writing feature, even if the cost of providing such a feature falls within the maximum

monthly fee. Compensation for opening these accounts will be provided to the financial institution on the same basis as for opening all other ETAs℠.

Some commenters on the Notice asked whether Community Reinvestment Act (CRA) credit would be available for financial institutions that offer ETAs℠. The Federal Financial Institutions Examination Council recently supplemented and republished in the **Federal Register** its Interagency Questions and Answers Regarding Community Reinvestment. Interagency Question & Answer 3 addressing §§ __.12(j)[1] and 563e.12(i) has been amended to state that providi ng ETAs℠ qualifies as a community development service. *See* 64 FR 23618, 23630 (May 3, 1999).

D. Summary of ETA℠ Attributes

After considering the comments received, Treasury has determined that the ETA℠ account will have the following attributes. These attributes are explained in more detail below. The ETA℠ shall:

- Be an individually owned account at a Federally insured financial institution;
- Be available to any individual who receives a Federal benefit, wage, salary, or retirement payment;
- Accept electronic Federal benefit, wage, salary, and retirement payments and such other deposits as a financial institution agrees to permit;
- Be subject to a maximum price of $3.00 per month;
- Have a minimum of four cash withdrawals and four balance inquiries per month, to be included in the monthly fee, through (a) the financial institution's proprietary (on-us) automated teller machines (ATMs),[2] (b) over-the-counter transactions at the main office or a branch of the financial institution, or (c) any combination of on-us ATM access and over-the-counter access at the option of the financial institution;[3]
- Provide the same consumer protections that are available to other account holders at the financial institution, including, for accounts that provide electronic access, Regulation E protections regarding disclosure, limitations on liability, procedures for reporting lost or stolen cards, and procedures for error resolution;
- For financial institutions that are members of an on-line point-of-sale (POS) network, allow on-line POS purchases, cash withdrawals, and cash back with purchases at no additional charge by the financial institution offering the ETA℠;
- Require no minimum balance, except as required by Federal or State law;
- At the option of the financial institution, be either an interest-bearing or a non-interest-bearing account; and
- Provide a monthly statement.

E. Discussion of ETA℠ Attributes

Individually Owned Account at Federally Insured Financial Institution

Treasury proposed in the Notice that the ETA℠ be an individually owned account established at a Federally insured financial institution. Many commenters stated that the account should be available as a jointly held account at the option of the recipient in order to maximize the utility of the account. Other commenters asked that Treasury clarify whether or not the ETA℠ could be held by a representative payee receiving payments on behalf of the recipient.

It was not Treasury's intention to require that ETAs℠ be titled only in the name of the recipient. By characterizing the ETA℠ as an individually owned account, Treasury intended to indicate that the ETA℠ would not be a Treasury owned account or an account owned by a corporation, organization, or other entity. An ETA℠ may be titled in any way that meets the requirements of 31 CFR 208.6 and 31 CFR 210.5, except that an ETA℠ may not be established in the name of a corporation or other entity. 31 CFR 208.6 and 31 CFR 210.5 provide that all Federal payments, other than vendor payments, made by electronic funds transfer, including those made through an ETA℠, shall be deposited into an account at a financial institution in the name of the recipient, with certain exceptions, including payments made to a representative payee. As discussed in the supplementary information accompanying the promulgation of 31 CFR Part 210, 210.5 does not require that the recipient's name be the only name on the account, and thus would not prohibit the use of a joint account.

Most consumer organizations supported the requirement that financial institutions be Federally insured as an important consumer protection. Several credit unions commented that credit unions which are privately insured should be permitted to offer ETAs℠.

Treasury believes that Federal deposit or share insurance is an important consumer protection which should be afforded to ETA℠ holders. Accounts at institutions that are insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA) are insured for the full amount in the account, up to $100,000. In contrast, accounts at some institutions that are other than Federally insured are insured for only 50% of the amount in the account. In addition, Federally insured financial institutions are subject to comprehensive Federal regulation and oversight through examinations for safety-and-soundness and compliance with consumer protection laws. Accordingly, Treasury is requiring that in order to be eligible to offer ETAs℠, a financial institution must be Federally insured.

As proposed in the Notice, financial institutions offering ETAs℠ are prohibited under the FAA from entering into arrangements with non-financial institutions to provide access to ETAs℠, other than access through a national or regional ATM/POS network. Treasury continues to be concerned that such arrangements might be confusing or misleading to recipients and, therefore, will not permit financial institutions to enter into such arrangements with respect to the offering of the ETA℠.

Available to any Individual Who Receives a Federal Benefit, Wage, Salary, or Retirement Payment

With two exceptions, a financial institution that chooses to offer ETAs℠ must open an ETA℠ for any recipient of a Federal benefit, wage, salary, or retirement payment who requests an ETA℠ and who, by enrolling through the institution in the Federal Government's Direct Deposit program, agrees to have such payments electronically transferred to the ETA℠. Each financial institution may establish its own account-opening procedures for the ETA℠. For example, some institutions may choose to open ETAs℠ through a telephone application process whereas others may choose to require recipients to apply in person.

The two exceptions to the account-opening requirement are: (a) A financial institution may not open an ETA℠ for any individual if the institution does not have authority under its charter to maintain a deposit or share account for the individual (for example, where a

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[1] The Interagency Questions and Answers employ an abbreviated method to cite to the relevant regulations. Because the CRA regulations of the four Federal banking agencies are substantially identical, corresponding sections of the different regulations usually bear the same suffix. Therefore the Interagency Questions and Answers typically cite only to the suffix. *See* 64 FR 23618, 23619.

[2] As explained below in the discussion of ETA℠ attributes, the term proprietary (on-us) ATM refers to an ATM which a financial institution's customers may use without being subject to a fee of any kind, including a surcharge.

[3] Financial institutions may provide additional withdrawals or balance inquiries at no charge or for a fee.

recipient does not meet a credit union's field of membership requirements); and (b) a financial institution is not required to open an ETA℠ for any individual if (i) the institution is aware that the individual previously was the owner of an ETA℠ that was closed because of fraud at that institution or any other financial institution, or (ii) the institution, for reasons of account misuse, previously closed an ETA℠ held by the individual at that institution.

The Notice indicated that financial institutions would not be permitted to deny an ETA℠ to any eligible recipient, and that financial institutions would be permitted to close an ETA℠ only in certain circumstances to be delineated by Treasury. This requirement drew extensive comment from financial institutions.

In general, financial institutions commented that it is essential that they be able to refuse an account to an individual who has a history of abusing accounts, such as repeated overdrafts or fraud. Many institutions commented that denying accounts to individuals who have a history of previous account misuse or credit problems is their primary method for reducing the risk of account fraud and losses. Some institutions expressed concern that they might be faced with overwhelmingly large numbers of ETA℠ applicants. Other institutions commented that the prohibition against denying ETAs℠ to eligible individuals would impose an unacceptable risk of loss to banks and violate bank ''safety and soundness'' principles.

Most consumer organizations, on the other hand, supported making the ETA℠ available to all Federal payment recipients so that all eligible recipients would have the opportunity to enter the financial services mainstream regardless of their credit history.

Several financial institutions were concerned with how long they would be committed to participating as ETA℠ providers. Some institutions urged Treasury to permit them to offer ETAs℠ for a ''trial period,'' after which they could close the accounts if they were not profitable. Similarly, institutions commented that they must have the ability to close an ETA℠ for overdrafts, fraud, or excessive Regulation E claims.

31 CFR 208.5 provides that any individual who receives a Federal benefit, wage, salary or retirement payment is eligible to open an ETA℠. Treasury believes that it is important to ensure that even individuals who may have experienced prior checking account management problems or credit problems have access to an ETA℠. Accordingly, a financial institution will be required to open an ETA℠ for any eligible recipient, regardless of the recipient's previous account experience, except where the individual has engaged in fraud with respect to another ETA℠ or where the individual has misused an ETA℠ at that same institution. The distinction between fraud and misuse in this context is that although a recipient could unintentionally or negligently misuse an account in various ways (for example, by inadvertently causing an overdraft to the account or failing to safeguard a PIN number), fraud represents actions by an individual with the intent to obtain funds wrongfully from the financial institution (for example, where an individual authorizes a third party to withdraw funds from an account using an ATM card and then falsely represents to the financial institution that the withdrawal was unauthorized). Treasury takes seriously this distinction and reserves the right to take corrective action to address any violation of the account-opening requirements, including by terminating a financial institution's participation in the ETA℠ program.

Treasury believes that the risk of fraud or misuse of an ETA℠ is minimal because of the way in which the account has been designed. For example, as discussed below, the potential for overdrafts will be very low, in contrast to a checking account or an account with off-line debit card access. In addition, financial institutions that provide POS access will be permitted to impose overdraft fees (subject to certain limitations discussed below) or withdraw a recipient's POS access if a POS card is misused, including by overdrawing the account.

In light of the fact that financial institutions will not be permitted to deny an ETA℠ to an eligible individual except in limited circumstances, Treasury recognizes that it is important for financial institutions to have the ability to close an individual ETA℠ that is misused. Accordingly, a financial institution will be permitted to close an ETA℠ where the financial institution has cause to believe that fraud has occurred in connection with the account or that the account has been misused. Any determination that fraud or misuse has occurred must be consistent with the financial institution's usual criteria for closing accounts. Those criteria could include, for example, where the institution determines that fraud has occurred after conducting the investigation required under Regulation E; excessive overdrafts; negligence in safeguarding an ATM and/or POS card or personal identification number (PIN); or failure to pay an overdraft within a reasonable period of time.

In addition to the foregoing provisions, Treasury intends to monitor any issues that may arise as institutions begin offering ETAs℠ and to work with institutions where necessary to deal with any unanticipated problems, including working with institutions that experience an overwhelming number of requests by eligible recipients to open ETAs℠.

Accept Electronic Federal Benefit, Wage, Salary, and Retirement Payments and Such Other Deposits as a Financial Institution Agrees to Permit

Treasury had proposed to limit the types of funds that could be deposited to an ETA℠ to electronic Federal benefit, wage, salary, and retirement payments. Most commenters supported allowing deposits other than electronic Federal benefit, wage, salary, and retirement payments into the ETA℠. Many financial institutions commented that permitting other electronic deposits into the ETA℠ would enhance utility for the recipient. Some financial institutions commented that their systems cannot distinguish among, and restrict, types of electronic deposits which are sent to an account. All consumer organizations supported allowing other electronic (and non-electronic) deposits into the account as a way to make the account a more meaningful entry into the financial services mainstream.

In view of the comments received, Treasury will permit (but not require) financial institutions to offer recipients the option of depositing to the ETA℠ other funds in addition to electronic Federal benefit, wage, salary, and retirement payments. A financial institution may choose to limit such other deposits to electronic deposits or may allow recipients to deposit cash and/or checks in addition to other electronic deposits. Financial institutions may specify whether deposits of other funds can be made by mail, at an ATM, and/or over-the-counter. Financial institutions may not charge any fee in connection with allowing deposits of other funds.

Attachment

One of the reasons that Treasury had proposed to limit the types of funds that could be deposited to an ETA℠ was to reduce the potential that funds in an ETA℠ would be subject to attachment. Several consumer organizations requested that Treasury prohibit attachment of all funds. These commenters stated that recipients may

not understand the implications of an attachment, and may be unable to organize a defense against the attachment. One consumer organization suggested that when presented with an attachment order, financial institutions should determine which funds are attachable (or not attachable) as a way to assist recipients.

Financial institutions opposed any shifting of the burden for defending against an attachment in this manner. A number of financial institutions commented that they should not have any disclosure requirement with respect to the potential attachment of ETAs℠, noting that this would be expensive and would constitute the provision of legal advice, for which they could be subject to litigation risk. Some institutions commented that Treasury should provide model disclosure language regarding attachment. Others commented that it must be made clear that it is not the financial institution's responsibility to claim any exemption from attachment.

Most Federal benefit payments deposited to an account at a financial institution, including Social Security benefits, Supplemental Security Income benefits, Veteran's benefits, and Federal Railroad Retirement benefits, are protected from attachment and the claims of judgment creditors by Federal law, subject to certain limited exceptions.[4] If a financial institution receives an order of attachment or garnishment for an ETA℠, it must immediately send a copy of the order and the name of the creditor and contact person, if any, to the recipient. In addition, in order to ensure that recipients understand that Federal benefit payments deposited to an ETA℠ generally are protected from attachment, Treasury will require institutions that open an ETA℠ to provide the following disclosure, in writing, to the holder:

Many Federal benefit payments, including Social Security benefits, Supplemental Security Income benefits, Veteran's benefits, and Railroad Retirement benefits, are protected from attachment under Federal law. This means that your creditors do not have the right to have these funds taken out of your ETA℠. There are a few exceptions, however. For example, funds in your ETA℠ can be taken to satisfy child support or alimony obligations you owe. [If you deposit funds other than Federal benefit payments to your ETA℠, your creditors may be able to have those funds taken out of your account, but your Federal benefits would still be protected.][5]

If we/[name of Institution] receive an order of attachment, garnishment, or levy, we will immediately send you a copy of the order and the name of the creditor and contact person, if any.

If you have questions about a creditor's right to remove funds from your ETA℠, contact your benefit agency or your local legal services organization.

Set Off

Treasury had proposed to prohibit financial institutions that elect to offer ETAs℠ from exercising any right of set off against an ETA℠, with the exception of the monthly account fee or charges for additional cash withdrawals or balance inquiries. All consumer organizations who commented on the issue opposed any right of the financial institution to set off funds held in an ETA℠ under any circumstances. In contrast, financial institutions strongly objected to any prohibition against their right of set off. They argued that a financial institution's right of set off is essential to mitigate the risks posed by overdrafts, amounts mistakenly credited to an account, and amounts provisionally credited to accounts as required under Regulation E. They also argued that prohibiting set off will reduce the incentives for cross selling other bank services to recipients, thereby reducing the potential profitability of servicing these customers and the attractiveness of offering the ETA℠. Financial institutions commented that eliminating incentives for cross selling will reduce the availability of credit and other bank services, such as cashing checks, that are often provided to customers on the basis of an available account balance. Several institutions requested clarification as to whether the prohibition against set off would prevent recipients from pledging the account or having automatic loan payments debited from the account.

In response to the comments requesting clarification of Treasury's intent, Treasury will permit financial institutions to deduct from an ETA℠ amounts representing certain obligations of the recipient that are directly related to the maintenance of the ETA℠ itself. Those obligations include: (a) The monthly fee; (b) any other fees incurred by the recipient in connection with the maintenance of the ETA℠; (c) any amount mistakenly credited to an ETA℠ to which the recipient has no legal right; (d) the amount of any overdraft on an ETA℠; and (e) any amount for which the recipient is liable under Regulation E, including any amount provisionally credited to the ETA℠ for which the financial institution determines, after conducting the investigation required under Regulation E, that the recipient is liable.

Treasury will not permit financial institutions to set off against an ETA℠ obligations incurred by a recipient in connection with other products or services offered by the institution. In response to questions raised by commenters, this prohibition means that recipients may not pledge the account or have automatic loan payments transferred from the account to another account. Treasury encourages financial institutions offering ETAs℠ to market other products and services to recipients, but will not allow payment for such products and services to be set off against the account.

Subject to a Maximum Price of $3.00 Per Month

Financial institutions that choose to offer ETAs℠ may charge a fee not to exceed $3.00 per month. Treasury will evaluate the appropriateness of this fee from time to time, and will make adjustments periodically as warranted. All attributes listed in the ''Summary of ETA℠ Attributes'' section of this notice must be included within the monthly fee to the recipient.

In general, consumer and community-based organizations commenting on the Notice favored the establishment of a maximum monthly fee for the ETA℠. Some of these organizations expressed a concern that $3.00 a month would be too expensive for some recipients. On the other hand, many financial institutions indicated that $3.00 per month would not cover the costs of maintaining the ETA℠ as proposed. A number of financial institutions requested clarification that they would be allowed to charge additional fees for account research, card replacement, overdrafts, cashier's checks, money orders and other special services. Consumer organizations urged Treasury to regulate any fees for additional withdrawals so they do not exceed actual financial institution costs or some other reasonable cost.

Treasury believes that $3.00 represents a reasonable maximum monthly fee for the ETA.[6] However, in

[4] *See* 42 U.S.C. 407(a); 42 U.S.C. 1383; 38 U.S.C. 530; and 45 U.S.C. 231m(a). The prohibition against attaching such funds is subject to certain exceptions, including to satisfy child support and alimony obligations. *See, e.g.*, 42 U.S.C. § 659. *Philpott* v. *Essex County Welfare Board*, 409 U.S. 413, 416 (1973).

[5] This sentence must be included only if the financial institution permits the recipient to deposit into the ETA℠ funds other than Federal benefit, wage, salary, and retirement payments.

[6] In response to a question raised by some credit unions, Treasury will not regard the membership share which an individual is required to purchase in order to become a credit union member to constitute a fee. Treasury understands that the

Continued

recognition of costs that may be incurred by financial institutions for providing services beyond those required by this notice, Treasury will permit financial institutions to charge the holder of an ETA℠ for other services for which the institution usually charges fees to its customers. Examples of such fees include fees for ATM withdrawals in excess of four per month; replacement card fees; and account research fees. Financial institutions may impose such fees at their customary rates, except that the amount of any overdraft fee may not exceed $10.00. In addition, a financial institution may not charge a recipient more than one overdraft fee during a 24-hour settlement period even if several items on the recipient's account are returned during that period. Treasury believes that $10.00 represents a fee that, in the context of the ETA℠, is reasonable both for financial institutions and recipients, particularly in view of the very limited risk of overdraft in the ETA℠.

Prior to opening an ETA℠, a financial institution must clearly and conspicuously disclose, in writing, the amount of any applicable fees to the recipient, as described more fully in the FAA.

Have a Minimum of Four Cash Withdrawals and Four Balance Inquiries Per Month Included in the Monthly Fee

Access to funds and balance information may be provided by ETA℠ providers through one of three methods: (1) The financial institution's proprietary (on-us) ATMs, (2) over-the-counter at the ETA℠ provider's main office or branch locations, or (3) through a combination of ATM and over-the-counter transactions. In addition, access to balance information may be provided over the telephone or, if the recipient agrees, through other electronic means. Any of these methods may be used at the option of the financial institution as long as a minimum of four cash withdrawals and four balance inquiries are provided within the $3.00 monthly fee and provided that, as discussed below, institutions that are members of on-line POS networks provide on-line POS access.

A majority of consumer organizations supported the proposed methods of access to the account, although some commented that the number of cash withdrawals included in the monthly fee should be increased. Financial institutions generally commented that two or three withdrawals per month would be more reasonable in light of the cost structure of the account. Some financial institutions requested clarification on the meaning of ''proprietary'' ATMs.

By using the term proprietary (on-us) ATMs, Treasury is referring to those ATMS which a financial institution's customers may use without being subject to a fee of any kind, including a surcharge. In determining the number of cash withdrawals and balance inquiries to include in the monthly account fee, Treasury weighed the advantages of providing multiple withdrawals and inquiries against their cost, recognizing that the more transactions provided, the higher the monthly cost. With regard to transaction fees, it should be noted that Treasury is not restricting the imposition of ATM fees or surcharges generally, provided that the ETA℠ holder has four cash withdrawals and four balance inquiries within the monthly fee.

In the Notice, Treasury requested comment on one other kind of account access, i.e., whether financial institutions should be permitted to offer preauthorized Automated Clearing House (ACH) debit capability as an additional feature, at the option of the financial institution and at an additional fee, if any, to the recipient. Comments from all sources were evenly divided over whether Treasury should allow ETA℠ providers to offer this feature. Supporters of the feature pointed to increased utility to the recipient, in that it would provide a convenient and cost-saving means for recipients to pay certain recurring bills such as utility, insurance, and car payments. Some financial institutions commented that it is beyond their capability to know about, or restrict, ACH debits to the account.

Institutions that opposed allowing ACH debit capability were concerned that the account could compete with other products, that this feature would complicate account management and confuse consumers, and that the occurrence of overdrafts would increase. Some commenters opposing the inclusion of this feature pointed to the potential for fraud against the account holder. Commenters observed that ACH debit capability could be very expensive for the financial institution, given the costs of servicing the account and dealing with customer inquiries.

In response to the issues raised by commenters as well as low public acceptance at this time, Treasury is not including ACH debit as a feature of the ETA℠, optional or otherwise. However, in light of the operational concerns expressed by some commenters, financial institutions will not be required to reject preauthorized ACH debit transactions, if any, initiated by recipients.

Consumer Protections

ETAs℠ will be subject to those consumer protections available to other account holders at the same financial institution. Most commenters supported this requirement. Thus, an ETA℠ will be protected by Federal deposit or share insurance, subject to the Truth in Savings Act disclosures found in Regulation DD (12 CFR Part 230) and, if electronic access is provided, subject to Regulation E (12 CFR Part 205).

For Financial Institutions That Are Members of an On-line Point-of-Sale (POS) Network, Allow On-line POS Transactions

A majority of consumer organizations and other non-financial institution commenters supported on-line POS access to the account. Many financial institutions opposed the on-line POS access requirement because of the cost of providing POS access, as well as the increased possibility of overdrafts. Some financial institutions who offer off-line POS access to customers through VISA Check and MasterMoney cards questioned whether they would be required to provide such cards to ETA℠ holders.

By referring to on-line POS access, Treasury is excluding access to the ETA℠ through off-line debit systems. Treasury is aware that off-line debit systems carry the same risks of overdraft as check writing capability. Therefore, institutions that generally offer this type of POS access to customers are not permitted to offer off-line POS access to the ETA℠. On-line POS access, in contrast to off-line, carries minimal risk of overdraft in most situations. For small institutions that rely on batch processing for on-line POS access, which presents a greater possibility for overdraft, Treasury believes that the risk presented is mitigated by the right to offset overdrafts against an ETA℠, to charge a fee for overdrafts or returned items, and to discontinue POS access or close the ETA℠ for repeated overdrafts.

Financial institutions that provide POS access may not impose a fee in connection with POS purchases, cash withdrawals, and cash back with purchases. Treasury is aware that some merchants impose fees on cardholders for such transactions, and is not prohibiting or regulating merchant fees.

No Minimum Balance

In general, financial institutions may not require that a recipient maintain a

membership share is returned to the individual when the account is closed.

minimum balance in his or her ETA℠. The only exception to this requirement is where a minimum balance is mandated by Federal or State law. For example, in the case of credit unions, under 12 U.S.C. 1759, a Federal credit union member must subscribe to at least one share of stock.

Consumer organizations generally were supportive of this requirement. Most financial institutions did not indicate that a minimum balance would be necessary, except in order to support the payment of interest on an ETA℠, as discussed below.

At the Option of the Financial Institution, be Either an Interest-bearing or a Non-interest-bearing Account

Consumer organizations generally supported allowing financial institutions to pay interest on the ETA℠, though most conceded that any interest paid might be negligible. Some organizations pointed out that the benefit of interest to recipients could be partially or fully offset if additional fees were imposed in connection with the payment of interest. A few consumer organizations opposed allowing interest because it would complicate the account, indicating that the account should be kept simple and understandable in order to attract those recipients who have avoided accounts at financial institutions in the past.

A majority of financial institutions were opposed to allowing the payment of interest on the ETA℠. Many commented that, given the pricing structure of the account and the prohibition against a minimum balance, it would not be feasible to pay interest on the account. Other financial institutions commented that the account should be kept simple so as not to confuse recipients. A number of institutions indicated that paying interest on the ETA℠ would compete with existing products and therefore they would be reluctant to offer the ETA℠.

Treasury believes that the availability of interest-bearing ETAs℠ could encourage and facilitate savings by low income recipients. Treasury believes that recipients may find the payment of interest to be an attractive feature that could encourage more individuals to sign up for interest-bearing ETAs℠ at financial institutions that choose to offer them. At the same time, Treasury understands that some financial institutions may not find it economically viable to offer an interest-bearing ETA℠, and does not wish to discourage those institutions from offering ETAs℠. Accordingly, the payment of interest will be offered solely at the option of the financial institution.

Financial institutions may not require a minimum balance in connection with the payment of interest. If a financial institution offers both interest-bearing and non-interest-bearing ETAs℠, the institution may charge a higher monthly fee for the interest-bearing ETA℠, than it charges for the non-interest-bearing ETA℠, but in no case may the monthly fee exceed $3.00.

Financial institutions are prohibited by Federal law from paying interest (which includes certain premiums and other payments) on demand deposit accounts. *See, e.g.,* 12 U.S.C. §§ 371a, 1828(g), and 1464(b)(1)(B); 12 CFR § 217.101. In order for a financial institution to pay interest (or certain other amounts) on an ETA℠, it must reserve the right to require the holder of an account to provide at least seven days' written notice prior to withdrawal of any funds in the ETA℠. *See* 12 CFR 204.2(b)(3)(ii). (Such accounts are sometimes known as NOW accounts and are authorized under 12 U.S.C. 1832(a).) Treasury understands that financial institutions rarely exercise this right. In order to ensure that ETA℠ holders are treated like other NOW account holders in this respect, the FAA will provide that if a financial institution, in order to establish the ETA℠ as a NOW account, reserves the right to require seven days' written notice prior to withdrawal of any funds in the ETA℠, the institution shall not exercise this right with respect to any ETA℠ holder unless the institution requires such notice of all its NOW account holders.[7]

In addition, to ensure that recipients are aware of both their rights and the financial institution's rights, financial institutions that pay interest on an ETA℠ must provide the following disclosure, in writing, to the holder:

Under Federal regulations, financial institutions that offer interest-bearing transaction accounts (including ETAs℠) must reserve the right to require you to provide at least seven days' written notice prior to withdrawing any funds in your ETA℠. We/[name of Institution] agree that we will not require this notice from you unless we require it for all interest-bearing transaction accounts we offer.

Monthly Statement

Most consumer organizations supported the requirement that a monthly statement be provided for the ETA℠. A number of financial institutions objected to the requirement that a monthly statement be provided, on the basis of the associated costs. Several institutions commented that the statement requirements of Regulation E should be adequate. Others commented that balance information via a voice response unit or ATM would be more useful to recipients. Some said a passbook should be sufficient.

Treasury believes that it is important to provide recipients with a monthly statement, particularly since the ETA℠ allows for POS withdrawals and purchases, and account balances may not always be provided in connection with such transactions. A monthly statement will facilitate a recipient's ability to track their withdrawals and POS transactions and thus be helpful for financial planning and account management purposes. The monthly statement may be provided electronically (e.g., at an ATM) if the recipient agrees, subject to the requirements of Regulation E. *See* 63 FR 14527, March 25, 1998.

Dated: July 13, 1999.

Richard L. Gregg,

Commissioner.

BILLING CODE 4810–35–P

[7] The legal staff of the Board of Governors of the Federal Reserve System has informally advised Treasury that such a restriction will not preclude treating the ETA℠ as a NOW account.

Appendix

OMB Control # 1510-0073

ETA
Electronic Transfer Account

Financial Agency Agreement

The undersigned financial institution, _____ [name of institution], a _____ [type of institution], (hereafter "Institution") hereby applies to the Department of the Treasury ("Treasury") for designation as a Financial Agent of the United States for the purpose of offering and maintaining Electronic Transfer Accounts (ETAs℠). This agreement, which shall be executed on behalf of Treasury by its Fiscal Agent, the Federal Reserve Bank of Dallas (hereafter "Reserve Bank"), is made pursuant to 31 CFR § 208.5, as amended from time to time, which is incorporated by reference herein.

Representations and Warranties. Institution represents and warrants to Reserve Bank and Treasury that:

1. Authority. Institution possesses under its charter and the regulations issued by its chartering authority either general or specific authority to offer and maintain ETAs℠.

2. Execution and Delivery. The execution and delivery of this Agreement and the offering and maintenance of ETAs℠ by Institution is authorized by due action of its board of directors, as evidenced by the resolutions of such body, submitted with this Agreement.

3. Insured Status. Institution is a financial institution, the deposits of which are insured by the Federal Deposit Insurance Corporation under 12 U.S.C. Chapter 16 or the member accounts of which are insured by the National Credit Union Share Insurance Fund under 12 U.S.C. Chapter 14, Subchapter II.

4. Year 2000 Readiness. Institution meets the standards for Year 2000 system readiness established by the Federal Financial Institutions Examination Council (FFIEC).

Obligations of Institution. Institution hereby agrees as follows:

1. Offering of ETAs℠. Within 60 days of the date of execution of this Agreement by Reserve Bank, or as otherwise agreed to in writing by the Reserve Bank, Institution will commence the offering and maintenance of ETAs℠ in accordance with the requirements set forth in the ETA℠ Notice dated [Treasury will insert date of publication of this document in the Federal Register] and published in the Federal

Register at [Treasury will insert citation for this document], as may be amended from time to time (hereafter "Notice"). The Notice is incorporated by reference in this Agreement. Institution will offer ETAs℠ at all of its branch locations.

2. Insured Status. For the duration of the term of this Agreement, Institution shall maintain its status as a financial institution, the deposits of which are insured by the Federal Deposit Insurance Corporation under 12 U.S.C. Chapter 16 or the member accounts of which are insured by the National Credit Union Share Insurance Fund under 12 U.S.C. Chapter 14, Subchapter II.

3. Account Opening. Except as provided in subparagraphs (a) and (b), Institution shall open an ETA℠ for any Eligible Individual who requests an ETA℠ and who authorizes the deposit of Eligible Payments to the ETA℠. Institution may establish account-opening procedures for the ETA℠ provided that the procedures do not conflict with any provision of this agreement. "Eligible Payment" means any electronically transferred Federal benefit, wage, salary, or retirement payment. "Eligible Individual" means any individual who receives a Federal benefit, wage, salary, or retirement payment.

(a) Institution shall not open an ETA℠ for any individual if Institution does not have authority under its charter to maintain a deposit or share account for the individual.

(b) Institution is not required to open an ETA℠ for any individual if:

(i) Institution is aware that the individual previously was the owner of an ETA℠ that was closed because of fraud at Institution or any other financial institution, or

(ii) Institution, for reasons of account misuse, previously closed an ETA℠ held by the individual at Institution.

4. Fees. Institution may charge the holder of an ETA℠ a fixed monthly account fee in an amount established by Treasury and set forth in the Notice (hereafter "Monthly Fee"). Institution may not charge any other fee in connection with any required attribute of the ETA℠ listed in the Notice. Subject to the foregoing restriction, Institution may charge the holder of an ETA℠ other account-related fees that Institution usually and customarily charges to its other retail customers. Examples of such fees include (but are not limited to): fees for ATM withdrawals in excess of the minimum specified in the Notice; replacement card fees; and account research fees. Institution may impose such fees at its customary rates; provided, however, that the amount of any overdraft fee may not exceed the amount established by Treasury and set forth in the Notice. All fees shall be disclosed in accordance with the requirements set forth in paragraph 10(a) of this Agreement.

5. Set Off. Institution shall not exercise any right of set off against an ETA℠ for any obligation of the account holder to Institution, except that Institution may set off against an ETA℠: (a) the Monthly Fee; (b) any fee(s) incurred by the holder of an ETA℠ in connection with the maintenance of the ETA℠ as provided in this Agreement; (c) any amount mistakenly credited to an ETA℠ by Institution and to which the account holder has no legal right; (d) the amount of any overdraft on an ETA℠; and (e) any amount for which the account holder is liable under Regulation E, including any amount provisionally credited to the ETA℠ by Institution in accordance with Regulation E for which Institution determines, after investigation, that the holder of the ETA℠ is liable.

6. Additional Deposits. Institution may offer recipients who open ETAs℠ the option of depositing to the ETA℠ other funds in addition to electronic Federal benefit, wage, salary, and retirement payments. At its discretion, Institution may limit such other deposits to electronic deposits, may allow recipients to deposit checks and/or cash in addition to other electronic deposits, and may specify whether deposits can be made by mail, at an ATM, and/or over the counter. Notwithstanding any other provision of this Agreement, Institution may not charge a fee in connection with this option.

7. Payment of Interest. Institution is not required to pay interest on ETA℠ balances, but may elect to do so in its sole discretion. Institution may not require a minimum balance in connection with the payment of interest. If Institution offers both interest-bearing and non-interest-bearing ETAs℠, Institution may charge a different Monthly Fee for the interest-bearing and non-interest-bearing ETAs℠, but may in no case charge a Monthly Fee that exceeds the maximum amount specified by Treasury in the Notice. If Institution, in order to establish the ETA℠ as a NOW account, reserves the right to require the account holder to provide at least seven days' written notice prior to withdrawal of any funds in the ETA℠, Institution shall not exercise this right with respect to any ETA℠ holder unless Institution requires such notice of all its NOW account holders. If Institution pays interest on an ETA℠, Institution shall provide the disclosure set forth in paragraph 10(d) of this Agreement to the holder of the account.

8. Access Arrangements. Institution shall not enter into any arrangement with any non-financial institution provider of payment services, other than a national or regional ATM/POS network, for the purpose of providing access to payments deposited to an ETA℠ maintained by Institution.

9. Account Closing. Institution may close an ETA℠ where Institution has cause to believe that fraud has occurred in connection with the account or that the account has been misused. A determination that fraud or misuse has occurred shall be based on, and consistent with, Institution's usual and customary criteria for closing accounts. Such criteria may include (but shall not be limited to): where Institution determines that fraud has occurred after conducting the investigation required under Regulation E; excessive overdrafts; negligence in safeguarding an ATM and/or POS card or PIN number; or failure to pay an overdraft within a reasonable period of time. Institution

shall not close any ETA℠ for any reason other than fraud or misuse unless (a) so requested by the holder of the ETA℠; (b) the ETA℠ ceases to be used for the receipt of Eligible Payments; or (c) this Agreement is terminated in accordance with its terms.

10. Disclosures.

(a) Prior to opening an ETA℠, Institution shall provide to the holder of the account the following disclosures, which shall be made clearly and conspicuously in writing in a form the account holder may retain:

(i) the amount of any fee(s) that Institution may impose on the holder of the ETA℠ in accordance with this Agreement;

(ii) a list of Institution's local ATM and branch locations, hours of service, and telephone numbers; and

(iii) the following disclosure regarding attachment of an ETA℠:

"Many Federal benefit payments, including Social Security benefits, Supplemental Security Income benefits, Veteran's benefits, and Railroad Retirement benefits, are protected from attachment under Federal law. This means that your creditors do not have the right to have these funds taken out of your ETA℠. There are a few exceptions, however. For example, funds in your ETA℠ can be taken to satisfy child support or alimony obligations you owe. [If you deposit funds other than Federal benefit payments to your ETA℠, your creditors may be able to have those funds taken out of your account, but your Federal benefits would still be protected.][1]

If we/[name of Institution] receive an order of attachment, garnishment, or levy, we will immediately send you a copy of the order and the name of the creditor and contact person, if any.

If you have questions about a creditor's right to remove funds from your ETA℠, contact your benefit agency or your local legal services organization."

(iv) In addition, if Institution pays interest on an ETA℠, Institution shall provide the following disclosure to the holder of the account:

"Under Federal regulations, financial institutions that offer interest-bearing transaction accounts (including ETAs℠) must reserve the right to require you to provide at least seven days' written notice prior to withdrawing any funds in your

[1] This sentence should be included in disclosure only if Institution permits additional deposits to the ETA℠.

ETA℠. We/[name of Institution] agree that we will not require this notice from you unless we require it for all interest-bearing transaction accounts we offer."

(b) Institution shall provide the following disclosure in its account agreement with the ETA holder:

"[Name of Institution] is required by the Department of the Treasury to ensure that your ETA℠ meets certain criteria and to provide you with certain disclosures about your ETA℠. These obligations are set forth in an ETA℠ Financial Agency Agreement between [name of Institution] and the Department of the Treasury. The text of the ETA℠ Financial Agency Agreement is publicly available and is published in the Federal Register at [Treasury will insert citation for this document], dated [Treasury will insert date of publication of this document in the Federal Register]."

11. Provision of Information. Institution shall complete and provide to Reserve Bank the enrollment form attached to this Agreement. Institution shall report to Treasury by the 15th day of each month the number of ETAs℠ opened and closed by Institution during the previous month and the number of ETAs℠ open at the Institution as of the end of the previous month (hereafter "Monthly Report"). Institution shall also provide an account number for the Institution to which payment shall be made. In addition, Institution shall provide Treasury with such information and documentation as reasonably may be required from time to time, including internal audit reports, in order for Treasury to verify the number and status of ETAs℠, facilitate payment of Set Up Fees, and ensure compliance with the terms of this Agreement.

Use of ETA℠ Mark. Treasury grants to Institution a license to use the ETA℠ mark in advertising and promoting ETAs℠ in accordance with the graphics standards established by Treasury (hereafter "Graphics Standards"). Treasury shall provide to Institution one or more logos containing the ETA℠ mark that Institution must display in each branch, in accordance with the Graphics Standards. Treasury has the right to revoke such license immediately if Treasury, in its sole discretion, determines that Institution is using the ETA℠ mark in a misleading or inappropriate manner. Institution's license to use the ETA℠ mark shall cease upon termination of this Agreement.

Set Up Fee. Treasury shall pay Institution a one-time fee, the amount of which shall be determined by Treasury and published in the Notice, for each ETA℠ that Institution establishes for an Eligible Individual (hereafter "Set Up Fee"). Treasury shall pay the Set Up Fee within 30 days of receipt of the Monthly Report documenting the number of ETAs℠ opened.

No Liability. Institution acknowledges that, except for the payment of the Set Up Fee (as defined above), neither Reserve Bank nor Treasury shall have any liability to Institution for any loss or liability incurred by Institution in connection with or resulting from opening or

maintaining an ETA℠ or the actions of any holder of an ETA℠, including any loss to Institution resulting from fraud or misuse of an account.

Amendment. Treasury may amend this Agreement at any time upon 60 days prior written notice to Institution.

Term and Termination. The term of this Agreement is two years from the date of its execution by Reserve Bank; provided, however, that the term of this Agreement shall be extended automatically and without any action by either party for subsequent one-year terms unless Institution informs Reserve Bank and Treasury of its intent to terminate the Agreement at least 60 days prior to the end of any term, by written notice to the following addresses:

Director, Program Compliance Division
Financial Management Service
401 14th Street, N.W., Room 424
Washington, D.C. 20227

Federal Reserve Bank of Dallas
Securities Department
P.O. Box 655906
Dallas, TX 75265-5906

Treasury may terminate this Agreement at any time prior to the expiration of its term upon written notice to Institution. Institution may not terminate this Agreement prior to the expiration of its initial or any subsequent term without Treasury approval. Upon termination of this Agreement, Institution shall provide all assistance necessary to effect the orderly transfer of ETAs℠ to another financial institution. Treasury may extend a termination date if, in Treasury's sole discretion, additional time is required to complete the orderly transfer of accounts.

Limited Purpose Designation. Institution acknowledges that by entering into this Agreement Institution shall be designated as a Financial Agent of United States exclusively for the purpose of offering and maintaining ETAs℠, and not for any other purpose.

Execution. Institution shall mail a duly executed original of this Agreement, together with all attachments, to the following address:

Federal Reserve Bank of Dallas
Securities Department
P.O. Box 655906
Dallas, TX 75265-5906

Institution agrees that upon its execution by the Federal Reserve Bank of Dallas, acting as Fiscal Agent of the United States, this document shall evidence the agreement entered into between the Secretary of the Treasury and Institution.

Signed on behalf of Institution by the undersigned corporate officer, who certifies that he/she is duly authorized to execute this document as evidenced by the attached resolutions of the

_____.
Governing Body

By: _____ _____
Signature Name of Institution

_____ _____
Name and Title of Authorized Officer (Print) Street Address

_____ _____
Telephone Number City or Town, State

_____
Date

Designation

The undersigned, on behalf of the Federal Reserve Bank of Dallas, acting as Fiscal Agent of the United States, hereby designates _____ as an ETA℠ Financial Agent under the terms of this agreement commencing on the date indicated below.

Federal Reserve Bank of Dallas as Fiscal Agent of the United States.

By: _____
Signature

_____
Name and Title of Official (Print)

_____
Date

BURDEN ESTIMATE STATEMENT

We estimate that it will take you about two hours to complete the monthly report referred to in paragraph 11 of this Agreement. You are not required to provide the information requested unless a valid OMB control number is displayed on this form. Comments or suggestions regarding the above estimate or ways to simplify this form should be forwarded to Financial Management Service, Administrative Programs Division, Room 144, 3700 East West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project 1510-0073, Washington, DC 20530.

Department of the Treasury
Financial Management Service

FMS-111, 6/99

ATTACHMENT A

OFFICER'S CERTIFICATE

RESOLUTIONS AUTHORIZING FINANCIAL INSTITUTION AGREEMENT AND APPLICATION FOR DESIGNATION AS FINANCIAL AGENT FOR THE OFFERING OF ETAs℠

This is to certify that, at a meeting of the _____ of
Type of Governing Body, e.g., Board of Directors
undersigned financial institution, _____, a
Name of Institution
_____, which meeting was duly called and held on the _____
Type of Institution
day of _____, ____, a quorum being present, the following resolutions were duly adopted; and are reflected in the attached minutes of the meeting.

1. That, after review of the "ETA℠ Financial Agency Agreement," in accordance with 31 CFR § 208.5 and the Notice dated [Treasury will insert date of publication of this document in the Federal Register] and published in the Federal Register at [Treasury will insert citation for this document], this financial institution is authorized to apply for designation as a Financial Agent of the United States for the purpose of offering and maintaining ETAs℠.

2. That _____ of the undersigned financial
Name and Title of Authorized Officer
institution hereby is authorized and directed to apply for designation of the financial institution as a Financial Agent for the purpose of offering and maintaining ETAs℠ by execution of the ETA℠ Financial Agency Agreement, and to submit said agreement and application to the Federal Reserve Bank of Dallas.

3. That these resolutions and attached minutes, and the ETA℠ Financial Agency Agreement, are official records of the financial institution and will be maintained continuously as such.

In witness whereof, I have hereunto signed my name and affixed the seal of this financial institution.

_____
Name of Financial Institution

_____
Address

_____
Signature of Certifying Officer

Department of the Treasury
Financial Management Service

FMS-111, 6/99

ATTACHMENT B

Electronic Transfer Accounts (ETAs℠)
Enrollment Form

In accordance with Paragraph 11 of the ETA℠ Financial Agency Agreement, this information is being collected by the Department of the Treasury to develop an electronic listing of designated ETA℠ providers. This listing will allow Federal payment recipients to ascertain the names and locations of financial institutions that offer ETAs℠ within the recipients' zip code areas. Recipients can access this information through a voice response unit or the ETA℠ Internet web site. In order to be accurately listed as an ETA℠ provider, please complete the information requested below.

Financial Institution Headquarters Information

Name: _____

Address: _____

_____

_____

Customer Service Telephone Number: _____

(Optional) *(The customer service telephone number is the central telephone number for public inquiries concerning the financial institution's* ETA℠ *offering and its branch locations. This telephone number will be published on the Internet at http://www.eta-find.gov.)*

Primary Financial Institution Contact

(The following information will be used for Government purposes only.)

Name: _____

Title: _____

Telephone No.: _____

Routing and Transit Number: _____

(The Routing and Transit Number will be used to access branch location information for the financial institution from the National Information Center (NIC) Database of the Federal Reserve System. ***Note to Thrifts and Credit Unions:*** *Your branch locations may not be included on the NIC database. Please attach a listing of all full service locations to this form so that these locations may be added to the listing of designated* ETA℠ *providers.)*

Effective Date

Effective Date: _____

(The effective date is the date by which the financial institution will begin offering the ETA℠ to eligible recipients. The name and address of the financial institution and its branches will be posted on the listing of designated ETA℠ providers as of this effective date.)

Department of the Treasury
Financial Management Service

FMS-111, 6/99

[FR Doc. 99–18174 Filed 7–15–99; 8:45 am]
BILLING CODE 4810–35–C

Friday
July 16, 1999

Part IV

General Services Administration

41 CFR Parts 301–51, 301–52, 301–54, 301–70, 301–71 and 301–76

Federal Travel Regulation; Mandatory Use of the Travel Charge Card; Interim Final Rule

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301–51, 301–52, 301–54, 301–70, 301–71 and 301–76

[FTR Interim Rule 8]

RIN 3090–AG92

Federal Travel Regulation; Mandatory Use of the Travel Charge Card

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Federal Travel Regulation (FTR) provisions pertaining to payment by the Government of expenses connected with official Government travel. This interim rule implements the requirements of Pub. L. 105–264, October 19, 1998, regarding the required use of the travel charge card, collection of amounts owed, and reimbursement of travel expenses. This interim rule also implements the Administrator of General Services' authority under 5 U.S.C. 5701 to require agencies to pay expenses in connection with official Government travel.

DATES: Effective Date: This interim rule is effective July 16, 1999, and applies to payment of expenses in connection with official Government travel performed on or after December 31, 1999.

Comment Date: Comments must be received by September 14, 1999.

ADDRESSES: Written comments should be sent to:

Ms. Sharon Kiser, Regulatory Secretariat (MVR), Office of Governmentwide Policy, General Services Administration, 1800 F Street, NW, Washington, DC 20405.

E-mail comments may be sent to RIN.3090__AG92@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Sandra Batton, Travel and Transportation Management Policy Division, at (202) 501–1538.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to Public Law 105–264, section 2(a), the Administrator of General Services is required to issue regulations ''after consultation with the Secretary of the Treasury'' requiring Federal employees to use the travel charge card established pursuant to the United States Travel and Transportation Payment and Expense Control System, or any Federal contractor-issued travel charge card, for all payments of expenses of official Government travel.

Additionally, Pub. L. 105–264 requires the Administrator of General Services to issue regulations on reimbursement of travel expenses and collection of delinquent amounts upon written request of a Federal contractor.

B. Regulatory Flexibility Act

This interim rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

C. Executive Order 12866

The General Services Administration (GSA) has determined that this interim rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this interim rule does not impose recordkeeping or information collection requirements, or the collection 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. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This interim rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 301–51, 301–52, 301–54, 301–70, 301–71, and 301–76

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, 41 CFR Chapter 301 is amended as follows:

1. Part 301–51 is revised to read as follows:

Sec.

PART 301–51 PAYING TRAVEL EXPENSES

301–51.1 What is the required method of payment for official travel expenses?
301–51.2 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?
301–51.3 Who in my agency has the authority to grant exemption from this requirement?
301–51.4 How may I pay for official travel expenses if I receive an exemption from use of the Government contractor-issued travel charge card?
301–51.5 May I use the Government contractor-issued travel charge card for purposes other than those associated with official travel?
301–51.6 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?
301–51.7 When must I use excess or near-excess foreign currencies owned by the United States to pay travel expenses?

Authority: 5 U.S.C. 5707.

§ 301–51.1 What is the required method of payment for official travel expenses?

You are required to use the Government contractor-issued travel charge card for all official travel expenses unless you have an exemption.

§ 301–51.2 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?

(a) Expenses incurred at a vendor that does not accept the Government contractor-issued travel charge card are exempt. Typical expenses of this type include:

(1) Laundry/dry cleaning;
(2) Parking;
(3) Local transportation system; and
(4) Taxi and tips.

(b) Any other expenses may be exempted, but such exemptions require written approval.

§ 301–51.3 Who in my agency has the authority to grant exemption from this requirement?

The head of your agency or his/her designee(s).

§ 301–51.4 How may I pay for official travel expenses if I receive an exemption from use of the Government contractor-issued travel charge card?

Your agency will authorize one or a combination of the following methods of payment:

(a) Centrally billed account;
(b) Government contractor-issued travelers check;
(c) Personal funds, including cash or personal charge card;
(d) Travel advances; or
(e) Government Transportation Request (GTR).

Note to § 301–51.4: City pair contractors are not required to accept payment by the methods in paragraphs (b), (c) or (d) of this section.

§ 301–51.5 May I use the Government contractor-issued travel charge card for purposes other than those associated with official travel?

No.

§ 301–51.6 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

Your agency may take appropriate disciplinary action.

§ 301–51.7 When must I use excess or near-excess foreign currencies owned by the United States to pay travel expenses?

Your agency Travel Management System (TMS) should have available

information from the Department of State or Office of Management and Budget bulletins when the use of excess or near excess foreign currency will be required to pay for travel expenses.

PART 301–52—CLAIMING REIMBURSEMENT

2. The authority citation for 41 CFR part 301–52 continues to read as follows:

Authority: 5 U.S.C. 5707.

3. Part 301–52 is amended by adding sections 301–52.17 through 301–52.21 to read as follows:

§ 301–52.17 Within how many calendar days after I submit a proper travel voucher must my agency reimburse my allowable expenses?

Your agency must reimburse you within 30 calendar days after you submit a proper voucher to your approving official.

§ 301–52.18 Within how many calendar days after I submit a travel voucher must my agency notify me of any error that would prevent payment within 30 calendar days after submission?

Your agency must notify you within seven calendar days after its receipt of the voucher, and must provide the reasons why the voucher is not proper.

§ 301–52.19 Will I receive a late payment fee in addition to the amount due me if my agency fails to reimburse me within 30 calendar days after I submit a proper travel voucher?

Yes.

§ 301–52.20 How are late payment fees calculated?

Late payment fees are calculated using the prevailing Prompt Payment Act Interest Rate beginning on the 31st day after the required payment date and ending on the date on which payment is made. In addition to this fee, your agency must also pay you an amount equivalent to any late payment charge that the card contractor would have been able to charge you had you not paid the bill.

§ 301–52.21 Does this change my obligation to pay my travel card bill by the due date?

No, you must still pay your bill in accordance with your cardholder agreement.

4. Part 301–54 is added to subchapter C to read as follows:

PART 301–54—COLLECTION OF UNDISPUTED DELINQUENT AMOUNTS OWED ON BEHALF OF THE CONTRACTOR ISSUING THE GOVERNMENT CONTRACTOR–ISSUED INDIVIDUALLY BILLED TRAVEL CHARGE CARD

Subpart A—General Rules

Sec.

301–54.1 Is my agency allowed to collect undisputed delinquent amounts that I owe to a Government travel charge card contractor from my disposable pay?
301–54.2 What is disposable pay?

Subpart B—Policies and Procedures

301–54.100 Are there any due process requirements with which my agency must comply?
301–54.101 Can my agency initiate collection of undisputed delinquent amounts if they have not reimbursed me for amounts reimbursable under the applicable travel regulations?
301–54.102 What is the maximum amount my agency may deduct from my disposable pay?

Authority: 5 U.S.C. 5707; 40 U.S.C. 486(c).

Subpart A—General Rules

Note to subpart A: Use of pronouns ''I'', ''you'', and their variants throughout this subpart refers to the employee.

§ 301–54.1 Is my agency allowed to collect undisputed delinquent amounts that I owe to a Government travel charge card contractor from my disposable pay?

Yes, upon written request from the contractor.

§ 301–54.2 What is disposable pay?

Your compensation remaining after the deduction from your earnings of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as health insurance, savings bonds, charitable contributions, etc. Deductions may be made from any type of pay you receive from your agency, *e.g.*, basic pay, special pay, retirement pay, or incentive pay.

Subpart B—Policies and Procedures

Note to Subpart B: Use of pronouns ''I'', ''you'', and their variants throughout this subpart refers to the employee.

§ 301–54.100 Are there any due process requirements with which my agency must comply?

Yes, your agency must:

(a) Provide you with written notice of the type and amount of the claim, the intention to collect the claim by deduction from your disposable pay, and an explanation of your rights as a debtor;

(b) Give you the opportunity to inspect and copy their records related to the claim;

(c) Allow an opportunity for a review within the agency of its decision to collect the amount; and

(d) Provide you with an opportunity to make a written agreement with the contractor to repay the delinquent amount of the claim.

§ 301–54.101 Can my agency initiate collection of undisputed delinquent amounts if they have not reimbursed me for amounts reimbursable under the applicable travel regulations?

No.

§ 301–54.102 What is the maximum amount my agency may deduct from my disposable pay?

The maximum amount it may deduct from your disposable pay is 15 percent a pay period, unless you agree in writing to a larger percentage.

PART 301–70—INTERNAL POLICY AND PROCEDURE REQUIREMENTS

5. The authority citation for 41 CFR part 301–70 continues to read as follows:

Authority: 5 U.S.C. 5707.

6. Part 301–70 is amended by adding Subpart H to read as follows:

Subpart H—Policies and Procedures Relating to Mandatory Use of the Government Contractor-Issued Travel Charge Card for Official Travel

Sec.

301–70.700 Must our employees use a Government contractor-issued travel charge card for official travel?
301–70.701 Who has the authority to grant exemptions to mandatory use of Government contractor-issued travel charge care for official travel?
301–70.702 What methods of payment for official travel expenses may we authorize when an exemption from use of the Government contractor-issued travel charge card is granted?
301–70.703 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?
301–70.704 Must we notify the Administrator of General Services when we grant an exemption?
301–70.705 May an employee use the Government contractor-issued travel charge card for purposes other than those associated with official travel?
301–70.706 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

Subpart H—Policies and Procedures Relating to Mandatory Use of the Government Contractor-Issued Travel Charge Card for Official Travel

§ 301–70.700 Must our employees use a Government contractor-issued travel charge card for official travel?

Yes, unless:

(a) A vendor does not accept the travel charge card;

(b) The Administrator of General Services has granted an exemption; or

(c) Your agency head or his/her designee has granted an exemption.

§ 301–70.701 Who has the authority to grant exemptions to mandatory use of Government contractor-issued travel charge card for official travel?

(a) The Administrator of General Services will exempt any payment, person, type or class of payments, or type or class of personnel in any case in which—

(1) It is in the best interest of the United States to do so;

(2) Payment through a travel charge card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

(3) The Secretary of Defense or the Secretary of Transportation (for the Coast Guard) requests an exemption for the members of the uniformed services.

(b) The head of a Federal agency or his/her designee(s) may exempt any payment, person, type or class of payments, or type or class of agency personnel if the exemption is determined to be necessary in the interest of the agency. Not later than 30 days after granting such an exemption, you must notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

§ 301–70.702 What methods of payment for official travel expenses may we authorize when an exemption from use of the Government contractor-issued travel charge card is granted?

You may authorize one or a combination of the following methods of payment:

(a) Centrally billed account;

(b) Government contractor-issued travelers check;

(c) Personal funds, including cash or personal charge card;

(d) Travel advances; or

(e) Government Transportation Request (GTR).

Note to § 301–70.702: City pair contracts are not required to accept payment by the methods in paragraphs (b), (c) or (d) of this section.

§ 301–70.703 What expenses are exempt from the mandatory use of the Government contractor-issued travel charge card?

(a) Expenses incurred at a vendor that does not accept the Government contractor-issued travel charge card are exempt. Typical expenses of this type include:

(1) Laundry/dry cleaning;

(2) Parking;

(3) Local transportation system; and

(4) Taxi and tips.

(b) Any other expenses may be exempted, but such exemptions require written approval.

§ 301–70.704 Must we notify the Administrator of General Services when we grant an exemption?

Yes, you must notify the Administrator of General Services in writing within 30 days after granting the exemption, stating the reasons for the exemption.

§ 301–70.705 May an employee use the Government contractor-issued travel charge card for purposes other than those associated with official travel?

No.

§ 301–70.706 What are the consequences of using the Government contractor-issued travel charge card for non-official travel purposes?

You may take appropriate disciplinary action.

PART 301–71—AGENCY TRAVEL ACCOUNTABILITY REQUIREMENTS

7. The authority citation for 41 CFR part 301–71 continues to read as follows:

Authority: 5 U.S.C. 5707.

8. Part 301–71 is amended by revising section 301–71.204 and by adding sections 301–71.208 through 301–71.211 to Subpart C to read as follows:

§ 301–71.204 Within how many calendar days after the submission of a proper travel voucher must we reimburse the employee's allowable expenses?

You must reimburse the employee within 30 calendar days after the employee submits a proper voucher to the approving official.

§ 301–71.208 Within how many calendar days after receipt of the travel voucher must we notify the employee of any errors in the voucher?

You must notify the employee within seven calendar days after agency receipt of the voucher and provide the reasons why the voucher is not proper.

§ 301–71.209 Must we pay a late payment fee in addition to the amount due the employee if we fail to reimburse the employee within 30 calendar days after receipt of a proper travel voucher?

Yes.

§ 301–71.210 How do we calculate late payment fees?

Late payment fees must be calculated using the prevailing Prompt Payment Act Interest Rate beginning on the 31st day after the required payment date and ending on the date on which payment is made. In addition to this fee, you must also pay an amount equivalent to any late payment charge that the card contractor would have been able to charge the employee had the bill not been paid. Payment of this additional fee will be based upon the effective date that a late payment charge would be allowed under the agreement between you and the card contractor.

§ 301–71.211 Does this change the employee's obligation to pay their travel card bill by the due date?

No, the employee must still pay their bill in accordance with their cardholder agreement.

9. Part 301–76 is added to read as follows:

PART 301–76—COLLECTION OF UNDISPUTED DELINQUENT AMOUNTS ON BEHALF OF THE CONTRACTOR ISSUING THE GOVERNMENT CONTRACTOR-ISSUED INDIVIDUALLY BILLED TRAVEL CHARGE CARD

Subpart A—General Rules

Sec.

301–76.1 May we collect undisputed delinquent amounts owed to a Government travel charge card contractor by an employee (including members of the uniformed services) from the employee's disposable pay?

301–76.2 What is disposable pay?

Subpart B—Policies and Procedures

301–76.100 Are there any due process requirements with which we must comply?

301–76.101 Who is responsible for ensuring that all due process and legal requirements have been met?

301–76.102 Can we collect undisputed delinquent amounts if we have not reimbursed the employee for amounts reimbursable under applicable travel regulations?

301–76.103 What is the maximum amount we may deduct from the employee's disposable pay?

Authority: 5 U.S.C. 5707.

Subpart A—General Rules

§ 301–76.1 May we collect undisputed delinquent amounts owed to a Government travel charge card contractor by an employee (including members of the uniformed services) from the employee's disposable pay?

Yes, upon written request from the contractor and in accordance with the procedures specified in § 301–76.100. You must promptly forward all amounts deducted to the contractor.

§ 301–76.2 What is disposable pay?

The part of the employee's compensation remaining after the deduction of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as health insurance, savings bonds, charitable contributions, etc. Deductions may be made from any type of pay, *e.g.*, basic pay, special pay, retirement pay, or incentive pay.

Subpart B—Policies and Procedures

§ 301–76.100 Are there any due process requirements with which we must comply?

Yes, you must:

(a) Provide the employee with written notice of the type and amount of the claim, the intention to collect the claim by deduction from his/her disposable pay, and an explanation of his/her rights as a debtor;

(b) Give the employee the opportunity to inspect and copy your records related to the claim;

(c) Allow an opportunity for a review within the agency of your decision to collect the amount; and

(d) Provide the employee an opportunity to make a written agreement with the contractor to repay the delinquent amount.

§ 301–76.101 Who is responsible for ensuring that all due process and legal requirements have been met?

You are responsible for ensuring that all requirements have been met.

§ 301–76.102 Can we collect undisputed delinquent amounts if we have not reimbursed the employee for amounts reimbursable under applicable travel regulations?

No.

§ 301–76.103 What is the maximum amount we may deduct from the employee's disposable pay?

The maximum amount you may deduct from the employee's disposable pay is 15 percent per pay period, unless the employee consents in writing to deduction of a greater percentage.

Dated: July 13, 1999.

David J. Barram,

Administrator of General Services.

[FR Doc. 99–18291 Filed 7–15–99; 8:45 am]

BILLING CODE 6820–34–P

Friday
July 16, 1999

Part V

Pension Benefit Guaranty Corporation

29 CFR Part 4044

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

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule document published by the Pension Benefit Guaranty Corporation on July 15, 1999 (at 64 FR 38114). The rule prescribes interest assumptions for valuing benefits under terminating single-employer plans.

EFFECTIVE DATE: August 1, 1999.

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

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. Among the actuarial assumptions prescribed in part 4044 are interest assumptions. On July 15, 1999, the PBGC published in the **Federal Register** (at 64 FR 38114) a final rule amending the regulation to adopt interest assumptions for plans with valuation dates in August 1999. In that final rule document, the i_1 rate was erroneously published as 4.00 percent rather than 4.25 percent.

Accordingly, the final rule document is corrected as follows:

1. In the preamble, the last two sentences in the second full paragraph on page 38115 are corrected to read as follows: ''For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.00 percent for the period during which a benefit is in pay status, 4.25 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. The lump sum interest assumptions represent an increase (from those in effect for July 1999) of 0.50 percent for the period during which a benefit is in pay status and 0.25 percent for the seven years directly preceding that period; they are otherwise unchanged.''

Appendix B to Part 4044 [Corrected]

2. On page 38115, the entry in Table II is corrected to read as follows:

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	
70	08–1–99	09–1–99	5.00	4.25	4.00	4.00	7	8

Issued in Washington, DC on this 15th day of July 1999.

David M. Strauss,

Exercutive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–18404 Filed 7–15–99; 10:19 am]

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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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Low offshore airspace areas; comments due by 7-19-99; published 6-7-99

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Customs Service

Vessels in foreign and domestic trades:

Foreign repairs to U.S. vessels; comments due by 7-21-99; published 6-4-99

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LIST OF PUBLIC LAWS

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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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